

JAN

Job Accommodation Network

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Accommodation and Compliance Series

Accommodation and Compliance Series: Dos and Don'ts of Disclosure

Job Accommodation Network
PO Box 6080
Morgantown, WV 26506-6080
(800)526-7234 (V)
(877)781-9403 (TTY)
jan@askjan.org
AskJAN.org



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Introduction

Disclosing a disability may be a consideration when starting a new job; transitioning from school, another job, or unemployment; or retaining a job after acquiring a disability. For individuals who may still be struggling with accepting their medical condition, making the decision to disclose can be overwhelming. Because some impairments are not visible, individuals may face such challenges as understanding their impairments and determining what types of accommodations are available. As with any new experience, preparation is vital. The following provides an overview of the dos and don'ts of disclosure. Note that disclosing is a very personal decision, but some of the following tips may be helpful in making that decision. Contact JAN for additional information related to job accommodations, the Americans with Disabilities Act (ADA), and other resources.

Do disclose when you need an accommodation:

Deciding when to disclose can be a difficult choice for a person with a disability. If you have a hidden disability such as brain injury or post-traumatic stress disorder, knowing when to disclose your condition can be a real dilemma.

Under the ADA you can request an accommodation at any time during the application process or while you are employed. You can request an accommodation even if you did not ask for one when applying for a job or after receiving a job offer. So when should you disclose that you have disability? In general, you should disclose your disability when you need to request a reasonable accommodation - when you know that there is a workplace barrier that is preventing you, due to a disability, from competing for a job, performing a job, or gaining equal access to a benefit of employment like an employee lunch room or employee parking.

Do know who to disclose to:

This can be tricky. Many employers have their own in house procedures that detail how they handle accommodation requests. Check your employee handbook or your company's intranet for this information. Also, if you have an EEO office or a human resources department, they can assist you. The other option is to talk to your manager or supervisor directly.

Do know how to disclose:

According to the Equal Employment Opportunity Commission (EEOC), you only have to let your employer know that you need an adjustment or change at work for a reason related to a medical condition. You can use "plain English" to make your request and you do not have to mention the ADA or use the phrase "reasonable accommodation." Once you disclose, then the interactive process should begin. At this point, your

employer can ask for limited information about your disability and your need for accommodations.

Don't disclose too soon:

Many people with hidden disabilities may feel that they are not being completely honest with an employer if they do not tell everything about their disability up front at the time of their interview. Just remember that you are not obligated to do so. When you disclose, just provide basic information about your condition, your limitations, and what accommodations you may need.

Don't disclose too late:

Don't wait to disclose until after you begin to experience work performance problems. It is better to disclose your disability and request accommodations before job performance suffers or conduct problems occur. Employers do not have to rescind discipline that occurred before they knew about the disability nor do they have to lower performance standards as a reasonable accommodation. Remember, the purpose of an accommodation is to enable a qualified person with a disability to perform the essential functions of the job. So, disclose when you first realize you are having difficulties.

Don't disclose to everyone:

Remember that you have a right to keep information about your disability private. It is not necessary to inform coworkers and colleagues about your disability or your need for accommodations. While they may be aware of the accommodations, especially if you are allowed to take extra breaks or you have a flexible starting time, they are not entitled to know why. Your employer is required by the ADA to keep your disability and medical information confidential and to give it to managers and supervisors only on a need-to-know basis.

MOST IMPORTANTLY, DO YOUR HOMEWORK:

No one knows more about your disability than you do so tell your employer what you think you need, but also research other accommodations options such as a flexible start time or working from home part of the time.

Situations and Solutions:

Jude, an applicant with a depression and anxiety, is applying for a customer service position that requires a pre-employment test.

Due to medication that Jude takes for both conditions, his processing speed is a bit slower. He feels he can only do his best on the test if he has the accommodations of extended time as well as taking the test in a private location to help limit distractions. In order for the employer to even consider those accommodations, the employee will need to disclose the mental health impairments and be prepared to provide medical documentation.

Phillipe travels in person to the HR department of a prospective employer in order to pick up an application for employment to take home and complete.

He is told that the application cannot leave the building. Phillipe may need to disclose and ask for a change in policy as an accommodation if the employer does not have an online application process that could be completed at home. Phillipe feels that his anxiety level will escalate and be disruptive to the process if he is required to complete the application in the office setting.

Lexie is a nurse with PTSD.

She has applied for a nursing position and has been called for an interview. In her last interview that didn't go very well, she sat across the table in a very small room from four people, the nursing administrator, the personnel director, a nurse manager, and a physician. Lexie feels that if there were no more than two people in the room, she would be able to better represent herself, making her interview more successful. In order to limit the interviewers, Lexie may have to disclose and ask for an accommodation.

Jack is a school psychologist who is in the midst of interviewing with several school districts for a position of staff psychologist.

He has had numerous interviews, but hasn't been able to land a position. He feels that because the interviews have all taken place in the late afternoon, he is not at his best. Jack feels that if he could have an interview slot in the early morning, he would be more energized, be able to better stay on task, and give the employer a better sense of who he really is. If the opportunity to schedule a morning interview isn't available, Jack may need to ask for one, which could lead to a disclosure.

Charmaine is an employee with epilepsy who needs to disclose her disability and ask for an accommodation of a flexible schedule while she adjusts to new medication.

She is having difficulty waking and has been late three days in a row. She is wary of disclosing her medical condition, but doesn't want to get into disciplinary action. Charmaine decides to disclose and provides medical documentation. Since her work doesn't depend on or affect others, the employer found no hardship to flex her daily schedule as long as she gets her time in between the core business hours of 8:00 am to 6:00 pm.

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