

Ask The Expert: Asking Applicants Medical Questions During Job Interviews



QUESTION

Is there a template on what you can legally ask job applicants to determine if they're physically and mentally capable of performing the functions of the job without committing disability discrimination'

ANSWER

The basic rule is you can ask about abilities but not disabilities. Once you offer the job, you can ask medical questions or request medical information to determine the applicant's need for accommodations.

What You CAN'T Ask	What You CAN Ask
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- Do you have any physical/mental disabilities'
- Do you have X illness or disability'
- Do you have any health problems'
- Do you have a disability that would interfere with your ability to perform the job'
- Are you in good health'
- Have you ever been treated for alcohol or drug addiction'
- How much alcohol do you drink each week'
- What medications do you use'
- Have you ever been treated for emotional or psychiatric problems'
- Are you under a doctor's care'
- Are you receiving counseling or therapy'
- Do you have any allergies'
- Have you ever received workers' comp'
- How many sick days did you take last year'

- Describe essential requirements of the job, as specified in the job ad and job description and ask if applicant can perform them with or without reasonable accommodations
- Describe or demonstrate how you would perform the essential functions of the job
- Can you meet the attendance requirements of this job'
- Do you use any legal or illegal impairing or intoxicating drugs'