



# Questions & Answers about Employment Rights for People with Disabilities

If you have a disability, you may be protected from discrimination by the Americans with Disabilities Act (ADA). If you qualify, you may be protected both when you apply and while you are on the job.

## Q: Am I protected by the ADA?

A: To be protected by the ADA, you must be considered "disabled" and be "qualified" for the job.

*A person with a "disability" is one who:*

- has a physical or mental impairment that substantially limits a major
  - life activity (such as seeing, walking, hearing, speaking, or learning) or
  - bodily function (such as circulatory, respiratory, digestive functions, among others), and
- has a history or record of such a disability, or
- is seen by an employer as having such a disability.

*A person considered "qualified" is one who:*

- is able to perform the most important or essential duties of the job, with or without "reasonable accommodation" (see below).

A few examples of disabilities covered include: a serious eyesight problem, a serious back problem, cancer, diabetes, and being HIV positive.

**Note:** A person with a chronic medical condition may be protected by the Connecticut Fair Employment Practices Act (CFEPA) even if the medical condition does not substantially limit a major life activity. "Disability" is defined differently in Social Security Disability and Supplemental Security Income where a person must be *unable* to hold a job.

## Q. What is a "reasonable accommodation"?

A: A "reasonable accommodation" is any change or adjustment to a job or workplace that will help you perform a job or even apply for a job. *Reasonable accommodations may include, but are not limited to:* providing special equipment (such as a ramp or special chair), adjusting work schedules or job duties, providing readers or interpreters, and reassignment to a vacant position.

An employer must make the accommodation unless it can prove that making it is an extreme hardship. (Call Statewide Legal Services if the employer--or potential employer--says it is an extreme hardship). As long as the accommodation given is reasonable

and effective, it does not have to be exactly what you asked for.

## Q: Are there things my employer CANNOT do?

A: If you are qualified for the job, the employer

- cannot refuse to hire you because
  - of your disability without first seeing if a reasonable accommodation can be made, or
  - you cannot do things that are **not** essential to the job.
- cannot ask you whether you have a disability, or require that you take a medical exam before you are offered the job.
- cannot fire, harass, deny a promotion, or otherwise discriminate against you because of your disability.
- cannot tell others about your disability or medical exam results (except for insurance reasons).

## Q. What CAN the employer do?

A. The employer can ask about your ability to do the job duties. And after a job offer is made, the employer may require you to have a medical exam.

## Q: Must I tell my employer about my disability?

A: You are **not required** to tell your employer about your disability. *When applying for a job*, in general it is best to not tell about your disability. Unless, for example, you need help filing out the application. *After you have the job*, you will need to tell your employer about your disability only if you need an accommodation to do your job. Your employer can ask for more medical evidence of your disability before agreeing to accommodate your disability.

## Q: What can I do if I've been treated unfairly?

A: If your employer will not give you a reasonable accommodation or you believe you were fired or treated unfairly because of your disability, you should **immediately** file a complaint with the CT Commission on Human Rights & Opportunities (1-800-477-5737) and the U.S. Equal Employment Opportunities Commission (1-800-669-4000). There are time limits, so file your complaint right away. You do not need a lawyer to file a complaint.

**Questions?** Call Statewide Legal Services at 1-800-453-3320. Also see our flyers about laws that: allow time off from work, protect pregnant women, and protect those injured at work.