



Mineral



Question of the Week

April 10, 2024

Question

A candidate told us they have a disability. What do we need to do?

ANSWER

We recommend asking if they need an accommodation during the application process, but above all, ensure that having this information doesn't influence your hiring decision. The Americans with Disabilities Act (ADA) requires employers to provide accommodations to applicants with disabilities if needed to be considered for a job unless the accommodation causes an undue hardship. If the applicant doesn't need an accommodation, simply continue to focus on the candidate's skills and abilities relative to the position you're hiring for.

As you're likely aware, employers are prohibited from asking about disabilities before offering an applicant the job. As a best practice, you should be asking *all* candidates—not just those who disclose a disability or appear to have a disability—whether they can perform the essential functions of the job with or without a reasonable accommodation. This can be as simple as adding a question to your job application.

It's important to not make assumptions about a candidate's ability to perform their job based on their disability. If a candidate, during the post-offer stage, requests an accommodation to perform the essential functions of their job, then you would engage in the interactive process with them to determine what accommodations may be effective.

This Q&A does not constitute legal advice and does not address state or local law.