

# ACCOMMODATIONS DURING THE HIRING PROCESS

## 2022

Title I of the Americans with Disabilities Act of 1990 (ADA) makes it illegal for Texas Children's to discriminate against a qualified applicant with a disability.

An applicant with a disability, like all other applicants, must be able to meet the requirements for the job-- including education, training, employment experience, and skills. In addition, they must be able to perform the essential functions of the job-- either on their own or with the help of reasonable accommodation(s).

This fact sheet, adapted from the Equal Employment Opportunity Commission's website, answers some common questions about accommodations during the job search process:



Texas Children's®

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## Reasonable Accommodation for the Application Process

### **1. I have a disability and will need an accommodation for the job interview. Is Texas Children's required to provide me with one?**

Yes. We are required to provide reasonable accommodation(s) to enable you to be considered for a job opening. Reasonable accommodation(s) may also be required to enable you to perform a job, gain access to the workplace, and enjoy the benefits and privileges of employment available to employees without disabilities.

### **2. Can Texas Children's refuse to consider me because I require reasonable accommodation(s) to compete for or perform a job?**

No, we cannot refuse to consider you because you require a reasonable accommodation(s) to compete for or perform a job.

### **3. What is considered a reasonable accommodation?**

In general, a reasonable accommodation is any appropriate change or adjustment in the work environment or in the way things are customarily done that enables an individual with a disability to enjoy equal employment opportunities. We do not have to provide a reasonable accommodation if it will cause undue hardship.

### **4. What does undue hardship mean?**

Undue hardship means it is significantly difficult or expensive.

### **5. Can Texas Children's refuse to provide me with an accommodation because it is too difficult or too expensive?**

We do not have to provide a specific accommodation if it would cause undue hardship. If the requested accommodation causes undue hardship, we will consider alternative accommodations that do not.

### **6. What are some examples of "reasonable accommodations" that may be needed during the hiring process?**

Reasonable accommodation(s) can take many forms, and are assessed on a case-by-case basis. Ones that may be needed during the hiring process include (but are not limited to):

- providing written materials in accessible formats, such as large print, braille, or audio files
- providing readers or sign language interpreters
- ensuring that recruitment, interviews, tests, and other components of the application process are held in accessible locations



- providing or modifying equipment or devices
- adjusting or modifying application policies and procedures.

**7. If I have a learning disability and need extra time to complete a written test, will Texas Children’s modify the way a test is given to me?**

Yes. We may be able to provide testing materials in alternative formats or make other adjustments to tests as an accommodation for you. We will give application tests in a format or manner that does not require use of your impaired skill unless the test is designed to measure that skill.

**8. When do I have to tell Texas Children’s that I need an accommodation for the hiring process?**

It is best to let us know as soon as you realize that you will need a reasonable accommodation for some aspect of the hiring process. We need advance notice to provide many accommodations, such as alternative formats for written documents, and adjusting the time allowed for taking a written test. We may also need advance notice to arrange an accessible location for a test or interview.

## Asking For Accommodations

**9. How do I request a reasonable accommodation?**

You may request an accommodation to the application/interviewing process orally or in writing. It may take some time for us to arrange it, so you should give as much notice as possible. You may request an accommodation by calling (832) 824-6721 or by emailing [WorkplaceAccommodations@texaschildrens.org](mailto:WorkplaceAccommodations@texaschildrens.org).

**10. What happens after I request an accommodation?**

We may need to discuss your request more fully in order to understand your disability and why you need an accommodation. You should respond to our questions as quickly as possible and be sure to explain how a proposed accommodation would enable you to participate fully in all aspects of the application/interviewing process. If your disability and need for accommodation are not obvious, we may ask you for reasonable documentation explaining the disability and why an accommodation is needed.



**11. I asked for a specific accommodation, but Texas Children's offered me a different one instead. Do I have to accept it?**

We are required engage with you in an interactive process and to offer an accommodation that will meet your needs. If more than one accommodation meets your needs, then we may choose which one to provide. You cannot insist on a specific accommodation only because it is a personal preference. If our proposed accommodation does not meet your needs, then you need to explain why.

## Discussing Disability with Texas Children's

**12. What are examples of questions that Texas Children's cannot ask on an application or during an interview?**

Examples of prohibited questions during the pre-offer period include:

- Do you have a heart condition? Do you have asthma or any other difficulties breathing
- Do you have a disability which would interfere with your ability to perform the job?
- How many days were you sick last year?
- Have you ever filed for workers' compensation? Have you ever been injured on the job?
- Have you ever been treated for mental health problems?
- What prescription drugs are you currently taking?

**13. When can Texas Children's ask me questions like the ones above?**

We can ask all of the questions listed in Question 12, and others that are likely to reveal the existence of a disability, after we extend you a job offer as long we ask the same questions of other applicants offered the same type of job. In other words, we cannot ask such questions only of those who have obvious disabilities. We may also require a medical examination after making a job offer as long as we require the same medical examination of other applicants offered the same type of job.

**14. Can Texas Children's ask me whether I will need a reasonable accommodation for the hiring process?**

Yes. We can tell all applicants what the hiring process involves (for example, an interview, timed written test, or job demonstration), and then ask whether they will need a reasonable accommodation for this process.

**15. I have an obvious disability. Will Texas Children's ask me medical questions during an interview?**

We will not ask medical questions about your disability in situations where the disability is visible or when you have voluntarily disclosed a hidden disability.

**16. After I receive a job offer, if I am required to take a medical examination in which I reveal that I have a disability, can the job offer be withdrawn?**

We will not withdraw the job offer solely because you revealed you have a disability. We can, however, withdraw the job offer if we find that you are unable to perform the essential functions of the job (with or without reasonable accommodation), or that you pose a significant risk of causing substantial harm to yourself or others.

**17. During the hiring process, if I give Texas Children's medical information that I do not want anyone else to know about, will Texas Children's keep this information confidential?**

Yes. Texas Children's adheres to the ADA's strict confidentiality requirements. The confidentiality requirements protect both information voluntarily revealed as well as information revealed in response to our written or oral questions or during a medical examination.

Medical information revealed during the hiring process (pre- or post-offer) will be kept confidential, with certain exceptions. We may share medical information with other decision-makers involved in the hiring process who need it so they can make employment decisions consistent with the ADA. We are permitted to share medical information with the following individuals:

- supervisors and managers may be told about necessary restrictions on the work or duties of an employee and about reasonable accommodations
- first aid and safety personnel may be told if the disability might require emergency treatment
- government officials investigating compliance with the ADA
- state workers' compensation offices, state second injury funds, or workers' compensation insurance carriers.

We may also use the information for insurance purposes.



## Discussing Accommodations to Perform the Job

### **18. Does Texas Children's ask applicants on an application form or during an interview whether they will need reasonable accommodation to perform the job?**

If we know that an applicant has a disability, and it is reasonable to question whether the disability might pose difficulties for the individual in performing a specific job task, then we may ask whether the applicant would need reasonable accommodation to perform that task. If the applicant indicates that accommodation(s) will be necessary, then we may ask what accommodation is needed.

### **19. Do I have to tell Texas Children's during the application process that I might need an accommodation to perform the job?**

No. You are not required to inform us about the need for a reasonable accommodation at any specific time, so this information need not be volunteered on an application form or in an interview. Determining the best moment to tell us about the need for reasonable accommodation on the job is a personal decision.

Sometimes, applicants are not aware they may need a reasonable accommodation until they have more information about the job, its requirements, and the work environment. Some applicants choose to disclose during the application process after they better understand the job and its requirements. Others choose to wait until they have a job offer.

## Being "Qualified" for the Job

### **20. What if my disability prevents me from performing some job duties?**

We are not required to hire you if you are unable to perform all the essential functions of the job, even with reasonable accommodation. However, we cannot reject you only because the disability prevents you from performing minor duties that are not essential to the job.

### **21. Can Texas Children's refuse to hire me because it believes that my disability makes it unsafe for me to perform a job?**

We can refuse to hire you if your disability poses a significant risk of substantial harm to you or others. If we have such concerns, we will seek appropriate information to assess the level of risk and the nature of the harm. This may include asking questions about prior work experience and requesting specific information from your doctor related to health and safety. We will also consider whether a risk can be eliminated or reduced to an acceptable level with a reasonable accommodation.



## Obtaining More Information about the ADA

### **22. How can I get more information about the ADA?**

You can obtain more information about the ADA and its requirements through the EEOC's website at [www.eeoc.gov](http://www.eeoc.gov) or by calling:

- 1-800-669-4000 (voice)
- 1-800-669-6820 (TTY)

