

Disability and Accessibility: Definitions and Laws

An individual with a disability is defined by the ADA as:

- A person who has a physical or mental impairment that substantially limits one or more major life activities (e.g. walking, talking, learning, chronic illness),
- A person who has a history or record of such an impairment (even if they do not currently have a disability, e.g. cancer survivors), or
- A person who is perceived or regarded by others as having such an impairment

Reasonable Accommodations

- A change or adjustment to a job or a workspace that allows a person with a disability to apply for a job, to perform the essential functions of a job, and to participate equally
- Essential functions: job duties and skills necessary to perform the job, e.g. without them the job could not be done.

Disclosure

- People with disabilities make a personal decision to share information about their disability for the specific purpose of receiving accommodations
- There is no standardized form or set of requirements for disclosure

Americans with Disabilities Act (ADA)

- Only applies to companies and federal contractors with 15+ employees
- Employers may invite you to disclose a disability (such as using Form CC-305), and it is your choice to disclose or not during the application process or on the job. If your disability is obvious or has been disclosed, employers can ask if you will need reasonable accommodations.
- Employers are free to choose from available accommodation options
- Employers are required to take affirmative action to recruit, hire, promote, and retain individuals with disabilities
- Employees are invited to self-identify every 5 years, using standardized materials

Legal Recourse

- If you feel your needs have not been met through reasonable accommodations, you may file a complaint against your employer.
- File a charge of discrimination with the Equal Employment Opportunity Commission within 180 days of the incident <http://www.eeoc.gov/employees/charge.cfm>
- You may be encouraged to settle disputes through mediation first
- Employers cannot retaliate against employees filing a complaint

Accommodations

If you have decided to seek accommodations, communicate directly with your supervisor (on the job) or the hiring manager (during the job search).

There is no standard language required to request accommodations, so focus on expressing your specific needs and how it affects you on the job. Provide different options for accommodations, and be willing to have follow-up conversations about what works best for you and the employer. It can be useful to keep a paper or email trail of your request for documentation purposes.

Common accommodations provided include:

- Modifying job application procedures and training materials
- Making existing facilities accessible and usable
- Restructuring the job
- Modifying work schedule or project times
- Modifying or installing new equipment
- Providing qualified readers or interpreters

Accommodations that do not need to be provided by the employer include:

- Eliminating a primary job responsibility
- Lowering production standards applied to all employees
- Providing personal use items (prostheses, wheelchairs, etc.)
- Excusing violations to uniformly applied conduct rules (job related and of business necessity)
- Anything creating significant difficulty or expense to the employer, especially if there are multiple accommodation options available

Resources for accommodations:

- Accommodations can be requested at any step of the job application process or while on the job
- AskJan maintains a database of information about many different types of disabilities and their associated accommodations: <http://askjan.org/media/atoz.htm>
- Duke provides interpreter services for on-campus interviews in the Career Center. Students should contact Duke Student Disability Access Office (SDAO, <http://access.duke.edu/students/requesting/index.php>) at least 48 hours before the interview.