

JAN

Job Accommodation Network

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Effective Accommodation Practices (EAP) Series

Dos and Don'ts of Disclosure

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ODEP

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JAN'S EAP SERIES

DOS AND DON'TS OF DISCLOSURE

Disclosing a disability may be a consideration when starting a new job; transitioning from school, another job, or unemployment; or retaining a job after acquiring a disability. For individuals who may still be struggling with accepting their medical condition, making the decision to disclose can be overwhelming. Because some impairments are not visible, individuals may face such challenges as understanding their impairments and determining what types of accommodations are available. As with any new experience, preparation is vital. The following provides an overview of the dos and don'ts of disclosure. Note that disclosing is a very personal decision, but some of the following tips may be helpful in making that decision. Contact JAN for additional information related to job accommodations, the Americans with Disabilities Act (ADA), and other resources.

Do disclose when you need an accommodation:

Deciding when to disclose can be a difficult choice for a person with a disability. If you have a hidden disability such as brain injury or post-traumatic stress disorder, knowing when to disclose your condition can be a real dilemma.

Under the ADA you can request an accommodation at any time during the application process or while you are employed. You can request an accommodation even if you did not ask for one when applying for a job or after receiving a job offer. So when should you disclose that you have disability? In general, you should disclose your disability when you need to request a reasonable accommodation - when you know that there is a workplace barrier that is preventing you, due to a disability, from competing for a job, performing a job, or gaining equal access to a benefit of employment like an employee lunch room or employee parking.

Do know who to disclose to:

This can be tricky. Many employers have their own in house procedures that detail how they handle accommodation requests. Check your employee handbook or your company's intranet for this information. Also, if you have an EEO office or a human resources department, they can assist you. The other option is to talk to your manager or supervisor directly.

Do know how to disclose:

According to the Equal Employment Opportunity Commission (EEOC), you only have to let your employer know that you need an adjustment or change at work for a reason related to a medical condition. You can use "plain English" to make your request and you do not have to mention the ADA or use the phrase "reasonable accommodation."

Once you disclose, then the interactive process should begin. At this point, your employer can ask for limited information about your disability and your need for accommodations.

Don't disclose too soon:

Many people with hidden disabilities may feel that they are not being completely honest with an employer if they do not tell everything about their disability up front at the time of their interview. Just remember that you are not obligated to do so. When you disclose, just provide basic information about your condition, your limitations, and what accommodations you may need.

Don't disclose too late:

Don't wait to disclose until after you begin to experience work performance problems. It is better to disclose your disability and request accommodations before job performance suffers or conduct problems occur. Employers do not have to rescind discipline that occurred before they knew about the disability nor do they have to lower performance standards as a reasonable accommodation. Remember, the purpose of an accommodation is to enable a qualified person with a disability to perform the essential functions of the job. So, disclose when you first realize you are having difficulties.

Don't disclose to everyone:

Remember that you have a right to keep information about your disability private. It is not necessary to inform coworkers and colleagues about your disability or your need for accommodations. While they may be aware of the accommodations, especially if you are allowed to take extra breaks or you have a flexible starting time, they are not entitled to know why. Your employer is required by the ADA to keep your disability and medical information confidential and to give it to managers and supervisors only on a need-to-know basis.

MOST IMPORTANTLY, DO YOUR HOMEWORK:

No one knows more about your disability than you do so tell your employer what you think you need, but also research other accommodations options such as a flexible start time or working from home part of the time. For additional information on the types of accommodations you could ask for, see: <http://AskJAN.org/media/atoz.htm>

For additional information on requesting accommodations see, Employees' Practical Guide to Negotiating and Requesting Reasonable Accommodations Under the Americans with Disabilities Act (ADA) at <http://AskJAN.org/EeGuide/>

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