

# The **411** on Disability Disclosure

**W**hen entering the workforce or making career plans that may or may not involve special accommodations, individuals with disabilities face complex decisions regarding how much information to disclose regarding their disability.

Employment-related disability laws require more proactivity on the individual's part in securing accommodations than the school-based Individuals with Disability Education Act (IDEA) laws you may be familiar with. In elementary and secondary school, IDEA regulations mandate that a team working on a person's behalf arrange and provide accommodations. In the working world, however, different legislation related to employment and discrimination comes into play.

Employment laws affecting those with disabilities include the Workforce Investment Act (WIA) which makes provisions for workforce development and employment services and the Health Insurance Portability and Accountability Act (HIPAA) which sets limits as to who can access an individual's personal health information. With regard to discrimination issues, the Americans with Disabilities Act (ADA) prohibits discrimination on the basis of disability in regard to employment, public entities, public accommodations, transportation, telecommunications and recreation. A person qualifies as having a disability under the ADA if they have a physical or mental impairment that substantially limits one or more major life activities, a record of

such impairment, or a perception by others as having an impairment.

According to the National Collaborative on Workforce and Disability/Youth (NCWD/Youth), ADA protections differ from IDEA protections in that "when you exit school and enter college, adult education or the world of work, the only way you can receive the accommodations you need is to ask for them yourself." Disclosing this type of information, however, can sometimes bring complications (see sidebar) which is why it is important that individuals with disabilities entering the workforce have a full understanding of their accommodation needs, as well as the laws that offer protection relating to disclosure

The NCWD/Youth, which is funded by a grant from the U.S. Department of Labor, Office of Disability Employment Policy, offers a free workbook, *The 411 on Disability: A Disclosure Workbook for Youth with Disabilities*, which provides a step-by-step guide to the decision making and disclosure process. The workbook can be downloaded at [www.ncwdyouth.info/resources\\_&\\_Publications/411.html](http://www.ncwdyouth.info/resources_&_Publications/411.html). (MS Word versions are available for those using screen readers and/or Braille translators. To contact the NCWD/Youth by phone, call 877-871-0744.) Among other topics, the workbook covers rights and responsibilities under the law and disclosure in varied settings. It is one of many resources geared to help promote informed decision making for those entering the working world and different stages of life. ■

***Disability disclosure can bring opportunities for participation in new activities. Below is a shortened list of some advantages and disadvantages listed in "The 411 on Disability Disclosure" Workbook. Please remember, what may seem a disadvantage in one setting or situation may be an advantage in another.***

### ***Advantages of disclosure:***

- ◆ It allows you to receive reasonable accommodations so that you can pursue work, school, or community activities more effectively.
- ◆ It provides legal protection against discrimination as specified in the Americans with Disabilities Act.
- ◆ It can reduce stress, since protecting a "secret" can take a lot of energy.
- ◆ It gives you a clearer impression of what kinds of expectations people may have of you and your abilities.

### ***Disadvantages of disclosure:***

- ◆ It can lead to you being treated differently than others.
- ◆ It could cause you to be overlooked for a job, team, group or organization.
- ◆ It can cause you to relive bad past experiences that resulted in the loss of a job or negative responses from your peers.

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