

## Employment Rights

### Employment and Disability

The Americans with Disabilities Act (ADA) protects the employment rights of people with disabilities who work for employers with more than 15 employees. A disability is a physical or mental impairment that substantially limits one or more major life activities. Walking, seeing, speaking, and hearing are examples of major life activities. You may also be protected under the ADA if an employer thinks you have a disability, or your disability is episodic or in remission.

The ADA protects **qualified** job applicants and workers against disability discrimination. Qualified means you have the skills, experience, and education to do the job, with or without a reasonable accommodation.

### What is NOT Allowed?

The ADA outlaws discrimination at all times during employment, including during job application procedures. Employers cannot:

- Require you to disclose your disability;
- Ask about your medication;
- Ask if you have ever been in the hospital;
- Require a medical exam before a job offer; or
- Charge you for the cost of making a reasonable accommodation, or fire you for asking for one.

### What May an Employer Do?

- An employer may ask if you can perform the essential functions of the job with or without reasonable accommodations.
- An employer may hire the most qualified applicant. The employer does not have to give preference to an applicant with a disability.

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## **What is a Reasonable Accommodation?**

A reasonable accommodation is a change to the work environment or “the way things are usually done” to provide a qualified individual with a disability equal opportunity in the workplace. A job applicant or employee with a disability may request a reasonable accommodation at any time.

You are not entitled to an accommodation that would cause an undue hardship for your employer. An undue hardship is when the requested accommodation would result in significant difficulty or expense, based on your employer’s resources and the operation of the business.

A few examples:

- A person diagnosed with cancer requests leave for radiation or chemotherapy treatment.
- A person with deafness requests a sign language interpreter for a job interview.
- A person whose medication causes extreme grogginess in the morning requests to work a modified schedule.
- A person with blindness requests someone to read information posted on a bulletin board.
- A person with migraine headaches requests to turn off overhead lights.
- A person who uses a wheelchair requests installation of a ramp into the building and grab bars in the restroom.

If you believe you have been discriminated against, Disability Rights NC may be able to help. Call us to speak with one of our intake specialists.

## **Request a Reasonable Accommodation!**

If you do not ask, you are not entitled to a reasonable accommodation. To request an accommodation, follow the policy in your employee handbook. If there is none:

### **Put Your Request in Writing**

- State that you are a person with a disability.
- State that you are requesting a reasonable accommodation to help you perform a particular job function.
- State specifically what you need help with, and emphasize how the accommodation will increase your productivity and effectiveness.
- Give the accommodation request to your human resources manager or department. If none exists, give the request to your supervisor.

## **What to Expect Next**

- The employer may request documentation of your need for a reasonable accommodation.
- Employers are not allowed to ask for general medical information unrelated to your request.
- If the employer says it cannot grant the requested accommodation, it should propose an alternative accommodation.

## **What if I Face Discrimination?**

Most employment discrimination claims must be brought within 180 days of the discriminatory act and in North Carolina must be filed with U.S. Equal Employment Opportunity Commission (EEOC). Call 800-669-4000 or 800-669-6820 TTY to find your local office. You can also find more information online at [www.eeoc.gov](http://www.eeoc.gov).

## **Other Employment Rights**

Several other state and federal laws protect employees from discrimination at work, including:

- The North Carolina Persons with Disabilities Protection Act.
- The Age Discrimination in Employment Act protects individuals who are 40 years of age or older from employment discrimination based on age.
- The Civil Rights Act of 1991 (Title VII) protects individuals from discrimination based on their race, color, religion, sex, or national origin.
- The Family and Medical Leave Act (FMLA) provides certain employees with up to 12 weeks (26 weeks for military caregivers) of unpaid, job-protected leave per year for their own medical needs or those of a family member. Group health benefits must be maintained during FMLA leave.

## **Do You Need Legal Help?**

If you are facing a barrier in returning to work, getting a reasonable accommodation, or have lost your job because of discrimination, Disability Rights NC may be able to help. Call us to speak to one of our intake specialists:

- 919-856-2195 (voice)
- 877-235-4210 (voice)
- 888-268-5535 (TTY)

## **What if I Receive SSI or SSDI Benefits?**

A person with a disability who receives Social Security benefits is eligible for help going to work. For more information, visit: [www.ssa.gov/work](http://www.ssa.gov/work).

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Disability Rights North Carolina is a 501(c)(3) nonprofit organization headquartered in Raleigh. It is a federally mandated protection and advocacy system with funding from the U.S. Department of Health and Human Services, the U.S. Department of Education, and the Social Security Administration.

Its team of attorneys, advocates, paralegals and support staff provide advocacy and legal services at no charge for people with disabilities across North Carolina to protect them from discrimination on the basis of their disability. All people with disabilities living in North Carolina are eligible to receive assistance from Disability Rights NC.

Contact us for assistance or to request this information in an alternate format.

**Disability Rights North Carolina**

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[www.disabilityrightsncc.org](http://www.disabilityrightsncc.org)

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