



U.S. Equal Employment Opportunity Commission Releases Veterans and the Americans with Disabilities Act (ADA): A Guide for Employers

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Recently, the Equal Employment Opportunity Commission (“EEOC”) published *Veterans and the Americans with Disabilities Act (ADA): A Guide for Employers*. According to agency, the guide “describes how the ADA applies to recruiting, hiring, and accommodating veterans with disabilities, and briefly explains how protections for veterans with disabilities differ under USERRA and the ADA. The guide also provides information on laws and regulations that employers may find helpful if they want to make recruiting and hiring veterans with disabilities a priority.” In doing so, the agency answered the following questions:

1. What protections does the ADA provide to veterans with disabilities?
2. When is a veteran with a service-connected disability protected by the ADA?
3. May an employer ask if an applicant is a “disabled veteran” if it is seeking to hire someone with a disability?
4. What steps should an employer take if it asks an applicant to self-identify as a “disabled veteran” for affirmative action purposes?
5. Are there any laws that allow agencies to give special consideration to veterans with disabilities who are looking for jobs with the federal government?
6. May a private employer give preference in hiring to a veteran with a disability over other applicants?
7. What are some specific steps employers may take to recruit and hire veterans with disabilities?
8. What types of reasonable accommodations may veterans with disabilities need for the application process or during employment?
9. How does an employer know when a veteran with a disability needs an accommodation?
10. May an employer ask a veteran with a disability whether a reasonable accommodation is needed if none has been requested?
11. How does USERRA differ from the ADA?

Since about three million veterans have returned from military service in the last decade, and another one million are expected to return to civilian life over the course of the next five years with the anticipated drawdown of operations in the Middle East, the EEOC’s guide is definitely worth a quick read for both attorneys practicing in the field and employers.

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