ADVICE ON NAVIGATING THE JOB SEARCH FOR YALE LAW STUDENTS WITH DISABILITIES

Americans with Disabilities Act - www.ada.gov

Some key features

- The ADA defines disability as a “physical or mental impairment that substantially limits one or more major life activities.”
- You are not required to disclose your disability and an employer may only ask questions regarding your ability to perform the essential functions of the job. If you have not disclosed your disability and your employer notices your disability, the employer can only ask whether you will need an accommodation to perform the functions of the job.
- You have a right to a reasonable accommodation unless it will cause undue hardship for the employer.
  - Do research to understand your needs and likely costs. In contemplating the type of accommodation you may need, ask yourself how your disability impacts the main tasks of your job and what you most need as far as support, equipment or changes in order to perform these main tasks well.
    ▪ Accommodation examples: computer and speech recognition software; redesign or adjustment to work space; adaptive technologies such as screen reader; more frequent reminders of projects and due dates; more frequent short breaks; flexible work schedule or work from home; white noise machines.
- The ADA requires that your employer keep your medical condition and history confidential.

Considerations Regarding Disclosure of Your Disability

- Consider whether you will need a reasonable accommodation and whether your disability is visible or otherwise evident.
- Potential advantages to disclosure:
  - Access to services, support networks, accommodations.
  - May relieve stress to communicate and you may find that others are understanding and supportive.
  - For organizations involved in disability advocacy or who clearly articulate the goal of expanding their hiring of people with disabilities, your disability could be an asset.
- Potential disadvantages to disclosure:
  - Concern about being judged or otherwise treated differently after disclosing.
  - Concern about being overlooked for advancement opportunities.
- Timing of disclosure
  - If your disability is visible or otherwise evident (a speech impediment, for example)
    ▪ You may wish to disclose prior to an interview to prepare the interviewer. You could leave a voice message or send an email stating that you wished to make them aware that you have a speech impediment (for example) but will need no accommodation for the interview.
    ▪ Or you may wish to disclose the visible or otherwise evident disability during the interview. If so, be sure to focus on your credentials, and how you will be able to perform the functions of the job. If you are asked a question about your disability unrelated to your ability to perform the essential functions of the job, you may wish to direct that questions towards how you will be able to perform successfully in the job. Speak with a counselor in CDO if you face this situation.
  - Once you have decided to work for the employer, if you have not yet disclosed your disability, you may wish to disclose your disability as part of requesting an
accommodation. Under the ADA, employers must make reasonable accommodations for known disabilities.

- If your disability is not visible or otherwise evident
  - You may reasonably decide not to disclose during the interview process.
  - Once you have decided to work for the employer, you may wish to disclose your disability as part of requesting an accommodation. Under the ADA, employers must make reasonable accommodations for known disabilities.
  - If you commence work without having disclosed your disability, a time may come when you are in need of an accommodation. At that point, it is better to disclose your disability and discuss accommodations than to allow the situation to negatively impact your work.

- What to disclose
  - You are free to disclose only general information about your disability without sharing specific medical information or even naming your disability precisely. Some people prefer to share more specific information. It is up to you. Your goal is to demystify your disability to create a comfortable dialogue with the interviewer/employer.
    - Example: I have a condition that affects my walking (instead of sharing that you have MS)
    - Example: I have a chronic illness that I am able to manage, although I may need to take some short-term disability leave (instead of sharing that you experience depression or other mental illness)
  - Keep the conversation positive. Share how your disability and other life experiences can positively impact your work performance.
  - Be clear with yourself about what you wish to disclose and your reasons for disclosing prior to sharing so that you can control the direction of the conversation.

Additional Advice for Navigating Disability Issues in the Job Search Process

“The Biggest Hurdle for Lawyers with Disabilities: Preconceptions”
www.abajournal.com/magazine/article/the_biggest_hurdle_for_lawyers_with_disabilities_preconceptions

EEOC Job Applicants and the ADA
www.eeoc.gov/facts/jobapplicant.html#potential

EEOC Reasonable Accommodations for Attorneys with Disabilities Fact Sheet
https://www.eeoc.gov/facts/accommodations-attorneys.html

JAN – Job Accommodation Network
http://askjan.org/

Lawyers, Lead On: Lawyers with Disabilities Share their Insights
ABA Commission on Mental and Physical Disability Law, 2011 (in CDO Library)

U.S. Department of Labor Disability Resources
www.dol.gov/general/topic/disability

Yale University Resources

Yale University Resource Office on Disabilities
For information on requesting disability accommodations at Yale or for the bar exam contact Associate Dean of Students Ellen Cosgrove (ellen.cosgrove@yale.edu)

Yale Transit Special Services Van for Yale community members with disabilities https://to.yale.edu/special-services-0

Associations for Students with Disabilities

ABA Commission on Disability Rights
https://www.americanbar.org/groups/diversity/disabilityrights/

ABA Commission on Disability Rights Mentor Program
https://www.americanbar.org/groups/diversity/disabilityrights/resources/mentor_program_mentee_information/

ADA National Network – Information, Guidance, and Training on the ADA
https://adata.org/

Disability Rights Bar Association (DRBA)
http://disabilityrights-law.org/

National Alliance on Mental Illness
https://www.nami.org/

National Association of Attorneys with Disabilities
www.facebook.com/NAADattorneys

National Association of Law Students with Disabilities
www.facebook.com/NALSWD

US Business Leadership Network (USBLN) – Driving Success through Disability Inclusion
www.usbln.org

Federal Government Hiring

U.S. Office of Personnel Management Disability Employment
www.opm.gov/policy-data-oversight/disability-employment/

Federal hiring through the Schedule A Hiring Authority for people with disabilities
- www.eeoc.gov/eeoc/publications/abc_applicants_with_disabilities.cfm

Internship Opportunities

ABA Business Law Section Diversity Judicial Clerkship Program
www.americanbar.org/groups/business_law/initiatives_awards/diversity.html

ABA Commission on Disability Rights Internships through the Leadership Council on Legal Diversity (LCLD) Scholars Program
Career Opportunities for Students with Disabilities (COSD)
www.cosdonline.org

National Business & Disability Council at The Viscardi Center Emerging Leaders Internship Program for Students with Disabilities
www.viscardicenter.org/nbdc/emerging-leaders/employer-partners/

The American Association of People with Disabilities (AAPD) Summer Internship Program
www.aapd.com/summer-internship-program/