

## CAUTION WHEN HIRING



Define educational requirements. That is what is in question with the U.S. Equal Opportunity Commission. All of the employment qualifications can be a bit tricky but there is a fine line. Should an applicant be able to meet the entire requirement for a job; especially if the person is disabled? Many people are questioning the fast as to whether or not a person should be required to have a high school diploma or not if they cannot mentally accomplish that task, according to the Daily Journal of Commerce-Oregon. Some people are also questioning whether or not requiring a high school diploma automatically excludes someone with a disability from applying for a job. Sometimes a learning disability can keep someone from passing a test or screening correctly for a particular job. Generally, when a person has a learning disability tests can prove to be a lot more difficult than for an average student. There may come a time when an employer has to put their "requirements" aside and consider whether or not the person is still qualified. For example, if you require a high school diploma and the person could not graduate because of their disability, then you cannot discriminate based on that. You may need to figure something else out in regards to seeing if the person is qualified or not. However, there are still arguments that an employer does not necessarily need to accommodate someone who does not meet the job's requirements. The EEOC has recently let out some new statements that could generally impact the way employers hire in the future. One of those statements is simply saying that because of a person's learning disability it may have impacted their ability to secure a diploma. You cannot necessarily hold that against them. The employer needs to decide as to whether or not a person's disability keeps them from performing their job function. The employer needs to take other factors into consideration. For example, what other relevant experience does this person have and can they still perform the necessary job requirements. There is a large debate between the new guidelines and the different cases that have been presented in court. All in all, everyone needs to be on the same page in regards to what certain qualifications are. An employer cannot be held legally accountable to hire someone that just cannot do the job. However, a person should not be disqualified because they did not pass a test. There are hundreds of capable people who can do the job but that just cannot pass a test. Employers are walking a fine line when it comes to deciding if a person is qualified or not. It's important to look at the whole person and not just their qualifications. The EEOC is urging employers to look at the experience and what the "disabled" person can bring to the table.