



## WHAT EMPLOYERS NEED TO KNOW ABOUT WORKERS WITH DISABILITIES

### Overview

Receiving a job application from a person with a disability can create feelings of hesitation, confusion, or even resistance on the part of the employer. These same things can happen when a current employee needs an accommodation to perform a job because of a disability. Employers often believe hiring or accommodating employees with disabilities will be too costly or too disruptive. Employers may also think an employee with a disability presents a safety risk to themselves, other employees, or to customers, patients, or visitors.

The North Dakota Protection & Advocacy Project (P&A) protects the legal rights of people with disabilities, including those who seek employment. P&A provides education to employers about employing people with disabilities to dispel misconceptions and avoid legal violations.

### Basic Resources

US Department of Justice: [Ten Myths of Employing People with Disabilities Video](https://www.youtube.com/watch?v=rOw6x-2KJPY&feature=youtu.be):  
<https://www.youtube.com/watch?v=rOw6x-2KJPY&feature=youtu.be>

US Equal Employment Opportunity Commissions (EEOC) Resources:  
<https://www.eeoc.gov/eeoc-disability-related-resources>

Curb Cuts to the Middle Class Initiative:

[Resource Guide for Employers Recruiting, Hiring, Retaining and Promoting People with Disabilities](https://www.eeoc.gov/sites/default/files/migrated_files/eeoc/interagency/employing_people_with_disabilities_toolkit_february_3_2015_v4-2.pdf);  
[https://www.eeoc.gov/sites/default/files/migrated\\_files/eeoc/interagency/employing\\_people\\_with\\_disabilities\\_toolkit\\_february\\_3\\_2015\\_v4-2.pdf](https://www.eeoc.gov/sites/default/files/migrated_files/eeoc/interagency/employing_people_with_disabilities_toolkit_february_3_2015_v4-2.pdf)

### Applications and Interviews

Employers may have concerns about reviewing and interviewing job applicants with disabilities. The best resource for what employers can and cannot do during the hiring process is the EEOC publication [Job Applicants and the ADA](https://www.eeoc.gov/laws/guidance/job-applicants-and-ada) (<https://www.eeoc.gov/laws/guidance/job-applicants-and-ada>).

### Reasonable Accommodations

Employers may know they have to provide accommodations to employees and applicants with disabilities, but they may not know what to do when a person

**Please contact Protection & Advocacy for an alternative format of this handout.**

(October 2022)



## WHAT EMPLOYERS NEED TO KNOW ABOUT WORKERS WITH DISABILITIES

with a disability requests, or the employer becomes aware a person needs, an accommodation. Employers may react negatively to a request, fearful of the impact on the business which may result in a violation of the ADA or the loss of a well-qualified employee.

The US Department of Labor's [Job Accommodations Network](https://askjan.org/) (JAN) <https://askjan.org/> offers free advice, ideas, and solutions on reasonable accommodations and provides an [Employers' Practical Guide to Reasonable Accommodation Under the ADA](https://askjan.org/publications/employers/employers-guide.cfm?csSearch=4157526_1) ([https://askjan.org/publications/employers/employers-guide.cfm?csSearch=4157526\\_1](https://askjan.org/publications/employers/employers-guide.cfm?csSearch=4157526_1)).

The North Dakota Department of Human Services, [Vocational Rehabilitation Division](https://www.hhs.nd.gov/vr) (<https://www.hhs.nd.gov/vr>) also provides training and education on employing persons with disabilities.

### Costs and Employer Assistance

JAN reports that 56% of accommodations cost ZERO dollars, and the rest typically cost about \$500, but assistance is available to defray some costs.

- Federal tax benefits exist for employing persons with disabilities and removing architectural barriers for businesses of any size.
- The small business tax credit is available to offset costs to address a range of accessibility issues for both employees and customers with disabilities.
- North Dakota provides a state tax credit for employers who specifically hire persons with developmental or mental health disabilities. To participate in this state program, employers should first connect with ND Vocational Rehabilitation.

This document is funded through a Social Security grant. Although Social Security reviewed this document for accuracy, it does not constitute an official Social Security communication. This communication is printed, published, or produced and disseminated at US taxpayer expense.

**ND PROTECTION & ADVOCACY PROJECT**  
**400 E. BROADWAY, SUITE 409**  
**BISMARCK, ND 58501**  
**1-800-472-2670 OR (701) 328-2950**  
[www.ndpanda.org](http://www.ndpanda.org); [panda\\_intake@nd.gov](mailto:panda_intake@nd.gov)