



A member of the ADA National Network

Your Employment Rights as a Person with a Disability and the ADA

The Americans with Disabilities Act (ADA) is a law that protects a person from being treated unfairly just because they have a disability. This means the ADA protects people with disabilities from discrimination. The ADA makes sure that people with disabilities have the same rights and chances as everyone else at work, and when using state and local government services and buying items and services from places open to everyone. This information sheet answers questions about Title I of the ADA that deals with jobs.

How Do I Know If I'm Protected by the ADA?

The ADA says you have a disability if your body or brain works differently than most people so it's harder or impossible for you to do things like hear, see, speak, think, walk, or breathe. Sometimes you can see a person's disability. They may use a wheelchair or use a white cane when they walk. But a person can also have a disability you can't see like autism, diabetes, cancer, learning problems, or they can be deaf or hard of hearing.

The ADA also protects people who are discriminated against because they:

- Used to have a disability (even if they don't anymore),
- Never had a disability, but someone thinks they do, or
- Are close to someone that has a disability like their child, parent, or person they're married to.

What Are My Job Rights under the ADA?

The ADA protects you from being discriminated against because of a disability when you're applying for a job and at work. At work, these protections cover hiring, firing, training, pay, promotions, benefits, and leave. Under the ADA, leave means taking time off from work if your disability gets worse or you get sick. People also can't bother you at work because of your disability, and an employer can't fire or punish you for asking for your ADA rights. Most importantly, you have the right to ask for a reasonable accommodation when you apply for and after you get a job.

What Is a "Reasonable Accommodation"?

A reasonable accommodation is any change to a job, the place where you work, or the way things are usually done that would allow you to apply for a job, do the job, or get the same benefits that other people at your job get. Most times, an employer must give you the accommodation you need to apply for a job or to do your job. But you must be able to do the job you want or were hired to do, with or without a reasonable accommodation. Some of the most common types of accommodations are:

- Changes to the building where the person works like putting in a ramp, or making a work area or restroom bigger
- A sign language interpreter for a person who is deaf when they go to meetings or trainings
- A tool to read what's on a computer screen or providing training and written documents in Braille or audio computer files for a person who is blind or has difficulty seeing
- Computer tools for a person who has difficulty using their hands
- A quieter workspace or headphones to make it less noisy for a person who has a disability like autism

- Writing down instructions or a checklist to help a person who has a disability like Down's syndrome to get their job duties done
- Allowing for a different work schedule or time off for a person to get treatment for a disability or to train a service animal

What Should I Do If I Think I Might Need a Reasonable Accommodation?

If you think you might need an accommodation when applying for a job or on the job, you must ask for one. You can ask for a reasonable accommodation at any time when you're applying for a job or any time before or after you start working.

How Do I Ask for a Reasonable Accommodation?

You must let your employer know that you need an accommodation because of your disability. You do not need to complete a special form or use certain words. 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 asking for time off because of a disability or saying you can work but need a different work schedule because of a disability is also a request for a reasonable accommodation.

What Happens After I Ask for a Reasonable Accommodation?

Once you ask for an accommodation, the employer should talk with you about how the accommodation will happen. If you have a disability the employer may not know about, they can ask you to get papers from your doctor or other medical provider saying you have a disability and giving reasons why you need a reasonable accommodation. You and the employer should work together to find an accommodation that works. Your employer doesn't have to give you the exact accommodation you ask for. It has to be "reasonable". But the accommodation must allow you to do the same job that people without disabilities can do. If the accommodation costs too much or is too hard for your employer to do, your employer may have to talk with you about something else that would still work.

What Should I Do If I Think My ADA Job Rights Haven't Been Provided?

You should contact the nearest office of the Equal Employment Opportunity Commission (EEOC). The EEOC is a government agency that helps people get their job rights. They will help you figure out if you should file a charge of discrimination against your employer.

EEOC National Contact Information:

- 800-669-4000 (voice)
- 800-669-6820 (TTY)
- 844-234-5122 (ASL video phone)
- info@eoc.gov (email)

EEOC Local Offices information: <https://www.eoc.gov/field-office>

If you have questions about the ADA and your rights, you can also contact the Pacific ADA Center:

- (800) 949-4232 (Voice/Relay)
- adatech@adapacific.org (email)