



Employer Guide to Hiring Persons with Disabilities

Facts about Hiring People with Disabilities

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| <p>✓ Fact 1</p> | <p>Research has shown that People with Disabilities have higher motivation to work; more loyal toward employers; and have friendlier interactions with customers, more consistent job performance, higher scores in job satisfaction, and better abilities in problem-solving and finding creative solutions (Aichner, 2021).</p> |
| <p>✓ Fact 2</p> | <p>Research also shows advantages of hiring persons with disabilities of lower rates of absenteeism and turnover; higher return on investments in training and development; increases in productivity, innovation, business performance, market share, and shareholder value; and a more positive work environment overall (Aichner, 2021).</p> |
| <p>✓ Fact 3</p> | <p>Businesses may qualify for tax benefits when they hire individuals with disabilities (Bureau of Labor Statistics, 2022).</p> |
| <p>✓ Fact 4</p> | <p>Businesses that hire persons with disabilities as a part of their diverse team have shown positive impacts on their company image for stakeholders and customers – and it increases the likelihood of a more diverse customer base (Vashishth & Jhamb, 2021).</p> |
| <p>✓ Fact 5</p> | <p>Hiring persons with disabilities increases profitability and savings, while also lowering safety risks and work-related accidents (Vashishth & Jhamb, 2021).</p> |

Potential Employer Questions

Q How would an employee with disabilities compare to an employee without disabilities?

A Research shows that employees with disabilities have highly desirable traits that employers look for. When compared to employees without disabilities, PWD have higher motivation to work, more loyalty towards employers, and companies show lower rates of absenteeism and turnover, and increased productivity (Aichner, 2021; Vashishth & Jhamb, 2021).

Q Are people with disabilities only available to work part-time?

A Not necessarily. The Bureau of Labor Statistics (2022) reports PWD are more likely to work part-time than non-disabled workers, however, assumptions should not be made regarding availability based solely on disability status. There are many reasons for individuals to work part-time.

Q How will customers or stakeholders react when we have people with disabilities on our staff?

A Vashishth & Jhamb (2021) reported positive impacts on company image for stakeholders and customers in most organizations and industries and holds true specifically for the hospitality and food industries.

- Not only is a diverse workforce more effective (Aichner, 2021), a more diverse employment team increases the likelihood of a more diverse customer base (Vashishth & Jhamb, 2021).
- Simply put, representation matters for both customers and stakeholders!

Q Do employees have to disclose their disability?

A No, that is a personal decision. Disclosure often occurs when accommodations are requested.

- [Find more information on disability disclosure.](#)

Q Do all employees with disabilities require accommodations?

A No

Q When accommodations are requested, they are expensive, right?

A Not necessarily. Around 56% of the time, accommodations are free; the remaining accommodations are typically a one-time cost of roughly \$500 (JAN, 2020).

- You can find more information about accommodations (common types, costs, and implementation recommendations) from the [Job Accommodation Network \(JAN\)](#).

Q Will accommodations be hazardous or get in the way?

A No. When accommodations are appropriately implemented, fewer work injuries are reported, and safety levels increase for *integrated workplaces (Vashishth & Jhamb, 2021).

- *Integrated workplaces = employees with and without disabilities working together in the same environment.

Q What are the economic benefits of hiring individuals with disabilities?

A There are many economic benefits. Some include higher retention rates, lower safety risks, higher return on investments in training and development, and potential tax benefits.

Q What are the tax benefits?

A The most common is the Work Opportunity Tax Credit (WOTC).

Q How does the WOTC work?

A The credit is made available to businesses that hire individuals from specific groups/populations that face consistent and significant barriers to employment.

- [Find more information on the IRS website.](#)

Additional information on this topic can be found at www.tacqe.com.

★ Recommended Readings:

- Vashishth, A. & Jhamb, D. (2021). [Why should employers hire people with disabilities? – A review of benefits for the hospitality industry](#). Revista Turismo & Desenvolvimento, 35, 9-21.
- Lindsay, S., Cagliostro, E., Albarico, M., Mortaji, N., & Karon, L. (2018). [A systematic review of the benefits of hiring people with disabilities](#). Journal of Occupational Rehabilitation, 28, 634-655.
- Aichner, T. (2021). [The economic argument for hiring people with disabilities](#). Humanities & Social Sciences Communications, 8(22).

- Gewurtz, R. E., Langan, S., & Shand, D. (2016). [Hiring people with disabilities: A scoping review](#). *Work*, 54(1), 135-148.
- Phillips, B. N., Deiches, J., Morrison, B., Chan, F., & Bezyak, J. L. (2016). [Disability diversity training in the workplace: Systematic review and future directions](#). *Journal of Occupational Rehabilitation*, 26(3), 264-275.

Job Accommodation Questions Employers May Have: Answers and Resources

Q What is Title I of the Americans with Disabilities Act (ADA): Employment?

A Title I of the ADA: Employment (enforced and regulated by the U.S. Equal Employment Opportunity Commission):

- Prohibits discrimination against qualified individuals with disabilities in specific areas of employment policies and practices (e.g., harassment/intimidation, terms/conditions of employment, wages/benefits, hiring, layoff, termination, pensions, advancement opportunities, training, medical examinations, personnel evaluations)
- It also requires covered employers to provide **reasonable accommodations** that enable qualified individuals with disabilities to perform essential job functions
- All personnel policies and employment decisions must be the same for people with disabilities as for other workers

Q Which Employers Are Covered by Title I of the ADA?

A All employers in the public and private sectors, except for those with under 15 employees, the Federal government, Native American tribes, and tax-exempt private membership clubs. Labor unions, religious organizations, and state and local governments are covered employers under the ADA.

- **Note:** Sections 501-504 of the Rehabilitation Act of 1973 prevent the Federal government, Federal contractors and any programs receiving Federal funds from discriminating against people with disabilities

Q What is a Job Accommodation?

A A modification to the work environment or to the way an essential job function is performed. The purpose is to allow an otherwise

qualified person to enter or to continue in employment by removing or reducing significant disability-related work limitations.

- Common areas of work limitation include:
 - Inaccessible workstation (e.g., too far from other work areas)
 - Physical barriers (e.g., flights of stairs, slippery floor coverings)
 - Operation of equipment and technology
 - Work environment (e.g., temperature, lighting)
 - Strength and Stamina (e.g., lifting, moving objects, fatigue)
 - Motor/Coordination (e.g., typing, speech)
 - Sensory (e.g., seeing, hearing)
 - Cognitive (e.g., social cognition, memory, organization)
 - Mental Health (e.g., depression, anxiety, trauma disorders, substance use disorder)

Q What Are Some Examples of Accommodations Used in Service Industries?

A Categories of Reasonable Accommodations suggested by the U.S. Equal Employment Opportunity Commission include:

- Restructuring of existing facilities (e.g., curb cuts, elevators, accessible restrooms).
- Restructuring of the job (e.g., changing duties [not essential functions]).
- Change in work location (e.g., telecommuting, home-based work).
- Modification of work schedules (e.g., flextime, reduced hours).
- Reassignment to another position (must be a vacant position, must not violate union or seniority rules, usually a last resort).
- Modification of equipment (e.g., a lifting hook on an assembly line).
- Installation of new equipment (e.g., cognitive support apps, voice activation software, large monitor).
- Provision of qualified readers or interpreters.

The **Job Accommodation Network (JAN)** provides extensive examples and resources for employees and employers about industry specific accommodations - see: [AskJAN.org](https://askjan.org).

i Reference:

Rumrill, P.D., & Rumrill, S. (2022). The Win-Win Approach to Workplace Accommodations: Assessment and Intervention Strategies to Promote Long-Term Career Success for RETAIN Kentucky Participants. Presented by the University of Kentucky Human Development Institute.

Employer Questions about Privacy in the Workplace

Q Can I ask prospective employees if they have a disability?

A According to the EEOC, the answer is No. Before a job offer has been made to an applicant, employers cannot ask questions about an applicant's disability, or questions that are likely to reveal whether an applicant has a disability. This is true even if the disability is obvious. For example, employers cannot ask an applicant:

- Do you have a disability?
- What medications are you currently taking?
- Have you filed any workers' compensation claims?
- Employers also cannot ask questions about an applicant's genetic information, such as the applicant's family medical history or receipt of genetic tests or genetic counseling.

However, if an applicant has a disability which is obvious or which the applicant has disclosed to the employer:


- Employers may ask if the applicant will need assistance with, or a change to, the application process because of a disability
- Employers may ask an applicant if he will need a change to the work environment or to the way a job is usually done, if the employer reasonably believes that the applicant will need a reasonable accommodation to perform the job.

Note: These rules apply to any communications with or about the applicant, including **application forms, interviews, and reference checks**. They also apply whether the employer is seeking information from the applicant or from another person, such as the applicant's doctor, former employers, friends, or family. Different

rules apply after a job offer is made and after the employee starts working for you.

Also: Due to the affirmative action requirements of the Rehabilitation Act of 1973 section 503, a federal contractor or subcontractor may “invite” people to identify themselves as a person with disabilities on pre-employment forms (ADATA, 2022). An employer cannot make it a requirement to answer the question.

Can I tell anyone about an employee's disability?

 An individual has a right to privacy. As such, the Americans with Disabilities Act (1990) requires, with only a few exceptions, information relating to an employee's disability to be kept confidential. The exceptions include emergency personnel if the employee needs emergency assistance; supervisors and managers, but only if they need the information to facilitate reasonable accommodations or restrictions; and government officials investigating ADA compliance.

Resources:

- **To learn more about how to handle employee medical information, check out:**
 - [Confidentiality of Medical Information under the ADA.](#)
- **To learn more about how to answer questions coming from co-workers or unions, check out:**
 - [The Manager's Dilemma: "An Employee Is Asking About a Co-Worker's Accommodation. as a Manager, What Do I Say?"](#)
- **To learn more about what employers may ask a prospective employee or employee about their disability, how to answer co-workers' questions, and issues around reasonable accommodations, check out:**
 - The EEOC's ["What can't I ask when hiring?"](#) page, or
 - the Disability Disclosure section in the EEOC [Enforcement Guidance on the Americans with Disabilities Act and Psychiatric Disabilities.](#)

Other Resources:

- American with Disabilities Act, 1990, 29 CFR Part 1630, 29 CFR Part 1614
- American with Disabilities Act National Network Information, Guidance and Training on the Americans with Disabilities Act (ADATA), (n.d). [Top ADA frequently asked questions.](#)

- Equal Employment Opportunity Commission. (1997). [Enforcement Guidance on the Americans with Disabilities Act and Psychiatric Disabilities.](#)

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★ **Recommended Resources:**

- [Job Accommodation Network \(JAN\)](#)
 - [The Employer Page \(Information by Role\)](#)
 - [The Workplace Accommodation Toolkit](#)
 - [A to Z of Disabilities and Accommodations](#)
- [The Office of Personnel Management](#)
 - [Disability Employment](#)
 - [Retention](#)
 - [Disability FAQs](#)
 - [Reference Materials](#)
- [Disability & Health Inclusion Strategies](#)
- [Office of Disability Employment Policy](#)
- [Office of Disability Rights – Types of Reasonable Accommodations](#)
- [EARN – Examples of Reasonable Accommodations](#)

Contact a Technical Assistance Center for Quality Employment expert at: contact@tacqe.com.



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