

# Inclusive Interviewing and Service Selection

Can I ask disability-related questions or request medical information as part of my selection process?

What do I do if an applicant raises the issue of his or her disability or requests accommodations during the interview?

## Section V: Inclusive Interviewing and Service Selection

### **Key Words and Terms** **Disability-Related Inquiry**

The interview and selection process for participants is an area that has many legal do's and don'ts and can be intimidating for program staff. In most cases when errors are made they are not because of an intent to discriminate, but because the interviewer wants to help, desires more information, or wants to clarify information. An inclusive interview and selection process focuses on what an individual can contribute to his or her community through service and what the program can bring to the individual. The existence of a disability is a secondary consideration.

The issues discussed in this chapter will guide you in developing an inclusive interview protocol. Additional information can be found in the Legal Requirements section of this Handbook.

### ***Can I ask disability-related questions or request medical information as part of my selection process?***

No. You may not ask disability-related questions and you may not request medical information prior to offering the position to the applicant. There are very specific rules to protect persons with disabilities. These rules protect the rights of all persons and allow applicants to be assessed on merit alone. An inclusive manager focuses on an applicant's abilities to perform the essential functions and not on speculation about possible disabilities.

An interview is often a conversation, and conversations with different applicants will often cover topics in different ways. It is important, however, to ask ALL applicants the SAME questions. This will help ensure that you do not inadvertently obtain information from one

### **Basic Tips for Interviewing**

- **Face person for interviewing**
- **Interview only in accessible locations**
- **Use the service description as a guide**
- **Create a list of questions to ask all applicants**

applicant that you do not obtain from all applicants.

During the interview, focus on questions regarding the ability of an applicant to perform the essential functions of the position with or without accommodations. Even if an applicant has a visible disability, do not make assumptions about his or her ability or the accommodations that he or she will need.

In rare instances, service programs will require medical examinations of applicants. In no instance may you require a medical exam prior to an offer of a position, but your offer may be contingent on the results of a medical exam. If you require a medical examination after a contingent offer is made, you must require it of every applicant offered similar positions. You may not require one only for persons with disabilities or persons you might think have disabilities. You will need to justify any disqualification based on the results of the medical examinations as job-related and consistent with business necessity.

This is a tricky area and caution is recommended. Additional information can be found in the Legal Requirements section (Section XII) of this Handbook. If you are unsure of any of this information, it is strongly recommended that you seek additional technical assistance.

### ***What do I do if an applicant raises the issue of his or her disability or requests accommodations during the interview?***

If accommodations are requested for the interview, you may make sufficient inquiries to enable you to provide the accommodations for the interview. Such accommodations are provided to enable equal opportunity to interview. Accommodations that may be required to perform the essential functions of the service position should not be discussed at this point.

If an applicant has a visible disability or, during or prior to the interview, he or she discloses a disability or a need for accommodation to perform the essential functions of the position, it is not advisable to

## **Questions?**

**If you are unsure about questions to ask, you should call:**

**(1) Disability and Business Technical Assistance Center at 800-949-4232 or [www.adata.org](http://www.adata.org) or**

**(2) The Job Accommodation Network at 800-526-7234 or [www.jan.wvu.edu](http://www.jan.wvu.edu)**

pursue the issue at this point and you cannot consider this in your selection decision. A response might be, “We are an inclusive project that encourages participation by all persons with the skills and abilities to do the job, and we provide needed accommodations.”

**Questions You Can Ask and Questions You Cannot Ask\*\***

Questions You Can Ask	Questions You Cannot Ask
<p><b>General Questions</b> Tell me about yourself.</p> <p>What are your greatest strengths and weaknesses?</p> <p>Tell me about your interests.</p> <p>What do you see yourself doing in 5 years?</p> <p><b>Questions About Performing Essential Functions</b></p>	<p><b>General Questions</b> Tell me about your disability.</p> <p>Describe any physical or mental problems or disabilities you have.</p> <p>Have you ever received Worker’s Compensation, SSDI, or SSI?</p> <p>Are you taking prescribed drugs?</p> <p>Have you ever been hospitalized?</p> <p>How many days were you absent from work for illness last year?</p> <p><b>Questions About Performing Essential Functions</b></p>
<p>Are you able to perform the essential functions of this position with or without reasonable accommodation?</p> <p>(Note: This question should be answered with a yes or a no response. The applicant is not required to disclose if an accommodation is needed.)</p>	<p>Do you have any disabilities, impairments, or illnesses which may affect your performance in this position?</p>

**Medical Exams**

**Some programs require a medical examination or drug testing before participants are allowed to serve.**

**If you require such testing, all applicants must take the test. In other words, you cannot test some applicants and not others. We suggest that you contact your Disability and Business Technical Assistance Center (DBTAC) at 800-949-4232 or [www.adata.org](http://www.adata.org); or the Job Accommodation Network (JAN) at 800-526-7234 or [www.jan.wvu.edu](http://www.jan.wvu.edu) for more guidance.**

\*\*Adapted from World Institute on Disability, Disability Demonstration Project Oakland, CA

Questions You Can Ask	Questions You Cannot Ask
<p><b>Questions About Specific Duties</b>                      This position requires traveling from one local school to another. Can you do that?</p> <p>This position involves doing X and Y at Z speed. Can you do X and Y at this speed?</p> <p>This position involves taking information over the phone and entering it into a computer. Can you do that?</p> <p>This position requires moving construction materials weighing 15 pounds to various parts of a work site. Can you do that?</p> <p>This position requires reading to children. Can you do that?</p>	<p><b>Questions About Specific Duties</b>                      How do you teach a class when you are Deaf?</p> <p>How can someone with your disability drive a truck?</p> <p>How can you manage playground duty when you can't see?</p> <p>How can you clear trails, dig a ditch, pull weeds, or mow lawns with your handicap?</p> <p>What kinds of help will we have to give you so that you can do these tasks?</p>
<p><b>Questions About Accommodations</b></p> <p>If an applicant volunteers that he/she can perform the task with an accommodation, then you may ask:</p> <p>What accommodation will you need to perform this task?</p> <p>However, please note the advisory paragraph above against asking this questions.</p>	<p><b>Questions About Accommodations</b></p> <p>To do this job you will obviously need accommodations. Which ones will you need?</p>