

A Guide for People with Disabilities Seeking Employment

Americans with Disabilities Act (ADA)

There are more opportunities now than ever before for people who are receiving SSDI and SSI benefits to learn job skills and find permanent employment.

If you are seeking a job or are new to the workforce, you should become familiar with the **Americans with Disabilities Act of 1990 (ADA)**, a federal civil rights law designed to prevent discrimination and enable individuals with disabilities to participate fully in all aspects of society. One fundamental principle of the ADA is that individuals with disabilities who want to work and are qualified to work must have an equal opportunity to work. This brochure answers questions you may have about your employment rights under the ADA.

How do I know if I am protected by the ADA?

To be protected, you must be a qualified individual with a disability. This means that you must have a disability as defined by the ADA. Under the ADA, you have a disability if you have a physical or mental impairment that substantially limits a major life activity such as hearing, seeing, speaking, thinking, walking, breathing, or performing manual tasks. You also must be able to do the job you want or were hired to do, with or without reasonable accommodation.

What are my rights under the ADA?

The ADA protects you from discrimination in all employment practices, including: job application procedures, hiring, firing, training, pay, promotion, benefits, and leave. You also have a right to be free from harassment because of your disability, and an employer may not fire or discipline you for asserting your rights under the ADA. Most importantly, you have a right to request a reasonable accommodation for the hiring process and on the job.

What is a "reasonable accommodation"?

A reasonable accommodation is any change or adjustment to a job, the work environment, or the way things usually are done that would allow you to apply for a job, perform job functions, or enjoy equal access to benefits available to other individuals in the workplace. There are many types of things that may help people with disabilities work successfully. Some of the most common types of accommodations include:

- physical changes, such as installing a ramp or modifying a workspace or restroom;
- sign language interpreters for people who are deaf or readers for people who are blind;
- providing a quieter workspace or making other changes to reduce noisy distractions for someone with a mental disability;
- training and other written materials in an accessible format, such as in Braille, on audio tape, or on computer disk;
- TTYs for use with telephones by people who are deaf, and hardware and software that make computers accessible to people with vision impairments or who have difficulty using their hands; and
- time off for someone who needs treatment for a disability.

What should I do if I think I might need a reasonable accommodation?

If you think you might need an accommodation for the application process or on the job, you have to request one. You may request a reasonable accommodation at any time during the application process or any time before or after you start working.

How do I request a reasonable accommodation?

You simply must let your employer know that you need an adjustment or change because of your disability. You do not need to complete any special forms or use technical language to do this. For example, if you use a wheelchair and it does not fit under your desk at work, you should tell your supervisor. This is a request for a reasonable accommodation. A doctor's note requesting time off due to a disability or stating that you can work with certain restrictions is also a request for a reasonable accommodation.

What happens after I make a request for a reasonable accommodation?

Once you have made a request for a reasonable accommodation, the employer should discuss available options with you. If you have a disability that is not obvious, the employer may request documentation from you demonstrating that you have a disability and explaining why you need a reasonable accommodation. You and the employer should work together to determine an appropriate accommodation.

What should I do if I think my ADA rights have been violated?

You should contact the nearest office of the Equal Employment Opportunity Commission (EEOC). Someone will help you determine whether you should file a charge of discrimination. Charges may be filed with the EEOC in person, by mail, or by telephone.

There are strict time frames for filing charges of employment discrimination. In most states, you have 300 days from the time the alleged discrimination occurred to file a charge, but in some states you may have only 180 days. The EEOC field office nearest you can tell you which time period applies to you. However, you should file a charge as soon as possible after you believe the discrimination occurred.

> To contact the EEOC, check the telephone directory under U.S. Government or call 1-800-669-4000 (voice) or 1-800-669-6820 (TTY).

Is there any cost to file a charge?

No. There is no cost to file a charge.

Do I need a lawyer to file a charge?

No. You may file a charge on your own without a lawyer, though some people do choose to retain one. Your local bar association may be able to help you locate a lawyer, and many communities have organizations that can provide free legal services or legal services at a reduced rate to people who qualify for them.

What happens after I file a charge with the EEOC?

- First, the EEOC notifies your employer that a charge has been filed.
- In some instances, the EEOC will suggest mediation as a way of resolving the charge. Mediation is a process by which an impartial party tries to help people resolve a dispute. Mediation is voluntary, free, and completely confidential.
- If a charge is not referred to mediation or if mediation is unsuccessful, and the EEOC determines that a violation has not occurred, your charge will be dismissed and you will be sent a letter telling you that you may file your own lawsuit.
- If the EEOC concludes that you were discriminated against, it will attempt to settle the claim informally. If this is unsuccessful, the EEOC will decide whether to bring a lawsuit or issue you a letter giving you the right to file a lawsuit on your own.

For More Information

For more information about work support, contact the Social Security Administration at:

1-800-772-1213 (voice)

1-800-325-0778 (TTY)

www.ssa.gov/work

For more information about the ADA, contact the Equal Employment Opportunity Commission (EEOC) and the Department of Justice (DOJ) at:

EEOC

1-800-669-4000 (voice)

1-800-669-6820 (TTY)

www.eeoc.gov

DOJ

1-800-514-0301 (voice)

1-833-610-1264 (TTY)

archive.ada.gov

For free information about many types of reasonable accommodations, contact the Job Accommodation Network at:

1-800-526-7234 (voice/TTY)

<https://askjan.org>

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