

WHAT KINDS OF QUESTIONS CAN EMPLOYERS ASK ME?

Under the Americans with Disabilities Act (ADA), an employer's ability to ask disability-related questions and require medical examinations depends on what stage you are at in the hiring process: **pre-offer**, **post-offer** or **employment**.

PRE-OFFER

At this stage, an employer **cannot** ask you disability-related questions or require you to have a medical examination. A disability-related question is one where your answer will likely contain information about your disability.

An Employer Can Ask:

- ✓ If you are able to perform a job or specific job duties
- ✓ You to describe or show how you would perform the job or job duties
- ✓ If you can meet the employer's attendance requirements
- ✓ If you have ever used illegal drugs

An Employer Cannot Ask:

- ✗ If you have a disability
- ✗ If you need a reasonable accommodation to perform the job
- ✗ About your or your family's medical histories
- ✗ What medications you are currently taking
- ✗ If you ever been addicted to drugs or alcohol
- ✗ If you have a history of workers' compensation

POST-OFFER: PRE-EMPLOYMENT

Once a conditional job offer is made, your employer can ask you disability-related questions. They can also require you to have a medical exam, even if it's not job related, as long as they do so for **ALL** new employees for the same job.

Your Employer Can Ask:

- ✓ About your workers' compensation history
- ✓ About your prior use of sick leave
- ✓ About your current or prior illnesses and diseases
- ✓ If you will need a reasonable accommodation to perform a job
- ✓ For reasonable documentation of a disability, if you are requesting a reasonable accommodation

EMPLOYMENT

Once you get the job and start working, your employer can ask you about your disability and medical records **ONLY** if the questions are related to your job and consistent with business necessity.

This means that the employer must reasonably believe that (1) your ability to do your job will be reduced by your disability/medical condition; or (2) you pose a direct threat due to your disability/medical condition.

DISABILITY
RIGHTS
MAINE 

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