



Competitive Integrated Employment and Disclosure: Information for Employment Service Providers

Introduction

Disclosing a disability may create concern or anxiety for individuals looking for a job as well as the employment specialists assisting them. It is very important to consider how an individual will talk about their disability as well as when and what will be disclosed. If done incorrectly, disclosing a disability may negatively impact whether the job seeker gets the job.

Consider these examples: Telling a business that the act of hiring a person with a disability is the “right thing to do” is not a good way to approach a business. In addition, suggesting that a business “has” to hire workers with disabilities because of the Americans with Disabilities Act (ADA) isn’t a positive way to begin discussions. Instead, the job seeker should present their unique contributions and describe the value they will offer to the business.

This information brief provides some tips on how to assist a job seeker in disclosing a disability.

Why should the job seeker disclose a disability?

Access to accommodations in the workplace is the primary reason for the job seeker to disclose a disability. Individuals who know that they will need work-related accommodations should plan to disclose. If an accommodation is needed, the job seeker must plan how and when to tell potential employers about the disability and be prepared to discuss support needs. They can do this with assistance from an employment specialist.

Documented consent to disclose and a description of what is to be disclosed must be obtained voluntarily from the job seeker with a disability. An employment specialist should focus on the person’s abilities and the proposed solutions that will allow the individual to successfully complete negotiated work tasks. Unless accompanied by potential solutions, disclosure of a disability can unintentionally exclude the job seeker from competitive integrated employment and instead lead to discrimination.

As an example, a person with mental illness may need release time during the week for medical appointments that occur on a regular basis. Disclosure of the disability would be appropriate when asking for a flexible 40-hour work week. If an employee continually asked for time off from work without disclosing, the employer may have a much different attitude towards the individual’s performance than if the accommodation request had been made. The request might include how the

individual would be able to perform the essential functions of the job with this accommodation. The individual would not need to provide details of the medical diagnosis and treatment that are not related to the accommodation request.

Jobseekers who have a visible disability may want to discuss their disabilities with an employer to avoid misunderstandings. Or, the person may want to disclose a disability to eliminate curiosity or unnecessary concern from coworkers. Some people may use disclosure to create an opportunity for educating others about disability and its impact. Disclosure also provides an opportunity to learn more about the business' disability related services and supports. In this example, the job seeker may want to explain how they are able to perform the job regardless of a disability such as by using specialized computer software or devices. Again, providing details on the specific disability is entirely up to the job seeker and should be presented positively and not as a limitation.

Can disclosing a disability help overcome an employer's concerns of hiring a person with a disability?

Although everyone has some limitations, people with visible disabilities may be seen as incapable of working. This false conclusion underscores the importance of changing attitudes to recognize that people with disabilities have valuable and important skills. Thus, the question about whether or not (and how) to disclose a person's disability shifts to educating employers. This includes addressing their concerns to hire someone who happens to have a disability. This change in thinking minimizes the disability as an issue and focuses on ability.

The word disability is likely to raise concerns for some employers. Under the ADA, employers cannot ask about a disability. They may inquire about the need for reasonable accommodations to perform essential job functions if a qualified applicant's disability is disclosed or visible. This may make the employer feel uneasy and raise concerns about being sued if the "wrong" thing is said. In such an instance, the employer may spend more time focusing on his or her anxiety related to these concerns rather than the applicant.

One possible way to address this concern is to be upfront about the nature of the disability. However, simply telling an employer the name of a disability such as traumatic brain injury, cerebral palsy or mental illness may further confuse the employer. Instead of describing a disability in generic terms, communication should focus on what the job seeker does well, including strategies for overcoming functional limitations, and personal life experiences. This can lead to discussions about how a particular job seeker's strengths and talents can benefit the employer and open the door to being hired.

What are the advantages of disclosing a disability?

There are positive reasons for disclosing a disability. If information is initially withheld and later revealed, an employer may feel misinformed. Also, if the job seeker has an employment specialist assisting with job development, employers may have questions as to why this approach is being used. Disclosure gives the jobseeker and the employment specialist an opportunity to obtain specific information about the company's employment and HR policies, its operations and existing jobs. This information can then be used to think about the accommodations that a job seeker may need to perform

the job. Or, if the person does not qualify for an existing job, this will provide ideas on possible ways to negotiate new work opportunities specifically for the job seeker.

By considering support needs in advance and having information on hand during the interview, the job seeker is better prepared to speak about how the various tasks will be performed with the right workplace supports. When a person presents specific strengths and accommodation needs, the fact that the job seeker is looking for a “good match” via job negotiations may be very understandable to employers. Being able to describe what the person does well will hopefully lead to a job offer. This shows the employer how the person can be successfully employed. If not, this approach might spark ideas about potential job designs that can be pursued elsewhere.

What is the best way for the job seeker’s employment specialist to discuss disability?

The goal of disclosure is to do so in a way that gains the employer’s trust, eliminates concerns, and moves the employment process on to the next steps such as exploring job possibilities and interviewing the applicant. The following points should be kept in mind when preparing to discuss a person’s disability with a potential employer. First, the employment specialist and the job seeker who will be disclosing a disability must be clear about the purpose and the desired outcomes of disclosure. This ensures that disclosure occurs with the right person, in a timely and appropriate manner, and with a clear goal in mind. To be effective, the employment specialist must be knowledgeable about the job seeker’s abilities and familiar with possible accommodations needed in the workplace.

Second, disability information should be related to job performance and presented in a positive way. Avoid labels and clinical descriptions. This is not helpful information in isolation for employers. They may have pre-conceived ideas about disabilities, which may negatively impact the employer’s openness to negotiating a position. Instead, one might say, "Jack can adapt to change in his daily routine, if he is told in advance. He will need to write down what changes are to be made in his schedule."

Sometimes, this approach may not work, and an employer may try to guess the person’s disability. When this occurs, it may be best for the employment specialist, with the job seeker’s permission, to reveal the type of disability. This should be immediately followed by a discussion of the person’s positive attributes and how those attributes will contribute to the workplace. This approach is more likely to yield a better outcome than stating something like “Oh, no I am not allowed to tell you that.” An honest upfront approach will usually go over much better than withholding information, which might raise unnecessary concerns.

When speaking about the functional limitations caused by the disability, describe how the person can succeed and perform the job functions with workplace supports, creative work structures, agency services like job site supports or other modifications. For example, “Joan has a job coach who can accompany her to work to provide any additional training that extends beyond what you would provide to any other new hire. While learning to perform the job to your standards, the coach will make sure the job is done during each shift. Once Joan learns the job, the coach will fade off the jobsite, but will be available for consultation if needed.”

Again, disclosure should always be discussed with the job seeker, and if appropriate with parents or guardians, prior to making the first business contact. The job seeker and employment specialist should decide what should be said and who will provide the information to the employer. Whenever possible, the job seeker should take responsibility for making needs known to an employer.

Is telling a potential employer that a person has a disability enough information?

Sometimes, just saying that the person has a disability is not enough. Given a lack of information, people may imagine the worst. So, if you say “person with a disability” there is no telling what the employer is thinking. Therefore, one could argue that the more information that is shared in positive terms, and the more exposure employers have to the abilities of individuals with disabilities, the better chance there is for facilitating a job. With this thought in mind, the disclosure question becomes not *if* one should disclose a disability, but *how* does one effectively disclose? The following guidelines may prove useful.

When describing the person for an interview, take the opportunity to advise the employer about any special needs or the uniqueness of the individual. For example, if the applicant has limited communication skills, prepare the employer by suggesting interview questions to which the person will be able to respond. Or, if an applicant may not maintain eye contact with the employer, a comment such as the following may prevent the employer from making negative judgments. “I want to let you know that Joe has never worked and may not appear engaged during the interview. He is quiet when he meets new people.”

Employers should also be informed about accommodation needs for the interview. For example, revealing that an employment specialist will accompany the individual who has an intellectual disability to complete the application only serves to better prepare the employer. If the candidate has a unique appearance, discuss a positive way to disclose this information to the employer. “Mary has asked me to share with you that she was in an automobile accident. As a result, she has a scar from her left eye to her mouth. She wants to assure you that this does not impact her vision or ability to perform the essential functions of the position.”

Can a creative job search minimize the need to disclose a disability?

Ask “what is the best way to find a job?”, and the answer may be to look for/answer advertisements in the newspaper. Or, use the Internet to search for job postings. Or, buy a book on job-hunting at the bookstore. This longstanding traditional approach to job hunting focuses on looking for existing openings and competing with others for the same jobs. This “numbers game” approach to finding a job works on the principle that employers attract a large number of applicants, screen most of them out, interview some, select the best candidate, and offer that person the job. The goal is to screen out applicants who do not look good on paper, have limited work experience, gaps in their employment history, or lack specific qualifications which in reality, may not even be relevant to getting the job done.

This approach to finding employment can work against many individuals and particularly those with disabilities.

Instead of playing the numbers game, a creative job hunt is conducted to locate opportunities to negotiate an individualized job description. The creative approach can minimize a person's disability as an issue. Since there is no job at stake, the employer does not measure the person against an ideal job candidate. This allows employers to shift their attention to creative ways to use the person's strengths in a workplace.

Closing Tips for Disclosure

Be prepared to discuss the specific disability in a positive and educational way. It may not be necessary, but be prepared. If disclosure is needed then be brief, straightforward, and positive. For example, "Tomika has autism. This affects her ability to understand multi-step verbal instructions." State the accommodations or modifications needed to succeed at work. For example, "This means that Tomika will need some extra support to help her become a high-performance employee for your company. If hired, a job coach who has been trained to teach Tomika new skills will accompany her to work and provide on-the-job skills training." Or, "She does not have a driver's license, but she has access to a transportation service. The service only operates between the hours of 10 a.m. and 5 p.m." Or, "She is also available on weekends, because family members are willing to provide transportation."

Then provide examples of successes the person has had in the past when using the supports. For example, "While in school Tomika received on-the-job training at the Cookie Mart. She received instruction from a job coach and learned how to bake cookies and brownies. Here is a reference from the manager that indicates that she was an exceptional worker."

Finally, be prepared to answer questions about the specific disability. In some instances, it may be helpful to give an employer a fact sheet about general disability information such as tips for interacting with people with disabilities. The employment specialist should always approach disclosing a disability with a positive attitude and focus on the "win-win" situation that will occur if the individual is offered a position.

Acknowledgement

The contents of this resources were developed under a grant number H421D220009 from the Department of Education. However, those contents do not necessarily represent the policy of the Department of Education, and you should not assume endorsement by the Federal Government. (Authority: 20 U.S.C. §§ 1221e-3 and 3474).