

The Law Requires Reasonable Accommodation

Title I of the Americans with Disabilities Act of 1990 (the "ADA") requires an employer to provide reasonable accommodation to qualified individuals with disabilities who are employees or applicants for employment, unless to do so would cause undue hardship.

Who Must Follow the ADA Requirements?

Discrimination against people with disabilities is illegal if practiced by employers with 15 or more employees* including:

- private employers,
- state and local governments,
- employment agencies,
- labor organizations, and labor-management committees.

(*State law M.G.L.C. 151B only requires 6 or more employees for coverage.)

References:

- ◆ <http://www.eeoc.gov>
- ◆ www.dlc-ma.org/
- ◆ 42 U.S.C. §§ 12101-12117, 12201-12213 (1994).

What Do I Do If I Think That I'm Being Discriminated Against?

If you think you have been discriminated against in employment on the basis of disability you should seek a consultation from one of the agencies below. A charge of discrimination generally must be filed within 180 days of the alleged discrimination.

U.S. Equal Employment Opportunity Commission

John F. Kennedy Federal Building
475 Government Center
Boston, MA 02203
Phone: 1-800-669-4000
Fax: 617-565-3196
TTY: 1-800-669-6820

Community Legal Aid

405 Main Street, 4th Floor
Worcester, MA 01608
Phone: 508-752-3718

Worcester County Bar Association Lawyer Referral Service

370 Main Street
Worcester, MA 01608
Phone: 508-752-1311

Massachusetts Commission Against Discrimination (MCAD)

484 Main St., Rm. 320
Worcester, MA
(508) 453-9630



EMPLOYEE'S RIGHTS & REASONABLE ACCOMMODATIONS



City of Worcester

Human Rights & Disabilities
City Hall Room 101
455 Main Street
508-799-8486

disabilities@worcesterma.gov

<http://www.worcesterma.gov/ocm/disabilities>

What is a Reasonable Accommodation?

"In general, an accommodation is any change in the work environment or in the way things are customarily done that enables an individual with a disability to enjoy equal employment opportunities."

There are three categories of reasonable accommodations:

(i) modifications or adjustments to a job application process that enable a qualified applicant with a disability to be considered for the position such qualified applicant desires; or

(ii) modifications or adjustments to the work environment, or to the manner or circumstances under which the position held or desired is customarily performed, that enable a qualified individual with a disability to perform the essential functions of that position; or

(iii) modifications or adjustments that enable a covered entity's employee with a disability to enjoy equal benefits and privileges of employment as are enjoyed by its other similarly situated employees without disabilities."

Examples

Reasonable accommodation may include:

- making existing facilities accessible;
- job restructuring;
- part-time or modified work schedules;
- acquiring or modifying equipment;
- changing tests, training materials, or policies;
- providing qualified readers or interpreters; and
- reassignment to a vacant position

Should I tell my employer that I have a disability?

Employers are required to provide reasonable accommodation only for the physical or mental limitations of a qualified individual with a disability of which they are aware. Generally, it is the responsibility of the employee to inform the employer that an accommodation is needed.

Can an Employer Ask Questions About a Disability?

An employer can ask if you can perform the duties of the job with or without reasonable accommodation. An employer can also ask you to describe or to demonstrate how, with or without reasonable accommodation, you will perform the duties of the job.

How Do I Request a Reasonable Accommodation?

You only have to let your employer know that you need an adjustment or change at work for a reason related to a medical condition. You can use "plain English" to make your request and you do not have to mention the ADA or the phrase "reasonable accommodation."

When Can I Request a Reasonable Accommodation?

You can request an accommodation at any time during the application process or while you are employed.

What if I am not sure what accommodation I need?

Even if you are not sure what accommodation you need, you can go ahead and let your employer know that you need an adjustment or change at work because of a medical condition. Then, you and your employer can explore accommodation options together.

Do I have to pay for a needed reasonable accommodation?

No. The ADA requires that the employer provide the accommodation unless to do so would impose an undue hardship on the operation of the employer's business. If the cost of providing the needed accommodation would be an undue hardship, the employee must be given the choice of providing the accommodation or paying for the portion of the accommodation that causes the undue hardship.

What is an undue hardship?

- Undue hardship is determined based on the net cost to the employer.
- Employers may be able to show undue hardship where provision of a reasonable accommodation would be unduly disruptive to other employee's ability to work.
- An employer cannot claim undue hardship based on fears or prejudices toward the individual's disability.