



We have the legal right of way.

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## EMPLOYMENT:

### Requesting Reasonable Accommodations at Work

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What do you do if you are qualified for a job, but your disability keeps you from performing some **essential functions** of the job? The essential functions of a job are the tasks that a person who holds that job absolutely must be able to do. If your employer has four or more employees, you may be able to request a **reasonable accommodation**. A reasonable accommodation is help or changes to a job that would allow you to do that job, even though you have a disability.

#### Know Your Rights

The Americans with Disabilities Act (ADA) requires employers to provide reasonable accommodations to employees with a disability. To have a legal right to a reasonable accommodation, you must have a physical or mental disability that results in a **substantial limitation** in one or more major life activities. A substantial limitation is not being able to do something the way most other people in the community do it. That can include thinking, learning, working, hearing, seeing, walking, communicating or caring for yourself.

If you are a person with a disability, your employer must provide reasonable accommodations to help you do your job. You must be able to perform all of the essential functions of the job once you have accommodations. Your employer does not have to make any changes to the amount or quality of work they want you to do.

#### Know What to Ask For

Reasonable accommodations vary widely based on your specific disability and your specific job. Reasonable accommodations are changes in the way things are done to enable you to do the job. Some examples of a reasonable accommodation include:

- assisting you with filling out the job application,
- allowing a job coach to help you adjust to the job,

- providing additional training or demonstrating the job duties,
- assigning non-essential job functions to other employees,
- modifying your schedule,
- providing equipment that is easier for you to use,
- placing your workstation in an area that is easier for you to work in.

You can be creative when you are thinking about the kind of accommodation that will help you do your job. You should also think about why you need this accommodation, and make sure your request is based on your disability and not just your preference.

Keep in mind that employers only have to make accommodations that are reasonable. They do not have to provide accommodations that would be a **fundamental alteration** of the business, something that is too hard because the accommodation costs a lot and their business is small or that would change the essential functions of the job. Employers also do not have to hire another person to help you as a reasonable accommodation.

## Know When and How to Ask

You can decide when to ask for a reasonable accommodation. If you need a reasonable accommodation during the hiring process, such as having an interpreter at a job interview, you can ask for one. The law says employers cannot discriminate against you by refusing to hire you because of your disability. However, it can be hard to prove that an employer purposefully discriminated against you, so it is a very personal choice when to ask for a reasonable accommodation. The sooner you ask for what you need, though, the sooner you can use your accommodations on the job.

Your request for a reasonable accommodation can be:

- written or verbal,
- made by you or someone associated with you (like a family member, friend or job coach),
- made without any special words or phrases.

You or someone acting for you simply needs to explain to the employer what you need, and that it is because of your disability. It is a good idea to make your request in writing, even though the law does not require it, to eliminate confusion or questions later. Asking for an accommodation starts a discussion between you and the employer called the **interactive process**, where you can talk about what works best for you in this particular job with this particular employer.

When you request a reasonable accommodation, the employer may ask you for some information about your disability to establish, or make sure, that you are a person with a disability protected by the law. They can only ask for information that shows you have the right to request the reasonable accommodation. The employer has to keep the information, including any documents, private.

Your employer might ask you to sign a **blanket medical release**, which is a form to release all of your medical records. You can choose whether or not to sign it. However, you should remember that your medical records may include some information that you might want to keep private.

### **Know What to Do If the Employer Refuses**

If the employer refuses your request for a reasonable accommodation, you can file a charge of discrimination with the U.S. Equal Employment Opportunity Commission (EEOC) or the Ohio Civil Rights Commission (OCRC), or you can work with a lawyer to file a lawsuit. Each of these options has a strict deadline, so you should decide what to do as quickly as possible. Disability Rights Ohio can tell you what the deadlines are and give you more information about your rights. Visit our website at [disabilityrightsohio.org](http://disabilityrightsohio.org) to learn more.