

Know Your Rights Under the Americans With Disabilities Act and the California Fair Employment and Housing Act

AN EMPLOYER CANNOT DISCRIMINATE AGAINST YOU IF YOU ARE DISABLED

Part-Timers: According to the two laws noted above, one federal and one state, an employer may not discriminate against an applicant or an employee with a disability.

What does it mean to be a disabled person? There are three ways in which you can qualify for protection under these laws.

- 1) You must have a mental or physical impairment that substantially limits a major life activity, such as the ability to walk, talk, see, breath, reason, work, or take care of yourself.
- 2) You have a history of impairment; i.e., an employer can't discriminate against because of a past disability.
- 3) The employer regards you as being disabled, whether you are or not.

The disability must be long term. A temporary issue, such as pregnancy, does not qualify.

You as an employee must request "reasonable accommodation," and the employer has the obligation to provide it.

Definitions of what constitutes "reasonable accommodation" vary, but it is generally understood to mean an adjustment or modification that enables the employee to do their job. An example would be lowering a desk to accommodate a person in a wheel chair.

If you are disabled or you know someone who is, and you feel discrimination has taken place, you can contact PFA (and do so sooner rather than later). You can also go to www.nolopress.com, which is an excellent resource. There are many other on-line resources as well.