

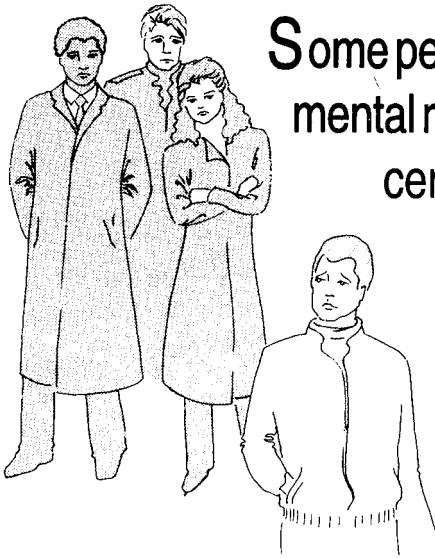
# The Americans with Disabilities Act (ADA) and Working

**An Easy-to-Read ADA Book  
for People with Disabilities**

**The  
Arc**

*a national organization  
on mental retardation*

The Great Lakes Disability and  
Business Technical Assistance Center  
The University of Illinois at Chicago  
**UIC** University Affiliated Program



**S**ome people with disabilities, like mental retardation, autism and cerebral palsy, cannot get jobs. It is not because they do not know how to work. It is because bosses and other people think they cannot work. This is discrimination.

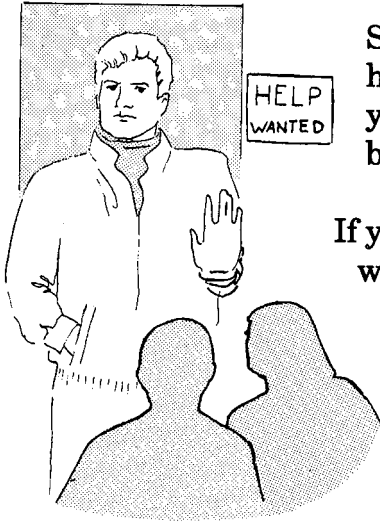
**D**iscrimination is a way some people think about and treat other people.

**I**t happens because they are different.

**I**t can stop you from having a job.

**D**iscrimination is wrong!

**S**top discrimination! Know about the Americans with Disabilities Act (ADA)!



Some places will not hire you if you have a disability. They may think you are not a good worker just because you have a disability.

If you have a job, the boss may not want to give you a better job. The boss may think you cannot do a new job, even if you can. This may be discrimination! It is wrong!

If you can do the job, you must have a fair chance to get the job. The ADA can help you get a fair chance to work.

## HOW THE ADA HELPS

The ADA helps in many ways, but the law is hard for some people to understand. The ADA makes it against the law to stop a **qualified person** who has a disability from getting a job. Here are some parts of the law for you to know:

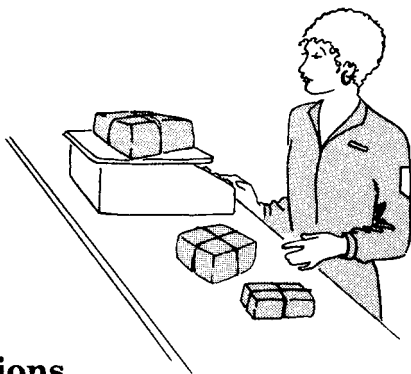
### **Qualified Person**

**Qualified** means you have the skills to do a job. Most people with disabilities can work. They can do many kinds of work. This means they are **qualified** to do many kinds of jobs. But, not everyone is qualified for every job.

## Essential Functions

The ADA says a **qualified person** is someone who can do the most important duties of a job. These important duties are called **essential functions**.

**Essential** means most important or needed. **Functions** means duties. For example, a mail clerk may need to sort mail, deliver mail and put stamps on envelopes. These are important duties. These are **essential functions** of a mail clerk job.



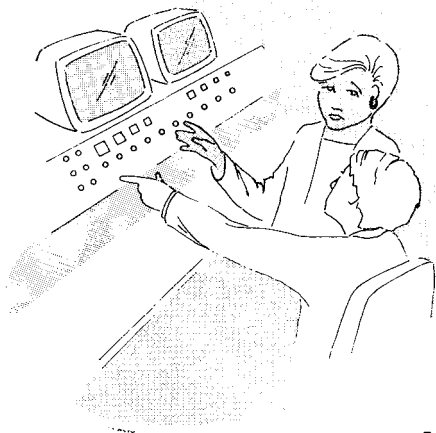
Sometimes there are extra duties not important to the job. For example, the boss might ask the mail clerk to sweep the mail room floor. But, if there is a janitor who sweeps floors, then this would not be an important duty for the mail room clerk.

The boss cannot require that you do unimportant duties to be a **qualified person**. Bosses can only require you to do important duties (**essential functions**). If you can do **essential functions** of a job, then you may be a **qualified person**.



## Reasonable Accommodations

**Accommodation** means “to help out.” If you have a disability, you can probably do a lot of jobs. But, your boss may need to make changes to the job. Bosses may have to help by changing the rules of the workplace.



The hours may need to change. You may need a job coach or a longer time for training. Many other changes can be made so you can do a job.

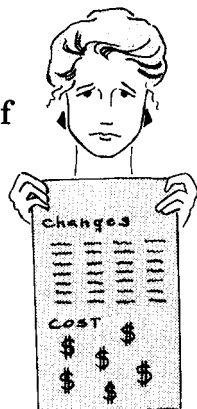
If you need an **accommodation** to do a job you must let your boss know. You may have to tell the boss what kind of help you need to do the job. The boss does not have

to guess if you need an **accommodation**. It is important to talk to the boss about **accommodations** you may need.

Your boss must make **accommodations**, but they must be **reasonable**. This means it must not be too hard for the boss to do. If an accommodation costs too much, your boss may not have to do it. But, you and your boss can see if there is another accommodation that is easier or costs less.

### Undue Burden

The way a boss helps out (accommodation) should not cost a lot of money. It should not be too hard for a boss to do. Accommodations that cost a lot of money or are very hard may be called an **undue burden**. If an accommodation is an undue burden, the boss does not have to do it.



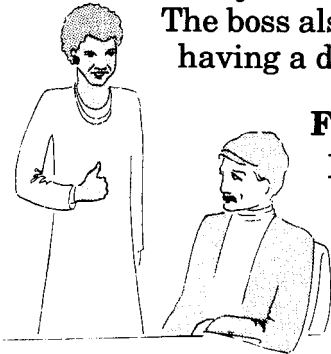
# THE ADA COVERS ALL OF THE JOB

The ADA protects you from discrimination in all parts of working. This includes:

**Applying for a job** - The boss should make sure you can fill out the forms for a job or get you help to do it. The boss can also ask you questions to see if you are a **qualified person**. For example, if you apply for a mail clerk job, the boss can ask, "Can you work a postage machine?" But, the job form or boss cannot ask, "Do you have a disability?" The boss cannot ask any question about your disability.



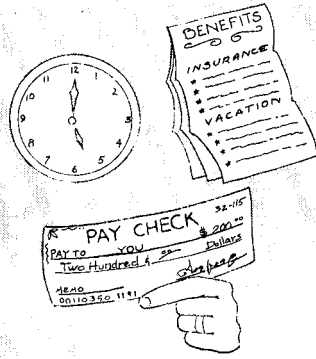
**Getting a better job** - You may be able to do a new job where you work. The job may be better and pay more money. You must get a fair chance for getting a new job if there is one and you are qualified. The boss also cannot ask questions about you having a disability.



**Finding out how you are doing** - Most companies let workers know how they are doing on the job. Many companies do this at least one time every year. If your company does this, then the boss must make sure you know if you are doing a good or bad job.

## **Pay and benefits -**

You should get the same pay, time off, insurance and other benefits as other workers doing the same kind of work.



**Getting fired -** You could get fired from your job. But, the boss must give you the same chance as other workers to

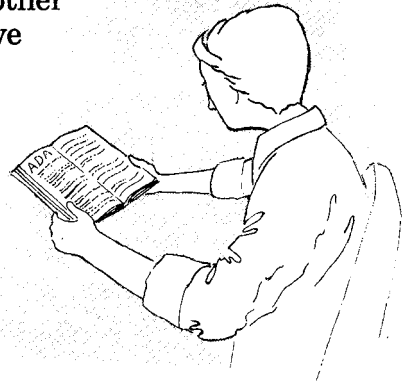
know why you are being fired and to appeal. Appeal means to tell the boss, and sometimes others in the company, why you should not be fired and ask that you not be fired.

All bosses do not have to follow the ADA. Right now companies with 25 or more workers have to follow the ADA. By July 24, 1994, companies with 15 or more workers have to follow the law.

Companies with 1 to 14 workers do not have to follow the ADA. But, many states have laws that say that companies with under 14 workers cannot discriminate. Learn about your state laws that protect workers with disabilities.

# REMEMBER

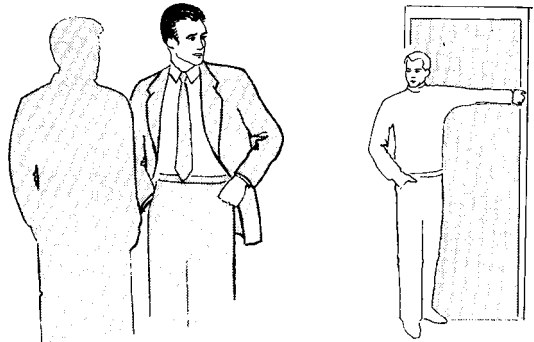
- ☛ A boss should not tell you that you cannot have a job just because you have a disability. The boss should not even ask you if you have a disability.
- ☛ The boss should tell you or show you the duties (essential functions) of a job.
- ☛ If you have skills to do a job, then you may be qualified. If you are qualified, then the boss must give you the same chance for your job as other workers who do not have disabilities and who are qualified.
- ☛ If you are qualified for a job, the boss may have to make accommodations. If you are hired for the job, the boss may have to make accommodations. The accommodation may be to help you apply for a job. The accommodation may be to help you do your job.
- ☛ Even if you are qualified, you still may not get the job. The ADA does not promise you will get a job. Somebody else might be more qualified than you. The ADA only stops discrimination.
- ☛ An accommodation may be too hard to do or cost too much money for the boss. If so, the boss does not have to do it. But, maybe the boss can make other accommodations.





# WHAT TO DO IF YOU THINK DISCRIMINATION IS HAPPENING

**What if a boss says you cannot apply for a job and you think this happened because you have a disability?**



Ask the company to tell in clear

words why you cannot apply. Ask them to write the reason. Tell the boss that the ADA says that bosses cannot discriminate against people with disabilities. If you think discrimination is still happening, tell a friend, family member or person helping you with getting a job about what happened. Show them what the company wrote down. Take someone with you to the boss, and both of you tell why you think discrimination happened. Ask the boss to tell both of you why you could not apply for the job.



**What if you are already working and your boss says you cannot apply for a better job?**

Tell your boss you think discrimination might be happening. Ask the boss to

tell you why you cannot apply for a better job. Ask your boss to tell you in clear words so you understand. There may be a good reason why you cannot get a new job or make more money. Maybe ask your boss to write down what is happening. You may also want a friend, family member or someone else to talk with you and the boss about applying for a better job.

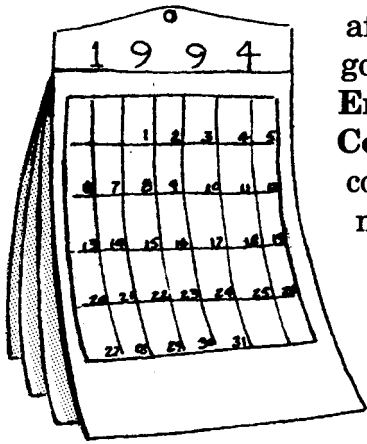
### **What if you are making less money than other workers doing the same job?**

First talk to your boss and ask why this is happening. The boss might give you a good reason. For example, maybe another worker has been at the company longer so earns more



money. But, if you still think discrimination is happening, then talk to friends, family or an agency that may be helping you. Call your local chapter of The Arc. Tell them you think discrimination is happening. Show them anything that is written about what has happened.

It is always better to talk to the boss first if you think discrimination is happening. Find out all the facts. If you are still unsure, then ask a friend, family member or someone else to go with you to talk to the boss. Tell the boss what you think is happening and why it is wrong. Tell the boss about the ADA. Everybody talking together may stop problems.

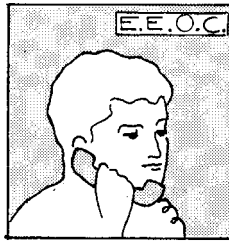


If discrimination is still happening after talking, then ask the government for help. The **Equal Employment Opportunity Commission (EEOC)** is the one to contact. Ask a friend or family member to help you call or write EEOC. The ADA says you must contact them within 180 days of the discrimination happening. Some states have rules that give you 300 days to contact EEOC, but don't wait too long.

If you have a complaint, call EEOC at **1-800-669-4000**. The TDD number is **1-800-800-3302**. These numbers will connect you with an EEOC office. They will then help you with the complaint. They

will talk to you and the boss. If EEOC finds discrimination, they will ask the boss to stop it. If the boss won't stop, EEOC will

let you sue the boss in court. **Sue** means to ask the government to decide if discrimination happened. If the court agrees that discrimination happened, the boss will have to stop doing it. The boss might also have to pay money to you and the court.



You can also call these numbers if you just want more information about the ADA and employment.

The ADA can help qualified people with disabilities have an equal chance for a job. You can get a lot more free information about the ADA. Call or write:

**AccessADA  
The Arc  
National Headquarters  
P.O. Box 1047  
Arlington, Texas 76004  
1-800-433-5255  
TDD users call 1-800-855-1155  
and ask the operator to call  
collect 817-277-0553**

You can get help by calling special centers around the country. These are called **Disability and Business Technical Assistance Centers**. The phone number for them is **1-800-949-4232** (voice and TDD).

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**This booklet is available in large print,  
audiocassette tape and computer disk.**

**Art work by Candace Lowrey  
The Arc, December 1993**

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