

EMPLOYMENT LAW FLYERS

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**For more assistance contact
Connecticut Legal Rights
Project, Inc.
Toll Free 1-877-402-2299
TTY 860-262-5066
www.clrp.org**

Connecticut Legal Rights Project, Inc., is a statewide non-profit agency which provides legal services to low income persons with mental health conditions, who reside in hospitals or the community, on matters related to their treatment, recovery, and civil rights.

*The information in this flyer is effective as of
August 2016*

EMPLOYMENT LAW



**#2
DECIDING WHETHER
TO DISCLOSE A
DISABILITY**

**LEGAL REPRESENTATION FOR PEOPLE
WITH MENTAL HEALTH CONDITIONS**

EMPLOYMENT CAN HELP PROMOTE RECOVERY. EMPLOYMENT SERVICES ARE PART OF RECOVERY PLANNING.

IT IS ESSENTIAL THAT PERSONS IN RECOVERY UNDERSTAND THEIR LEGAL RIGHTS IN ALL PHASES OF THE EMPLOYMENT PROCESS.

THIS FLYER PROVIDES SOME BASIC INFORMATION RELATED TO DISCLOSING A DISABILITY. IT IS NOT INTENDED TO GIVE LEGAL ADVICE OR COVER ALL SITUATIONS.

State and federal laws protect qualified persons with a disability from discrimination in the workplace. You have a right not to be discriminated against because of your disability.

This is not a preference. It is about ensuring that a qualified person with a disability has equal rights — and that a person's disability is not a barrier to employment.

DECIDING WHETHER TO DISCLOSE A DISABILITY

Persons with disabilities are NOT required to disclose their disability to a prospective employer, AND the employer is prohibited from asking about a disability. The decision belongs to the individual and not

anyone assisting him or her.

Usually it is not a good idea to disclose, unless:

- an accommodation is needed during the hiring process, or
- there is a hiring preference for persons with disabilities.

BEWARE OF UNINTENTIONAL DISCLOSURES

Persons assisting the individual with a job search may inadvertently disclose the disability simply because they are known to work with persons with disabilities. If they make a contact or are mentioned by the applicant, the employer may be aware of the disability even if it is not mentioned.

Mentioning the name of an agency known to work primarily with persons with disabilities when contacting a provider may also disclose the disability.

RECOVERY-ORIENTED EMPLOYMENT SERVICES MUST RESPECT THE INDIVIDUAL'S PREFERENCES

State law and DMHAS policies mandate that the person in recovery has the right to individualized services, and the right to have the information needed to make independent and informed decisions. The individual has the right to be advised

about job opportunities and determine the positions to be pursued, even if those choices differ from those of the persons providing assistance with the job search.

MAKE SURE THERE IS AN UNDERSTANDING AT THE BEGINNING OF THE JOB SEARCH PROCESS

At the beginning of the job search process, individuals with disabilities should talk with anyone assisting with the process about their options and their rights in terms of employment options and disclosure, including unintentional disclosure. If there are any questions about those rights, people should contact CLRP.

UNDERSTAND THE SCOPE OF ACCOMMODATIONS THAT MAY BE AVAILABLE FROM THE EMPLOYER IF A DISABILITY IS DISCLOSED.

Employers have a legal obligation to reasonably accommodate workers with disabilities.

PREPARE FOR THE INTERVIEW, INCLUDING TOPICS THAT COULD RAISE THE DISABILITY, SUCH AS EMPLOYMENT GAPS.

You may have gaps in your employment due to your mental health condition.