



Division of Vocational Rehabilitation Business Relations Unit

ADA Disclosure Decisions

(Americans with Disabilities Act)

For the Employee:

If you are an individual with a disability and you are looking for employment, you must first decide if there is a NEED to disclose that disability at all.

- Does your disability impact your ability to do the job? If not, then you may not need to disclose at all.
- If it does, then you should start to consider what accommodations you would need in order to do the essential functions of your job effectively.

If disclosing to your employer is needed, then you need to determine WHEN to do so. While under the ADA an individual with a disability can disclose their disability at any time in the employment process, you want to weigh the pros and cons of your timing.

- **Before employment offer:**
 - PROS** - allows time to prepare a positive statement and gives time to provide accommodations.
 - CONS** - employer's bias may be affected before actual abilities.
- **During the interview:**
 - PROS** - able to address disability and present reasonable accommodations in a positive manner.
 - CONS** - employer could be unprepared for the conversation and that could affect decision for consideration.
- **After employment offer:**
 - PROS** - may now have legal discourse should disclosing the disability result in a withdrawal of the offer.
 - CONS** - employer may feel tricked and trust is compromised.
- **After employment starts/when needs arise:**
 - PROS** - established credibility and relationships with managers and coworkers.
 - CONS** - may take more time for the accommodations to be provided and adjusting work performance expectations could be difficult.

Now you want to determine HOW you should disclose. Disclosure should be a mutually beneficial decision, for your success and for the employer's success.

- Be optimistic and focus on your abilities to do the job. Provide information and suggestions on accommodations you may need to be successful, and frame your disclosure around how you work best with your disability.



For the Employer:

- Remember, an individual with a disability can disclose their disability at any time in the hiring or employment process and still be protected under the ADA.
- Just because they have disclosed their disability, doesn't always mean they are asking for a reasonable accommodation. Learn to recognize when someone needs a reasonable accommodation but it is the individual's responsibility to ask for one.
- Have your company's process in place and ready for when a Reasonable Accommodation is requested.
- Regardless of when the individual has disclosed their disability to you, check your implicit bias before responding. This is their legal right and if you have a process to provide accommodations, then the focus is on how to find a mutually beneficial solution.
- Utilize resources that are available to you to help you in providing any reasonable accommodations, like the Rocky Mountain ADA Center, JAN, or the EEOC.