

Inclusive Hiring: Applicants with Disabilities

Learner's Guide

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Presented by:

Kelly Jordan
Business Relations Specialist

Office: 614-914-2492
Email: Kelly.Jordan@ood.ohio.gov
Website: www.ood.ohio.gov

Julie Zeigler Wood, OTR/L
Worksite Accessibility Specialist
Occupational Therapist Registered/Licensed
Office: 614-433-8293
Email: Julie.Wood@ood.ohio.gov
Website: www.ood.ohio.gov

Inclusive Hiring Overview

Recruitment efforts that are inclusive of people with disabilities gives employers access to a greater pool of talent, skills and innovative thinking in its candidates. Investing in an inclusive workforce gives employers a competitive edge. Reports show that employers who hire and support employees with disabilities experience higher revenues and greater profit margins.

An inclusive hiring process begins with consideration of the recruitment process which includes job descriptions, advertising for open positions, and the application process. Once a qualified applicant is identified, the pre-employment phase begins which includes interviewing, testing, checking backgrounds and references, making an offer, and administering post-offer medical inquiries and examinations. Once the selected applicant has accepted the position, giving thought to the onboarding process ensures a smooth transition into the new job and the organization.

The resources and information included in this learner’s guide are intended to be consistent with the purpose of Title I of the Americans with Disabilities Act (ADA). The ADA does not interfere with an employer’s right to hire the most qualified candidate for a job nor does it impose an affirmative action obligation to hire people with disabilities. The ADA simply makes it illegal to discriminate against a qualified applicant or employee based on disability. The ADA also requires covered employers to provide reasonable accommodations to qualified applicants and employees with disabilities in all aspects of hiring process and employment, barring undue hardship.

In order to be protected by the ADA, a person with a disability must “be qualified to perform the essential functions of the job, with or without reasonable accommodation...”. Based on this, an applicant or an employee with a disability must:

- “satisfy your job requirements for educational background, employment experience, skills, licenses, and any other qualification standards that are job related; and”
- “be able to perform those tasks that are essential to the job, with or without reasonable accommodation.”

During the hiring process, employers are permitted to obtain the information needed to assess whether an applicant is qualified for the job and to assure safety and health on the job. The ADA simply requires that pre-employment inquiries and examinations that are related to disability be made in two distinct stages in the hiring process: pre-offer and post-offer. The purpose of these two phases is to assure that qualified applicants are not screened out due to a disability before their qualifications to perform the job are assessed and determined.

This guide highlights several aspects of the hiring process with suggested best practices, examples, and resources. The information included in this learner’s guide is for educational purposes, is not an exhaustive list, and is not intended as legal advice.

Recruitment Phase

An inclusive recruitment process increases the probability of attracting qualified candidates to apply for open positions. Included in this learner’s guide are best practices for consideration of **strengthening the culture, creating job descriptions, advertising open positions, contracting with a staffing agency, and ensuring the application is accessible.**

Strengthening the Culture

Employers who want to expand their hiring pool to include candidates with disabilities are encouraged to review their practices to ensure this culture is clearly communicated. Best practices for communicating a truly inclusive workplace is to include images of people with disabilities in marketing materials, ensure communications are written with inclusive language, and provide training to hiring professionals on disability etiquette to offset unconscious biases. These practices can foster a foundation of inclusion that permeates into all workplace efforts, including the hiring process.

Creating Job Descriptions

Although not required by the ADA, it is a best practice to prepare a job description that includes the job’s essential functions prior to advertising, recruiting, and interviewing applicants for the job. Essential functions include those work tasks the job was created to perform.

When determining if an applicant is qualified to perform the job’s essential functions, the focus should be on the purpose of the job task and the desired outcome, rather than the method in which the task is customarily performed. An applicant with a disability may be qualified to perform the essential functions in another way or with a reasonable accommodation.

Many applicants rely on job descriptions as a screening tool to decide whether they’re qualified for the job. The components of job descriptions discussed in this guide include developing job descriptions, using inclusive language, and including an accessibility statement.

Best Practices to Consider for Developing Job Descriptions include:

The Job Accommodation Network (JAN) offers an online resource titled [Job Description Topics](#) which defines job descriptions, addresses rules and regulations, and advises on how to create job descriptions. This resource offers three steps to consider when developing job descriptions: job analysis, writing job descriptions, and required qualifications.

Job Analysis

A job analysis is the process of collecting specific information about a job and recording the information in a written document. It establishes the purpose of the job and details the structure of the work setting. The purpose of the job indicates the reason the job exists. The structure of the work setting includes information on the work environment, the workstation, and work activities. Examples of each include:

- **Work Environment:**
 - Physical layout of the work environment
 - Environmental conditions, such as temperatures, noise levels, lighting, and flooring

- **Workstation**
 - Essential functions performed
 - Equipment and tools used
- **Work Activities**
 - Expected productivity expectations and outcomes
 - Physical and mental requirements for completing the job
 - Required experience, certificates, education and training
 - Level of responsibility required

Writing Job Descriptions

Creating a written job description serves as an effective recruitment tool to attract qualified applicants when included with job postings and applications. A job description should include the job's essential functions and be written with the following considerations:

- Include a brief summary of job functions with examples of the essential functions
- Indicate the marginal functions performed on the job
- Use inclusive language (discussed in its own category later in this section)
- Begin sentences with an active verb and write in the present tense
 - Examples of an active verb: lift, listen, move, read, sit, talk, think, and write
- Describe the job's expected outcome instead of the customary way of doing the job:
 - Instead of stating: "**writes down** notes during meetings"
 - Consider stating: "**records** notes during weekly meetings"
 - Instead of stating: "she **files** folders"
 - Consider stating: "the clerk **files** folders **alphabetically based on category**"
- Estimate the time spent on work tasks
- Specify the frequency of an activity, such as daily or weekly
- Describe the quality and quantity of productivity expectations
- Indicate special working conditions, such as shift and overtime

Required Qualifications

The qualifications commonly listed in job descriptions include the required knowledge, skills, training, experience, education, certificates, and licenses. These qualifications can be acquired in a variety of ways, such as through education, experience, and/or training. Certain jobs require certificates and licenses. For example, to work as an occupational therapist, a person must have a license to practice occupational therapy from the state they are practicing in. However, requiring a person to have a driver's license to perform a job may be discriminatory. When determining whether a qualification is necessary, consider this example provided from the JAN resource [Job Description Topics](#):

- A job description is written such that it is "necessary" to be "available to attend evening meetings throughout the community" and "possess a driver's license."
- **Is having a driver's license a "need" or a "convenience"?**
- An employee with a disability that does not have a driver's license may be able to achieve the essential function of attending evening meetings throughout the community by other means than driving, such as using public transportation, a ride share, or attending via a teleconference.

Best Practices to Consider for Using Inclusive Language include:

When writing job descriptions and describing essential functions, the language used is important. The following best practices can be helpful to ensure job descriptions include inclusive language:

- Use plain language that is clear and concise with words that have a single meaning
- When a word can be interpreted in more than one way, provide a clear definition
- Avoid jargon, technical terms, proprietary names, and unnecessary words, terms, or phrases

When describing the physical demands of a job, certain words are more inclusive than others. PACE University created a [chart](#) of common descriptions of physical demands with suggested inclusive language. A few examples from PACE University include:

- Instead of saying “**stand, sit**”, say “**stationary position**”
- Instead of saying “**walk, run**”, say “**move, traverse**”
- Instead of saying “**use hands/fingers to handle or feel**”, say “**operate, place, detect, adjust**”
- Instead of saying “**talk, hear**”, say “**communicate, convey, exchange information**”
- Instead of saying “**see**”, say “**detect, discern, distinguish, identify, inspect**”
- Instead of saying “**carry, lift**”, say “**move, transport, position, install**”

A document from [HR Guide](#) provides guidance on creating job descriptions and accurate essential functions statements. Some key points include:

- **Duty Statements** (essential functions statements) are recommended to be:
 - Written using action words and focused on the task’s outcome
 - Constructed using a verb, object, and purpose:
 - “Collects financial data to evaluate budget requests.”
 - “Overhauls and repairs equipment daily, or as needed.”
- The HR Guide includes **ten components** of job descriptions. These include:
 - Mental functions such as comparing and analyzing
 - Relations with others such as supervision and communicating
 - Physical demands (strength) such as exerting varying force at varying frequencies
 - Physical demands (movement) such as maintaining body equilibrium and moving about
 - Physical demands (auditory) such as perceiving and detecting
 - Physical demands (taste/smell) such as distinguishing and recognizing
 - Physical demands (vision) such as identifying and observing
 - Environmental conditions such as exposure to weather, cold, heat, wet conditions, humidity, noise, vibration, and confined spaces
 - Equipment used such as office equipment, hand tools, power tools and vehicles
 - Hazards such as distance to moving parts and exposure to toxic chemicals

Best Practices to Consider for Including an Accessibility Statement include:

It is important to include an accessibility statement in the job description that references reasonable accommodation. Reasonable accommodation may enable a qualified applicant to perform the essential functions of the job. Including such a statement may attract qualified applicants, thus increasing the number of qualified applicants for the employer to consider for the position. Examples of reasonable

accommodation statements can be found in the JAN article "[Making a Statement – About Reasonable Accommodation and Equal Opportunity](#)." One example is included here:

- [Employer] is committed to providing access and reasonable accommodation in its services, activities, programs, and employment opportunities in accordance with the Americans with Disabilities Act and other applicable laws. **To request an accommodation based on a disability, please contact** (insert contact name or title with contact information such as phone number and email address) **by Month, Day, Year.**

Advertising Open Positions

Employers are encouraged to expand recruitment efforts to include sources of qualified applicants with disabilities. Opportunities for Ohioans with Disabilities can support employers' efforts by sourcing qualified candidates with disabilities for open positions. In addition, here are some best practices for job announcements, advertisements, notices and postings:

- Provide information on the job's essential functions to attract qualified applicants
- Provide an "equal opportunity employer" statement that is easy to find
- Ensure announcements, advertisements, and notices are accessible:
 - Post job information in locations that are physically accessible
 - Establish accessible telecommunications, such as a telephone relay service
 - Provide written information in alternative formats upon request

Contracting with a Staffing Agency

Employers may choose to outsource their recruitment of qualified applicants. When working with a staffing agency, the employer and the staffing agency have a shared responsibility to follow the requirements of Title I of the ADA. When working with a staffing agency, consider these best practices:

- Inform the staffing agency of the mutual obligation to comply with ADA requirements.
- Include a provision in the contract that states the staffing agency will conduct its activities in compliance with the ADA and other legal nondiscrimination requirements.

Ensuring Applications are Accessible

Employers may have applicants apply for jobs through an online application system or in-person. Modifying these methods and considering reasonable accommodation can ensure the accessibility of the application process for applicants with disabilities. Examples of how to make online applications accessible and for providing alternative methods to apply for a job are included below.

Make Online Applications Accessible

- Engage people with disabilities in the design process. This often is the best source of ideas for how to make work environments, job tasks, and processes accessible for all.
- Ensure the online application site is accessible for a screen reader.
- Provide a phone number for questions and establish accessible telecommunications, such as a telephone relay service.
- Design large graphics to mark hyperlinks to provide additional space to activate the link.
- Create organized and uncluttered pages. This encourages increased focus and concentration.
- Remove refresh options so a screen reader can scroll through a page without restarting.

- Provide alternative text for visual content.
- Provide captions for sounds and video.
- Use a standard header and footer to minimize confusion when navigating pages.
- Minimize the use of color and check the contrast. WebAim offers an [online contrast checker](#).
- Design for keyboard navigation.
- Allow sound, visual content, and time limits to be controlled by the applicant.
- Create and use accessible documents.
- Program the default human language for accurate translation by assistive technologies.
- If a kiosk is used to complete the online application, ensure it is physically accessible.
- When identification forms are required to be submitted online, consider all forms of state-issued identification forms instead of requiring a driver's license only.

Applicant Tracking System (ATS)

An applicant tracking system is a human resources software system used to manage incoming applications and assist with prioritizing qualified candidates. These systems have built-in features that can automatically screen out applicants based on certain criteria. Employers are encouraged to review their system and modify these automatic features to ensure accessibility for applicants with disabilities. Here are some best practices to consider:

- Keep in mind that gaps in employment can be due to a disability and make an exception to consider the applicant if the applicant is otherwise qualified.
- Allow for hiring staff to override the applicant tracking system and select applicants with gaps in employment for a compelling reason.

Provide Alternative Methods to Apply for a Job

- Allow an applicant to provide required information via e-mail, fax, telephone, or mail.
- Have print versions available that an applicant may pick up onsite in an accessible location.
- Provide written information in various formats or be prepared to provide these upon request, including large print, braille, or audio recording.
- Provide a qualified reader to read information to an applicant with a visual or learning disability.
- Provide a qualified scribe to assist with completing forms for an applicant with a visual or cognitive disability.
- If a telephone number is provided to call for information, establish an accessible option for deaf and hard of hearing applicants, such as a telephone relay service.

Include an Accessibility Statement

It is a best practice to include an accessibility statement that is easy to find on the online application site. Despite efforts to provide an accessible application process, there may be times when an applicant needs to make a request for an accommodation. Providing an accessibility statement that is easy to find and directs applicants on how to make a request may increase the likelihood of qualified applicants applying for open positions. An accessibility statement may also convey to the applicant that diversity and inclusion are important to the employer.

Pre-Offer and Post-Offer Phase

Once a qualified applicant is identified, the pre-employment phase begins which includes interviewing, testing, making an offer, and administering post-offer medical inquiries and examinations. Included in this learner's guide are best practices for consideration of the pre-offer, post-offer, and employment phases, general ideas for reasonable accommodations, as well as timely information on how the COVID-19 pandemic relates to the hiring process.

Pre-offer Phase

Prior to making a conditional offer of employment, disability-related questions may not be asked, and medical exams may not be administered. This applies to application forms, interviews, testing, and background and reference checks. The intention of this prohibition is to prevent qualified applicants from being screened out due to a disability before their ability to perform the job is evaluated.

Employers may obtain information to determine an applicant's qualifications. This can include non-medical questions and tests, as well as necessary medical information to assess qualifications and assure health and safety on the job. The ADA requires that any pre-employment disability-related inquiries be made **after a job offer is made** and be asked of **ALL** candidates offered a job in the same job category.

A disability-related question is likely to elicit a response that discloses a disability, such as:

- What is the severity of the disability?
- Are you able to stand for eight hours?
- Have you previously filed a workers' compensation claim?
- Have you ever been addicted to drugs?
- How many days were you absent from work due to being sick?

A medical exam seeks information about mental or physical health conditions, such as:

- Vision tests that are analyzed by an ophthalmologist or optometrist
- Blood pressure screening
- Nerve conduction tests

The difference between a non-medical exam and a medical exam is illustrated below:

- A non-medical exam requires applicants to handle a 25-pound box and maneuver it 10 feet. This is not a medical exam. This exam tests whether the applicant can perform the task.
- If the above exam includes taking the applicant's blood pressure or heart rate after performing the task, this is a medical exam because it measures a physiological response.

In the pre-offer phase, an employer may do the following to evaluate an applicant's qualifications:

- Ask questions about the applicant's ability to perform job tasks if the question is not phrased in terms of a disability, for example:
 - An employer may describe the physical requirements of the job, such as maneuvering 25-pound boxes stacked on skids to a cart 36-inches high and ask the applicant if he/she can perform this task.



- An employer may not ask an applicant questions about the ability to perform major life activities, such as standing and lifting because these may elicit a response about a disability.
- Ask questions about the applicant's ability to meet job requirements
- Ask about non-medical qualifications and skills, such as education, work history, certifications, and licenses
- Ask **ALL** applicants to describe or demonstrate how they would perform job tasks, with or without reasonable accommodation
 - This must apply to all applicants.
 - If the applicant requests an accommodation to demonstrate the job task, the employer must either provide an accommodation that is reasonable or permit the applicant to describe how he/she would perform the job task.

If an applicant has a known disability (an obvious disability or a disclosed disability) that the employer reasonably believes may interfere with or prevent the applicant from performing a job task, the applicant may be asked to describe or demonstrate how this job task would be performed, **even if other applicants are not asked to do so**. For example:

- If an applicant has one arm and a job task includes maneuvering bulky items onto shelves up to six-feet high, the employer could ask the applicant to describe or demonstrate how he/she would perform this function, with or without a reasonable accommodation.
- If the applicant states he/she could perform this function with the use of an accommodation, the employer must either provide this accommodation for the applicant to demonstrate this job task or allow the applicant to describe how he/she would perform this job task.

If an applicant has a known disability that would not reasonably interfere with performing a job task, the employer can only ask the applicant to describe and/or demonstrate how he/she would perform this task if **ALL** applicants are asked to do this.

Best Practices to Consider for Applications in the Pre-Offer Phase

- Review application forms and eliminate any questions related to disability
- Examples of questions that may NOT be asked on application forms (or in job interviews):
 - Have you received treatment for these conditions? (Followed by a list of conditions.)
 - Have you been hospitalized? If so, for what condition?
 - Have you been treated for a mental condition?
 - Is there a health-related reason you may not be able to perform the job?
 - How many days did you miss from work last year due to illness?
 - Do you have any physical conditions that limit performing certain tasks? Please describe.
 - Are you taking any prescription medicine?
 - Have you been treated for drug addiction or alcoholism?
 - Have you filed a workers' compensation claim?
- Examples of questions that MAY be asked on application forms (or in job interviews):
 - Are you able to meet the attendance requirements of the job?
 - Are you able to perform the essential job tasks, with or without an accommodation?



- In the interview, if the applicant indicates the ability to perform tasks with an accommodation, the employer may ask the applicant how he/she would perform the tasks and with what accommodation(s).
- Self-identification of disability is permitted under **Section 503 of the Rehabilitation Act** for Federal contractors and subcontractors.
- A pre-employment inquiry about a disability also is permissible **if it is required or necessitated by another Federal law or regulation.**
- Include an accessibility statement on the application form that is easy to find.

Best Practices to Consider for Interviews

- Provide training for interviewers on:
 - Preemployment requirements of Title I of the ADA
 - Disability awareness and etiquette
 - This type of training can help an interviewer understand that behaviors such as lack of eye contact or a flat affect (lack of emotional expression) can be a characteristic of certain types of disabilities. Each person is unique and how a disability impacts a person will also be unique.
 - For example, an applicant with autism may display decreased eye contact during an interview, but this does not mean the applicant is not interested in the job or engaged with the interviewer.
 - In addition, an applicant taking a medication to treat a mental health condition may display a flat affect, but this does not mean the applicant is not enthusiastic about the job.
 - Being aware of these characteristics helps interviewers to focus on the applicant's ability to do the job and avoid overlooking a qualified applicant.
 - Disability disclosure and confidentiality
 - The interactive process and how to manage reasonable accommodation requests
- Focus the interview on the applicant's ability to perform the job, not on disability.
- When an applicant has a known disability, questions the interviewer **MAY NOT** ask include:
 - What is the severity of the disability?
 - What condition caused the disability?
 - Will you need treatment or leave due to the disability?
- The interviewer may describe, demonstrate, or provide a written description of job tasks and ask if the applicant can perform these tasks with or without a reasonable accommodation.
- An employer may ask **ALL** applicants to describe or demonstrate how they will perform a job, with or without an accommodation.
- When an applicant has a known disability that could reasonably interfere with or prevent performance of a job-related task, the interviewer may ask the applicant to describe or demonstrate how this task would be performed, even if other applicants are not asked.
- However, if an applicant has a known disability that would not interfere with or prevent performance of a job task, the employer can only ask the applicant to demonstrate how he or she would perform the task if **ALL** applicants in the job category are also asked.
- Include an accessibility statement with information on how to request an accommodation in your communications inviting applicants to an interview.

- Consider common reasonable accommodations. (See Reasonable Accommodations section in this guide)

Virtual Interviewing tips

Due to the COVID-19 pandemic, many employers are shifting to virtual interviews for qualified applicants for job openings. Virtual interviews can be a great tool to incorporate into the hiring process but can create a unique set of challenges. Best practices to ensure this style of interview is accessible for applicants with disabilities include:

- Be prepared to handle reasonable accommodations requests and remember to provide a clear way for someone with a disability to make a reasonable accommodation request for the virtual interview, if necessary.
- Time limited, pre-recorded videos can sometimes present challenges due to certain disability-related issues. Consider offering an extension of time for an individual with a disability to complete the pre-recorded video.
- Some organizations perform video interviews that use a computer algorithm to assess facial movements. This can create a barrier to individuals with disabilities where facial movements are an issue; so, you may be asked for an alternate way to interview.
- It is important to know if the virtual interview platform is screen reader accessible. If it is not, be prepared to conduct the interview in a different platform that offers accessibility.
- If there are links or graphics to click within the confines of the virtual interview, make sure they are accessible via screen readers.
- When interviewing an applicant who uses an ASL interpreter, identify whether the platform will support a third-party participant. If it does NOT support a third-party participant, suggest a platform that will and can be agreed upon by all three parties. Generic platforms such as Zoom work best.
- Be mindful that multiple people conducting the virtual interview (such as a panel) can present challenges for applicants using an ASL interpreter or captioning. Work with the applicant ahead of time to let them know there will be multiple people conducting the interview and discuss with them appropriate solutions that meet both of your needs.
- In the event an applicant requests an ASL interpreter, know ahead of time who your company uses for interpreting services (i.e., is it a local provider or national service). This can make a difference in the smoothness of the interpreting.
- Captioning may be an appropriate reasonable accommodation, but do not rely on the automatic captioning that comes with some platforms. The automatic captioning uses artificial intelligence which can make misstatements and lacks punctuation leading to confusion. Virtual Captioning would be a better option and OOD can link you to that.

Best Practices to Consider for Non-Medical Testing

- Employers may administer non-medical tests to determine job qualifications.
- Inform applicants in advance of non-medical tests that will be given and include an accessibility statement so the applicant knows how to request an accommodation, if needed.
- Consider common reasonable accommodations. (discussed in its own category later in this section)
- If a non-medical test screens out an applicant with a disability, the decision must be job-related and consistent with business necessity. Please visit the [Job Accommodation Network \(JAN\)](#) for an example.

- Non-medical tests given to applicants with disabilities should be in a format and manner that does not require use of a functional limitation, unless the test is designed to measure that skill. Please visit [JAN](#) for an example.

Best Practices to Consider for Background and Reference Checks

- In the pre-offer phase, an employer may not request information about an applicant from another source that it is not permitted to request of the applicant. This includes asking about disability, illness, or workers' compensation history.
- Examples of questions an employer may ask a previous employer about include:
 - Job functions and tasks performed
 - Quality and quantity of work output
 - Attendance record
 - Job-related issues that do not relate to disability
- Employers should ensure any outside agencies used to conduct background checks comply with ADA requirements regarding pre-employment inquiries.

Post-offer Phase

Once a formal job offer is made, an employer may ask disability-related questions and require medical exams if this applies to **ALL** candidates receiving a job offer in the same job category. A job offer is permitted to be conditioned based on the results of the questions and/or exams. If these results lead to screening out a candidate due to a disability, the decision must be "job-related and consistent with business necessity." If a candidate is screened out due to safety, the employer must demonstrate "direct threat." In either case, reasonable accommodation must be considered.

Medical information acquired through conversation, questions, and medical exams must be kept confidential. Medical files must be kept and maintained in files that are separate from other personnel files. Exceptions to confidentiality exist for certain situations. Specific and limited information may be disclosed to supervisors about reasonable accommodations, with first aid and safety professionals to aid in an emergency, and with government officials in cooperation with an investigation.

Employment Phase

The best way to measure an employee's ability to do a job is through performance of work tasks. When an employer has the need to question an employee's ability to perform the essential functions of the job, or to do so without posing a direct threat to safety, the need must be "job-related" and "consistent with business necessity."

Once an applicant is hired and becomes an employee, the employer can no longer ask disability-related questions or require medical exams, unless the employer can show these questions or exams are "job-related" and "consistent with business necessity." This applies to all employees, not just employees with disabilities.

Reasonable Accommodation

A reasonable accommodation is "any change or adjustment to a job or work environment that permits a qualified applicant, candidate, or employee with a disability to participate in the **job application process**, to perform the essential functions of a job, or to enjoy benefits and privileges of employment equal to

those enjoyed by employees without disabilities.” An accommodation is reasonable when it does not cause an undue hardship.

Employers are encouraged to include an accessibility statement with information on how to request an accommodation in those communications inviting applicants to an interview. Examples of common accommodations are provided for interviews and testing.

Reasonable Accommodation for Interviews

Reasonable accommodations are considered on a case-by-case basis and may include:

- Conducting interviews in locations that are accessible. The Office of Disability Employment Policy (ODEP) has a resource titled [“Opening Doors to All Candidates: Tips for Ensuring Access for Applicants with Disabilities”](#) that lists steps employers can take to assess the accessibility of the location used.
- Providing written information in alternative formats, such as large print, braille, or audio.
- Providing a qualified reader to read written materials.
- Providing a qualified scribe to assist with completing forms or taking notes.
- Asking direct questions, rephrasing questions, and giving examples for understanding.
- Providing a sign language interpreter.
- Permitting the use of a service animal. Remember to consider relief areas.
- Allowing a job coach to be present.
- Providing questions to the candidate ahead of time.
- Permitting the use of speech to text technology.
- Allowing the candidate time to process the question before answering.

Reasonable Accommodation for Pre-Employment Testing

Reasonable accommodations are considered on a case-by-case basis and may include:

- Providing an alternative testing format, such as:
 - Administer a written test in large print, braille, color-coded text, through an electronic version on a computer or via audio. Audio options may include a qualified reader, a recording, or in an oral format.
 - Provide written instructions in place of oral instructions.
 - Permit recording test answers via dictation or computer.
 - Use plain language that is clear and concise for testing.
- Provide a qualified reader to read the test to the applicant.
- Provide a qualified scribe to record the applicant’s responses.
- Provide extended time to take the test. The amount of extended time provided should meet the needs of the applicant and may include time and a half, double time, or unlimited time.
- Provide scheduled breaks to enable management of symptoms, stress, and anxiety; to take medications; and to access food or drink as medically indicated.
- Provide testing in a separate room to limit or remove audio and visual distractions or to provide alternative lighting.
- Testing should be administered in locations that are accessible.
- Allow for alternating between sitting and standing positions as needed.

- For the computer station, provide an alternative keyboard and mouse, allow for repositioning of the monitor, and install magnification software.
- Permit a candidate with light sensitivity to wear sunglasses or a hat.
- In lieu of completing the test, implement an extended probationary period to evaluate the candidate.
- Permit a job coach to assist with rephrasing and explaining questions. A job coach does not complete the assessment for the candidate.

When it is not possible to provide testing with the alternative methods suggested, consider evaluating the skill or ability through interviews or a task demonstration. Interviews may include asking about education, work experience, licenses, and certification. A task demonstration may include a trial period. For more information, consult the JAN [Technical Assistance Manual](#).

COVID-19 Pandemic and the Hiring Process

Due to the COVID-19 pandemic, the Equal Employment Opportunity Commission (EEOC) updated its 2009 guidance on [Pandemic Preparedness in the Workplace and the Americans with Disabilities Act](#) to address how the law is impacted by the pandemic. Employers are encouraged to review the EEOC guidance on the pandemic to better understand its implications with the ADA. The EEOC guidance is included in the resources section at the end of this guide. In addition, how the pandemic impacts the hiring process is summarized below. **Please note as the pandemic evolves, the EEOC guidance is updated so employers are advised to check frequently for changes to the guidance.**

- The EEOC guidance indicates that when an employer is hiring, the employer may screen job applicants for symptoms of COVID-19 AFTER making a conditional job offer and this must apply to all employees entering the same type of job. This applies to all applicants.
- As part of a post-offer, pre-employment medical exam, an employer may take an applicant's temperature. Medical exams are permitted after a conditional offer of employment is made. This exam must be given to all employees entering the same job type. The guidance cautions employers that people with COVID-19 do not always have a fever.
- According to current guidance from the CDC, a person who has COVID-19 or symptoms of COVID-19 should not be in the work environment. When an employer extends an offer to an applicant who has COVID-19 or symptoms of COVID-19, the employer may delay the applicant's start date.
- When an employer has extended a job offer to an applicant and needs the applicant to begin work immediately, the employer may withdraw the offer if the applicant has COVID-19 or symptoms of COVID-19. This is based on current [CDC guidance](#) that a person who has COVID-19 or symptoms of COVID-19 should not be in the work environment.
- Directly from the EEOC guidance:
 - "CDC has issued guidance applicable to all workplaces generally, but also has issued more specific guidance for particular types of workplaces (e.g. health care employees). Guidance from public health authorities is likely to change as the COVID-19 pandemic evolves. Therefore, employers should continue to follow the most current information on maintaining workplace safety. To repeat: the ADA does not interfere with employers following recommendations of the CDC or public health authorities, and employers should feel free to do so."

In addition to the resources and guidance offered by the EEOC and the CDC, the Ohio Department of Health's "[Coronavirus \(COVID-19\)](#)" website offers additional information and resources on the virus specific to Ohio.

Onboarding Phase

The purpose of the onboarding process is to smoothly integrate newly hired employees into their positions and the culture of the company. To ensure this process is smooth for employees with disabilities, reasonable accommodations may be needed.

Onboarding Process

Employers are encouraged to review their onboarding process and consider these best practices:

- Assign an employee to oversee requests for reasonable accommodation to ensure the request is facilitated efficiently and that reasonable accommodations are in place for the first day of work.
- Educate the employees that will facilitate reasonable accommodations for parking and facilities, information technology, security, and the workstation. Include education on confidentiality and how to respond to questions asked by coworkers.
- Include an accessibility statement in communications delivered to newly hired employees regarding the activities included in orientation, the components of the work environment, and information about the job and workstation. This enables a newly hired employee with a disability to determine if a reasonable accommodation is needed. It also ensures the employee has the information needed to make the accommodation request.

Reasonable Accommodations for Onboarding

A qualified applicant may request a reasonable accommodation for the onboarding process. Reasonable accommodations are considered on a case-by-case basis. General ideas for effective solutions include:

- Ensure new-hire forms and intranets are accessible. Provide alternative ways to access the information when needed.
- Printed information should be made available in alternative formats when needed, such as large print, braille, or a recorded format.
- Onboarding should be conducted in locations that are accessible.
- Provide a qualified reader to read written materials.
- Provide a qualified scribe to assist with completing forms or taking notes.
- Use language that is literal and specific, avoiding jargon and unnecessary information.
- Provide a sign language interpreter.
- Ensure training videos are captioned.
- Permit the use of service animals. Remember to consider relief areas.
- Conduct in a quiet space free of distractions.
- Provide accommodations for emergency evacuation and shelter in place needs.
- Allow a job coach to be present.
- Permit an extended probationary period.
- Provide an accessible workstation.

Conclusion

Fostering a hiring process that is inclusive of applicants with disabilities gives employers access to a greater pool of talent to consider for its open job positions. Many best practices are available to ensure the phases of hiring are accessible, including recruiting efforts, interviewing and testing, and onboarding new employees successfully.

The resources and information included in this learner's guide are intended to be consistent with the purpose of Title I of the Americans with Disabilities Act (ADA).

This guide highlights several aspects of the hiring process with suggested best practices, examples, and resources. The information included in this learner's guide is for educational purposes, is not an exhaustive list, and is not intended as legal advice.

Resources

Resources for Accessibility Statements

- Job Accommodation Network. "[Making a Statement – About Reasonable Accommodation and Equal Opportunity](#)"

Resources for Accessible Applications

- HR Dive. "[Is your career page accessible?](#)"
- Job Accommodation Network. "[Online Applications](#)"
- Job Accommodation Network. "[Making the Online Application Process Accessible Under the Americans with Disabilities Act \(ADA\)](#)"
- U.S. Department of Labor's Office of Disability Employment Policy. "[Disability Issues Related to Online Application Systems Frequently Asked Questions](#)"
- U.S. Department of Labor's Office of Disability Employment Policy. "[Opening Doors to All Candidates: Tips for Ensuring Access for Applicants with Disabilities](#)"
- W3C Web Accessibility Initiative (WAI). "[Web Content Accessibility Guidelines \(WCAG\) Overview](#)"

Resources for COVID-19 and the Pandemic

- Centers for Disease Control and Prevention. "[Coronavirus \(COVID-19\)](#)"
- Ohio Department of Health. "[Coronavirus \(COVID-19\)](#)"
- U.S. Equal Employment Opportunity Commission. "[Coronavirus and COVID-19](#)"
- U.S. Equal Employment Opportunity Commission. "[Pandemic Preparedness in the Workplace and the Americans with Disabilities Act](#)"
- U.S. Equal Employment Opportunity Commission. "[What You Should Know About COVID-19 and the ADA, the Rehabilitation Act, and Other EEO Laws](#)"

Resources for General and Hiring Information on Title I of the ADA

- ADA National Network. "[What limitations does the ADA impose on medical examinations and inquiries about disability?](#)"
- EARN. "[EARN's Primer on Disability Inclusion](#)"
- EARN. "[Recruitment & Hiring](#)"
- Job Accommodation Network. "[Job Application/Interview Stage Dos and Don'ts](#)"

- Job Accommodation Network. "[Technical Assistance Manual for Title I of the ADA](#)"
- Job Accommodation Network. "[The JAN Workplace Accommodation Toolkit](#)"
- Northeast ADA Center. "[Small Business at Work Toolkit](#)"
- U.S. Equal Employment Opportunity Commission. "[Employment Tests and Selection Procedures](#)"
- U.S. Equal Employment Opportunity Commission. "[Enforcement Guidance: Disability-Related Inquiries and Medical Examinations of Employees Under the Americans with Disabilities Act \(ADA\)](#)"
- U.S. Equal Employment Opportunity Commission. "[Enforcement Guidance: Preemployment Disability-Related Questions and Medical Examinations](#)"
- U.S. Equal Employment Opportunity Commission. "[Small Business Videos](#)"
- U.S. Equal Employment Opportunity Commission. "[The ADA: A Primer for Small Business](#)"
- U.S. Equal Employment Opportunity Commission. "[The ADA: Your Responsibilities as an Employer](#)"

Resources for Job Descriptions

- HR Guide. "[Job Analysis: Job Descriptions](#)"
- Job Accommodation Network. "[Job Description Topics](#)"
- Job Accommodation Network. "[Testing Accommodations](#)"
- PACE University. "[Americans with Disabilities Act Compliant Words for Job Descriptions](#)"

Resources for Onboarding

- Job Accommodation Network. "[Incorporate Reasonable Accommodation Practices into Your Onboarding Process](#)"

Resources for Reasonable Accommodations

- Job Accommodation Network. "[Employers' Practical Guide to Reasonable Accommodation Under the Americans with Disabilities Act \(ADA\)](#)"
- Job Accommodation Network. "[Incorporate Reasonable Accommodation Practices into Your Onboarding Process](#)"
- Job Accommodation Network. "[Making a Statement – About Reasonable Accommodation and Equal Opportunity](#)"
- Job Accommodation Network. "[Testing Accommodations](#)"
- U.S. Equal Employment Opportunity Commission. "[Enforcement Guidance: Reasonable Accommodation and Undue Hardship Under the Americans with Disabilities Act](#)"

OOD's Business Relations Team – see map on final page

- **Cynthia L. Crews**, Business Relations Specialist in Southwest Ohio
 - **Phone:** 513-309-5140
 - **Email:** cynthia.crews@ood.ohio.gov
 - **Counties served:** Adams, Brown, Butler, Champaign, Clark, Clermont, Clinton, Darke, Fayette, Greene, Hamilton, Highland, Logan, Madison, Miami, Montgomery, Preble, Shelby, Union and Warren
- **Michael Hoag**, Business Relations Specialist in Northeast Ohio
 - **Phone:** 216-227-2028
 - **Email:** michael.hoag@ood.ohio.gov
 - **Counties served:** Ashtabula, Cuyahoga, Geauga, Lake, Medina, Portage and Summit

- **Kelly Jordan**, Business Relations Specialist in Southeast Ohio,
 - **Phone:** 614-914-2492
 - **Email:** kelly.jordan@ood.ohio.gov
 - **Counties served:** Athens, Delaware, Fairfield, Franklin, Gallia, Hocking, Jackson, Lawrence, Meigs, Monroe, Morgan, Perry, Pickaway, Pike, Ross, Scioto, Vinton and Washington
- **Ron Klonowski**, Business Relations Specialist in East Central Ohio
 - **Phone:** 330-915-2038
 - **Email:** ronald.klonowski@ood.ohio.gov
 - **Counties served:** Ashland, Belmont, Carroll, Columbiana, Coshocton, Crawford, Guernsey, Harrison, Holmes, Jefferson, Knox, Licking, Mahoning, Morrow, Muskingum, Noble, Richland, Stark, Trumbull, Tuscarawas and Wayne
- **Jill Simpson**, Business Relations Specialist in Northwest Ohio
 - **Phone:** 567-703-5229
 - **Email:** jill.simpson@ood.ohio.gov
 - **Counties served:** Allen, Auglaize, Defiance, Erie, Fulton, Hancock, Hardin, Henry, Huron, Lorain, Lucas, Marion, Mercer, Ottawa, Paulding, Putnam, Sandusky, Seneca, Van Wert, Williams, Wood and Wyandot

BUSINESS RELATIONS SERVICES MAP

Business Relations Specialists:

<p>Northeast Area Michael Hoag 14650 Detroit Avenue, Ste. 200 Lakewood, OH 44107 michael.hoag@ood.ohio.gov 216-227-2028</p>
<p>Northwest Area Jill Simpson 5241 Southwyn Blvd., Suite 200 Toledo, OH 43614 jill.simpson@ood.ohio.gov 419-277-4894</p>
<p>Southeast Area Kelly Jordan 4300 E. Broad Street, Ste. 200 Whitehall, OH 43213 kelly.jordan@ood.ohio.gov 614-204-4951</p>
<p>Southwest Area Cynthia Crews Centennial Plaza III 895 Central Avenue, 7th Floor Cincinnati, OH 45202 cynthia.crews@ood.ohio.gov 513-309-5140</p>
<p>East Central Area Ronald Klonowski 816-30th Street, NW Canton, OH 44709 ronald.klonowski@ood.ohio.gov 330-312-4051</p>

