

Most employers try to follow the rules when they are interviewing and hiring new employees. Sometimes the employer is not aware that the question he/she is asking is illegal. Ask why the information is needed and how it relates to the job.

**If you have specific questions
about information being requested in your job search
or problems regarding the Americans With Disabilities Act
in the workplace
call MidPenn Legal Services at:
1/800-326-9177 or 814/238-4958**

**2054 East College Avenue
State College, PA 16801**

**MidPenn Legal Services serves residents of
Adams, Bedford, Berks, Blair, Centre, Clearfield,
Cumberland, Dauphin, Franklin, Fulton, Huntingdon,
Juniata, Lancaster, Lebanon, Perry, Mifflin, Schuylkill &
York Counties.**

This pamphlet is meant to give general information and not specific legal advice. MidPenn Legal Services, (MPLS) in providing this information, is in no way agreeing or implying that it will represent individuals who use the enclosed information. Although this information is believed accurate at the time of preparation, MPLS assumes no responsibility for the accuracy of this information. Individual situations require individual analysis. July 2008



MidPenn Legal Services

Overcoming Barriers to Employment



**Publication of this Brochure was Funded by a State College Borough Community
Development Block Grant**

Mental Health

The Equal Employment Opportunity Commission has issued guidelines confirming that persons with mental illnesses are protected by the 1990 federal law, the **Americans with Disabilities Act (ADA)**.

Mental illness can be anything from severe depression and schizophrenia to “adjustment disorders.”

Your employer may have to “accommodate” your mental illness so that you can keep on working. The accommodation must be “reasonable.” It must not create an “undue hardship” on the employer. This means that what the employer must do for you cannot disrupt the work place and cannot be too costly to his/her business.

An accommodation can be many things. Physical disability is often easy to recognize and it is relatively easy to determine what the accommodation should be. For example, a person in a wheelchair requires a ramp and perhaps a special desk. It is more difficult to determine what a reasonable accommodation should be if the worker’s disability is a mental illness.

An employee with “attention deficit disorder” may require a quiet work space. A person with an “anxiety disorder” may require a flexible work schedule so that s/he does not have to drive in heavy traffic if that is one of the situations that makes him/her anxious.

Businesses with more than 15 employees must comply with the Americans with Disabilities Act.

If you find yourself in need of a modification to your work environment due to a mental illness, it is important to make your employer aware of your situation. Work with him/her to try to find a reasonable accommodation to your mental health problem.

Interview Questions

When preparing for job interviews many people have questions about what the prospective employer may or may not ask.

Here are some commonly asked, but improper questions:

- your date of birth
- your age
- your maiden name
- your marital status

Questions about your children, including how many you have and your child care arrangements are also generally considered illegal in the pre-employment situation if only female applicants are asked these questions. **The employer cannot have different hiring policies for men and women with preschoolage children.**

Generally, **height and weight** are not relevant to one’s ability to do a job. The employer must show that a height or weight requirement is essential to perform the job. For example, if a machine that cannot be adjusted requires the operator to be a certain height for safe usage, your height may be a legitimate question.

Some employers ask for a **credit report**. Can they do that? Yes, they can. However, there are protections given to job applicants by the Fair Credit Reporting Act. While employers have the right to ask for this information, you must agree to let them get it.

You must give written permission for the employer to get a credit report. Watch what you are signing in your job application package. Read all the information. If you are denied the job based on information in the report, you have to be given a copy of the report and a written description of your rights under the Fair Credit Reporting Act.