

AMERICANS WITH DISABILITIES ACT (ADA)

FACTSHEET

What does the Americans with Disabilities Act (ADA) do?

The Americans with Disabilities Act (ADA) prohibits job discrimination against you if: 1) you have a disability; and 2) you are qualified to do the job. It also requires employers to offer a reasonable accommodation to disabled employees.

An individual with a disability is someone who has (or has a record of) a physical or mental impairment that substantially limits a major life activity. To be protected by the ADA, you must also be qualified to perform the essential duties of a job, with or without reasonable accommodation.

What is a reasonable accommodation?

Reasonable accommodation is any change to a job or work environment that would allow the disabled person to perform the job. Some examples of reasonable accommodation are: modifying equipment, adjusting work schedules, or making the workplace more readily accessible to the disabled. An employer is required to provide a reasonable accommodation unless it would cause them undue hardship (in difficulty or expense).

What kind of job discrimination is prohibited?

It is unlawful to discriminate in all employment practices, such as hiring, firing, pay, promotions, training, etc. You are also protected against retaliation for asserting your rights under the ADA, and the ADA makes it unlawful to discriminate against someone because of their association with a disabled individual (such as a spouse or parent).

Can an employer ask questions about my disability or make me take a medical exam?

If you are applying for a job, an employer cannot ask about your disability or even ask if you are disabled. They can, however, ask if you can perform the duties of the job. They cannot make you take a medical exam before you are offered a job. They can make a job offer conditional upon the results of a medical exam, *but only if a medical exam is required for all employees in that job*. They cannot refuse to hire you because of your disability if you can perform the job with a reasonable accommodation.

What should I do if I think I'm being discriminated against? Who should I contact for more information?

You should contact your Union, SEIU Local 6 at (800) 238-7348. You can also contact the U.S. Equal Employment Opportunity Commission (800) 669-4000. A charge must generally be filed within 180 days of the discrimination, however in some cases you may have longer to file charges. To protect your rights, it's best to call right away.