



## Your Employment Rights Under The Americans with Disabilities Act

The American with Disabilities Act (ADA) protects individuals with disabilities from discrimination (being treated differently) in employment. You also have the right to ask for an accommodation to help you perform your job (an accommodation is a change that is made for someone with a disability so that he or she can do the job).

### How do I know if I'm protected by the ADA?

If you have a disability and are qualified to do the job, you are protected.

### What is considered a disability?

The ADA defines disability as a "physical or mental impairment that substantially limits one or more major life activities" (such as seeing, hearing, walking and caring for yourself). You are also protected if an employer treats you differently because he thinks you have a disability or because you had one in the past. If you have a disability that can go away and come back, you are still protected as a person with a disability.

### What does it mean to be "qualified" to do a job?

You must have the basic skills, education, training and requirements for the job and you must be able to perform the duties of the job. If you need an accommodation to complete the job, that's okay, as long as you can do the work that is required.



### Do I have to tell my boss about my disability?

The decision to disclose information about your disability is yours. The only time you have to disclose your disability is when you need an accommodation to do your job. Even then, you only have to tell your employer as much he needs to decide about the accommodation request. There are other times when you may want to consider talking to your employer about your disability, such as when you have concerns about safety or when side effects from a medicine make you look or act differently or it affects your ability to do your job. You can also call a lawyer for legal advice.

### Can my boss ever ask me about my disability?

There are only a few times when your employer may ask about or even bring up your disability.

- Before you are offered a job, he may ask you if you can do what is required for the job, with or without accommodations.
- After you get an offer, he can require you to have a medical evaluation before you start working but only if all employees have the same requirement.
- Once you are on the job, he can only bring up or ask questions about your disability if there is a serious safety concern or there is another job-related reason.

## **What if I need an accommodation?**

In order to do the job you were hired to do, you may need a change in the building where you work or a change in the way things are usually done due to your disability. Ask for an accommodation as soon as you know that you need one. Your boss will not assume that your inability to do your job is because of your disability and you could face corrective action or even be fired. Ask for an accommodation as soon as possible because employers do NOT have to take back any disciplinary actions that happened before you asked for the accommodation. If you need an accommodation, you should:

- Ask for it in writing.
- Provide medical proof of your disability and explain why you need an accommodation.
- Inform your employer that your request is a confidential medical record.
- Ask for the specific accommodation you need, but indicate you are willing to consider other effective options.

## **The ADA gives employers rights, too!**

An employer does not have to:

- Give you the exact accommodation you request, he can offer another effective option.
- Provide an accommodation that poses an "undue hardship" for his business; for example, if it would cost too much or it would be too disruptive to the business.
- Supply personal items you need to accomplish daily activities, even if you need them on the job (for example, a wheelchair or hearing aids).
- Provide an accommodation for anyone who is not otherwise qualified for a position.
- Remove essential job functions, create new jobs, or lower production standards as an accommodation.

## **What if I get FIRED?**

For help, if you believe you have been wrongfully terminated, you can contact:

- **Division of Human Rights** 804-786-2071
- **Equal Employment Opportunity Commission (EEOC)** 800-771-2222

Or you can contact dLCV!



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