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## Resources for the Career and Professional Development Department

### Disclosing an Autism Diagnosis to an Employer

I am providing three sources that can benefit Autistic students in disclosing their diagnosis to employers. The first source is the Job Accommodation Network with four separate resources/links that can aid in general disclosure of diagnosis to employers along with their rights as individuals with a disability. The first link below provides a list of Do's and Don'ts when disclosing their diagnosis such as when to disclose and how to disclose their diagnosis. The second link is a source found on the JAN website but created by Ticket to Work and talks about the questions individuals with a disability might have before disclosing their diagnosis. It goes over why they might disclose as well as the benefits/accommodations granted and help they might want to seek. The third link is an overview of the ADA and disability disclosure as well as commonly asked questions and answers about disclosing a disability. The third source is a word file found on the JAN website located at the bottom end of the document of a disclosure module transcript. This module goes over ADA basics as well as when and how to disclose a disability to an employer with examples.

1. [https://askjan.org/articles/Dos-and-Don-ts-of-Disclosure.cfm?csSearch=4514544\\_1](https://askjan.org/articles/Dos-and-Don-ts-of-Disclosure.cfm?csSearch=4514544_1)
2. <https://choosework.ssa.gov/blog/2018-07-16-talking-about-disability-disclosure?CFID=206982494&CFTOKEN=38d44901715e4867-22D1FBF2-F8C8-BF60-4EDF2B168228438C>
3. <https://askjan.org/topics/Disability-Disclosure.cfm>

These sources, while not specifically for Autistic Individuals give information about the ADA and general knowledge about how to disclose a diagnosis to an employer. I suggest that this information be used to create basic information accessible by the CPDD webpage about their ADA rights pertaining to (the) employment (process) and about being interviewed as an Autistic individual.

The second source, the National Autism Society, although it is not a United States organization still has useful information that can be applied for individuals with Autism in the US. The first link below provides specific guidance for Autistic individuals when deciding to tell their employer about their diagnosis including pros and cons and possible accommodations they might request. The second link is a short video on five tips for disclosing their Autism diagnosis. Some of these tips include maybe bringing a facts sheet about their diagnosis to an interview, having strengths about their

neurodivergence ready to state, accommodations they might ask for such as support they might have received in school, and to ask someone who knows them well to gain insight on their strengths and how to support them.

1. <https://www.autism.org.uk/advice-and-guidance/professional-practice/disclosing-employment>
2. <https://www.autism.org.uk/advice-and-guidance/topics/employment/support-at-work/autistic-adults>

For these two resources, I suggest that the first one be integrated in the webpage mentioned above. I think that the five tips video could provide initial tips about disclosing their diagnosis. I do think the idea of a video would be very beneficial for Autistic individuals and a longer more detailed video could be created for DU students on the spectrum about the interview process along with tips for diagnoses disclosure and added to the same webpage.

The last source I found is a template on disclosing their ADS diagnosis created by the Autism Society of North Carolina. It is divided into five sections starting with deciding if they should disclose their diagnosis to their employer, which ultimately ends up being a personal decision. The template includes advantages for disclosure as well as helping them with the process of the disclosure. The template mostly guides the individual with disclosure before employment but ends with a section about disclosure after employment. I think the best part of this template is the script provided in an interview situation that serves as a guideline that Autistic individuals can personalize to their situation and practice before an interview.

<https://www.autismsociety-nc.org/wp-content/uploads/Disclosure-at-work.pdf>

This template could be useful as a handout for Autistic individuals or something that a counselor could walk them through to prepare them for disclosing their diagnosis before or after the interview process. I also think that more templates like this one could be created to provide the assistance that Autistic individuals would benefit from. The template could be shortened for more specific examples and other scripts could be written for different situations. This template serves as a good starting point for handouts/infographics that the CPDD could provide for Autistic students at DU.

## **Job Accommodation Network**

# Disclosure Module

## Slide 1:

Hello, everyone, and thank you for choosing this presentation for your training needs. I'm Linda Batiste, and I'm a Principal Consultant for the Job Accommodation Network, which we call JAN for short. For those of you who aren't familiar with JAN, we're funded by a contract from the U.S. Department of Labor, Office of Disability Employment Policy.

## Slide 2

As our name indicates, we specialize in providing information about all aspects of job accommodations. We also provide information on the employment provisions of the Americans with Disabilities Act, or ADA for short, and self-employment for people with disabilities. All the information and services we provide are available free of charge.

## Slide 3:

As a free, national resource for information about the ADA and job accommodations, anyone can use our services, but we get most of our questions from employers, individuals with disabilities, and service providers. One of the frequent questions we get from individuals with disabilities is when and how to tell an employer about their disability.

## Slide 4:

In this presentation, we're going to discuss issues to think about when choosing whether to disclose a disability, ADA basics related to disclosure, disclosure during the job application stage, handling illegal medical questions, explaining gaps in employment, how to disclose when requesting an accommodation, and disclosing for other reasons besides requesting an accommodation.

## Slide 5:

In general, disclosing a disability to an employer is a personal decision. In most situations, there is nothing dishonest or covert in not disclosing upfront.

People are hesitant to disclose for various reasons, including a past negative experience; fear of being discriminated against, harassed, or bullied because of a disability; being uninformed about their ADA rights in the workplace; and very simply, because they don't know what they need from an employer and whether disclosing would be useful.

Other people always choose to disclose their disabilities to an employer. Some feel that they need to disclose in order to be honest with an employer. Others feel that their disability is such a part of them that it makes no sense for their disability to go undisclosed. Some may feel that if an employer is not willing to work with them from the start, the employer won't be willing to provide accommodations and support if and when they are needed later on.

For all these reasons, individuals may decide it's better for them to disclose their disabilities to an employer or it's better for them not to disclose. Again, it's generally up to each individual to decide, but there are times when disclosure is necessary in order to be protected under the ADA.

## **Slide 6:**

Let's look at some ADA basics and when disclosing a disability might be necessary.

The ADA has two main requirements in the workplace: employers must not discriminate based on an individual's disability, and they must provide accommodations for individuals whose disabilities are interfering with applying for jobs, performing job duties, or enjoying equal benefits of employment such as parking, using break rooms, or attending employer-sponsored training. However, before an employer has a duty to provide an accommodation, the employer must be aware that an individual has a disability and needs the accommodation.

In our experience, this is the main reason a decision to disclose a disability comes into play. We'll talk more about requesting accommodations in a few minutes.

## **Slide 7:**

But first, there's another reason individuals may need to consider disclosing a disability and that's when an employer asks them about their disability. In some cases, the questions are permitted under the ADA, but in other cases the questions are illegal.

The ADA has different rules about what medical questions an employer can ask depending on the stage of employment. Before a job offer is made, employers are generally prohibited from asking any medical questions, with a couple exceptions we'll talk about in a minute. Once a job offer is made, but before the new hire starts working, employers can ask any medical questions they want and even require medical exams if they follow certain rules. Once an employee starts working, an employer must have a valid reason to ask medical questions or require medical exams. Let's look at these rules a bit closer, as they can be really important when deciding whether to disclose.

## **Slide 8:**

Pre-employment, before a job offer is made to an applicant, an employer is not allowed to ask any medical questions or require medical exams or documentation, with a few exceptions.

One exception is if an applicant asks for an accommodation for the application process. When an applicant requests an accommodation for the application process, the employer can ask about the disability and why the accommodation is needed or require medical documentation to prove that the applicant has a disability under the ADA and really needs the requested accommodation.

Another exception is if an applicant has an obvious disability, or discloses a disability, and the employer has a reasonable belief that the disability will interfere with job performance. For example, if an employer is interviewing applicants for a job that requires heavy lifting and climbing ladders and an applicant comes to the job interview using a wheelchair, the employer can ask the applicant how he would perform the job from the wheelchair and what accommodations he might need. However, in this case the employer must wait until after a job offer has been made to require medical documentation.

The final exception is for affirmative action, when an employer wants to give hiring preference to applicants with disabilities. Employers are allowed to ask if you have a disability for affirmative action reasons as long as disclosing your disability is voluntary, and the employer explains why you're being asked to disclose.

## **Slide 9:**

Next, let's look at the post-offer stage. After making a job offer to an applicant, employers can ask any disability-related questions and perform any medical exams they want as long as all new hires in the same job category are subjected to the same inquiries or exams. Any follow up questions must be related to the initial inquiries and

exams. For example, an employer requires all newly hired warehouse workers to undergo a medical exam. The exams reveal that one of the new hires has a pre-existing back condition. The employer can ask that one new hire more questions related to the back condition.

At this stage, if an employer legally asks medical questions or requires exams, an individual should answer honestly, which may mean disclosing a disability.

## **Slide 10:**

Once an individual begins working, an employer must have a valid reason to ask medical questions or require medical exams or documentation. Some examples of valid reasons are: when an employee requests an accommodation and the disability and need for the accommodation are not obvious or already documented; when an employer "has a reasonable belief that an employee's ability to perform essential job functions will be impaired by a medical condition or an employee will pose a direct threat due to a medical condition; and when required to do periodic exams or monitoring of employees in safety sensitive jobs such as pilots, bus drivers, police, and firefighters.

## **Slide 11:**

Now that we've talked about the ADA rules for when an employer can legally ask medical questions or require medical exams or documentation, let's talk about what you might do if an employer asks an illegal question. For example, what if an employer asks you whether you have a disability during a job interview? What might you do?

There is no one right way to handle illegal questions, but in general it's probably better not to lie. If you lie and the employer finds out about it, your relationship with the employer could be compromised even though the question was illegal.

Some people decide to just answer the question honestly and hope it won't affect their chances of getting the job. Other people choose to tell the employer that it's illegal under the ADA to ask the question and they refuse to answer it.

A response that some people prefer is to try to evade the question and refocus the discussion on job qualifications. For example, if an employer asks whether you have any medical conditions that would interfere with job performance, you might answer that you believe you can fully perform the job and then explain your job qualifications. Even if you need accommodations to do the job, this is an honest answer because employers are supposed to consider whether you can do the job with or without an accommodation.

## **Slide 12:**

A gap in employment may be another reason you may need to disclose a disability during the interview process. There can be various reasons for a gap in employment, and those gaps may vary in length. Many individuals with disabilities who have needed to take a break from employment to focus on their health are unsure how to address the issue if it comes up in an employment interview. While there's no perfect answer, often the best way to handle difficult questions during the interview is to be prepared for them. Make a list of the questions you know you are going to have trouble with and formulate an answer, then practice your answers so you'll be ready.

If you're asked about a gap in your work history, you could try talking about what you have been doing instead of what you haven't. Think about valuable life experience you may have gained during this time. Have you been taking care of children or a parent, going to school, taking art classes, or volunteering?

If not, a gap in employment might lead you to disclose your disability. Be sure to do it in a way that shows you have dealt with the situation in a positive manner, are ready to move forward, and are qualified and able to do the job you want.

## **Slide 13:**

If you've decided you want or need to disclose a disability, you may have questions such as: What does it mean to disclose a disability? How do you do it? How much information should you provide? When do you do it? There is no one right time or way to disclose a disability, so the answers to all these questions often depend on why you are choosing to disclose.

With the few exceptions we talked about earlier, you can decide when and how to disclose, but there are some things to keep in mind. First, keep in mind that you might want to limit the details you provide, at least at first. For example, employers usually don't need to know about your treatment history, every flare up you've had, or all the details about how your disability has affected you. Think about why you're disclosing and provide appropriate information.

Another thing to keep in mind is that if you're having trouble performing your job because of your disability, you should consider disclosing before you are reprimanded for poor performance. Your employer doesn't have to rescind discipline or poor performance evaluations that happen before you disclose.

## **Slide 14:**

When disclosing because you need an accommodation, you should let your employer know that you need a change or adjustment at work for a reason related to a medical condition. Employers have the right to request medical documentation that proves you have a disability and need an accommodation so if you want, you can go ahead and provide this information when you make your request and not wait for your employer to ask for it.

## **Slide 15:**

Proving you have a disability means showing that you have an impairment and that the impairment creates a substantial limitation in one or more major life activities. If you're hesitant to give your exact diagnosis, you could try giving a more general description and see if the employer accepts it. For example, rather than disclosing anxiety and depression, you could disclose that you have a mental health impairment.

Major life activities are things like running, seeing, hearing, thinking, breathing, lifting, as well as bodily functions such as organ functioning, brain functioning, circulatory system functioning, etc. You only have to show that you're substantially limited in at least one major life activity to prove that you have a disability under the ADA.

Then, you also need to let your employer know what limitation you have that is creating the problem at work. This limitation may be different than the one you used to prove that you have a disability. For example, if you have anxiety and are substantially limited in brain functioning, you may need an accommodation because you have trouble sleeping because of the medication you take.

## **Slide 16:**

If you don't need an accommodation, you may choose to disclose for other reasons. In this case you can provide whatever information you think is appropriate and can make the disclosure when you decide it's the right time to do so.

Some employees want their employers to know about their disabilities in case something happens at work. For example, if you have a seizure disorder, you may choose to inform your employer so the employer will be prepared in case you have a seizure at work even if you're unlikely to have one.

And some employees disclose simply because they want their employers to know about their disabilities. If you choose to disclose for this reason, you might want to let the



employer know that that's why you're disclosing. Some employers could be confused about why you're disclosing if you don't tell them and may think there's something they need to do with the information.

## **Slide 17:**

And that completes our training. We hope you find it helpful. Be sure to check out the additional materials we provided, including two training videos that demonstrate individuals with disabilities disclosing to employers, one during an interview and one when asking for accommodations on the job.

In case you need more information, visit our disclosure page under A to Z By Topic, and you can always contact us at JAN.

You can reach us toll free at 800-526-7234 for voice or 877-781-9403 for TTY or visit us on the Web at [AskJAN.org](http://AskJAN.org). We hope to talk to you soon and again, thank you for making JAN a part of your training program.