

KNOW YOUR RIGHTS: DISABILITY RIGHTS

People with disabilities face widespread discrimination, segregation, and exclusion, but federal disability rights laws can provide protection.



If I have a disability, what are my rights at work?

Examples of disability discrimination in the workplace

- Your boss, coworkers, or customers direct derogatory comments, jokes, or gestures toward you that are related to your disability.
- An employer refuses to hire you, promote you, or pay you equally to your coworkers because of your disability, when you are capable of doing the job.
- Your employer refuses to make “reasonable accommodations” – changes to how a job is done so that you can have an equal chance to succeed.
- An employer demands that you disclose or talk about your disability when you have not asked for an accommodation.

Your rights

- Federal law protects people with disabilities from discrimination in employment.
- You do not have to inform an employer of your disability when you apply for a job or when you are hired — even if later you need a reasonable accommodation.
- If you can do the job, it is unlawful for an employer to refuse to hire or promote you, to fire or demote you, to harass you, or to pay you less because of your disability.
- You are also protected from unnecessary medical inquiries at work.
- You have the right to ask for and receive “reasonable accommodations” that allow you to have an equal chance to succeed.
- However, private employers with fewer than 15 employees are not covered by federal disability nondiscrimination laws.

What to do if you need a reasonable accommodation

- Let your employer know that you have a disability and request a reasonable accommodation.
- You may need to provide a doctor's note if your employer asks for one.
- If your employer says no to your requested modification, try to keep the conversation going. Try to think of another change that would help, or ask your employer to look at the Job Accommodation Network website.

What to do if you believe your rights have been violated

- File a charge of discrimination with the U.S. Equal Employment Opportunity Commission or your state fair employment practices agency.
- Depending on your state, your deadline to file with the EEOC or your state agency may be as short as 180 days.
- If you are a federal employee, contact your EEO counselor within 45 days.
- Contact a lawyer.

Additional resources

- [The Job Accommodation Network](#)
- [The U.S. Equal Employment Opportunity Commission](#)
- [National Employment Lawyers Association](#)

I have a disability and am renting a home**Examples of disability discrimination against renters**

- A landlord refuses to rent to you because of your disability.
- A landlord asks for a deposit that is higher than that asked of tenants who do not have disabilities.
- A landlord prevents you from making modifications to your apartment or home to make it more accessible.
- A landlord refuses to make reasonable accommodations to the rules — for example, the landlord prohibits a service animal based on a blanket “no pets” policy.

Your rights

- You have the right to be treated like any other prospective tenant when applying to rent a home. Discrimination on the basis of disability is illegal under federal law.
- You are allowed to make physical changes to your rental unit to make it more accessible to you. Private landlords are not required to make these access changes for you. Landlords may have the right to ask you to restore the unit to how it was or put money in an escrow account to ensure they can.
- You have a right to reasonable accommodations in in rules, policies, practices, or services.
- You may have additional rights in public housing, in housing that is federally funded, and in public spaces associated with your housing such as parking lots, garages, lobbies, and sidewalks.

What to do if you believe your rights have been violated

- File a complaint with the U.S. Department of Housing and Urban Development or with a state or local fair housing agency.
- You must file a complaint with HUD within one year of the last date of alleged discrimination under the Fair Housing Act.
- In some cases, the right federal agency may be the U.S. Department of Justice.
- Contact a lawyer.

Additional information

- [U.S. Department of Housing and Urban Development](#)
- [National Housing Law Project, Reasonable Accommodations for People with Disabilities](#)

Navigating businesses and public spaces with a disability**Examples of disability discrimination in public spaces**

- A business owner refuses to allow a person with a disability to bring a service animal inside.
- A person opening a business fails to ensure that any new construction is accessible to people with mobility or sensory disabilities.

Your rights

- Under the Americans with Disabilities Act, it is illegal for businesses open to the public such as stores, hotels, restaurants, museums, theatres, and doctors' offices to discriminate against people with disabilities. You have the right not to be excluded from these spaces.
- The ADA only requires that businesses make architectural changes to their buildings that are "readily achievable." Nonetheless, because the ADA has been in effect for 28 years, most businesses and buildings should have made themselves fully accessible to people with disabilities.
- Newly constructed commercial buildings must be fully accessible.
- You have the right to bring your service animal into any business, even those that have an explicit "no pets" policy.

What to do if you believe your rights have been violated

- [ADA Technical Assistance](#)
- File an [ADA complaint form](#) with the U.S. Department of Justice

I need language or disability accommodations while voting**Your rights**

- Under federal law, all polling places for federal elections must be accessible to disabled and elderly voters, or must provide alternate means for casting a ballot on the day of the election.
- Under federal law, all limited English proficiency voters and voters with disabilities may obtain assistance in voting from a person of their choice, as long as this person is not the voter's employer, or an agent of the employer or of the voter's union.
- In some places (those covered by Section 203 of the Voting Rights Act), trained bilingual poll workers must be available to provide assistance in the relevant language, and ballots, written forms, and information relating to the voting process must be available in the covered language.
- All polling places for a federal election must have at least one voting system that makes voting accessible in a private and independent manner to voters with disabilities.
- Voters with disabilities cannot be turned away from the polls because a poll worker thinks they do not have the capacity to vote.

What to do

- If possible, bring a family member, friend, or other person of your choice to assist you at the polls. Don't bring your employer, or an agent of your employer or union.
- Tell the poll workers that you have chosen this person to assist you with voting. You may be required to swear under oath that you have difficulty speaking, reading, writing, or understanding English and have asked this person to help, and the person helping you may be required to sign a form swearing that they did not tell you how to vote.
- Request oral assistance from a bilingual poll worker if you have questions, and ask for voting materials, such as your ballot, in your language. (Note: Not all jurisdictions and counties require polls to provide bilingual voting materials or language assistance.)

Additional information

- [Bazon Center for Mental Health Law on Voting](#)
- [National Disability Rights Network on Voting](#)

I'm in prison and have a disability**Examples of discrimination against people in prison with disabilities**

- Exclusion from facilities, programs, and services that are accessible to other prisoners.
- Not providing sign language interpreters for a deaf prisoner at disciplinary hearings, classification decisions, medical appointments,, and educational and vocational programs.
- Failure to provide medical devices such as wheelchairs and canes to disabled prisoners.
- Placement in segregation or solitary confinement due to perceived vulnerability or the unavailability of accessible cells in general population.

Your rights

- Prisoners with disabilities are protected under sections of the Americans with Disabilities Act and the Rehabilitation Act of 1973. In the prison and jail context, the Rehabilitation Act applies to facilities run by federal agencies (such as the Bureau of Prisons) and to any state or local agency that receives federal funding. The ADA regulates facilities run by state and local agencies, regardless of whether they receive federal funding.

Georgia

- You are entitled to an equal opportunity to participate in programs and services for which you are qualified.
- You are entitled to be housed at your correct security level, and in a cell with the accessible elements necessary for safe, appropriate housing.
- You are entitled to reasonable modifications to policies and procedures.
- You are entitled to equally effective communication including any necessary auxiliary aids and services such as sign language interpreters, captioning, videophones, readers, Braille, and audio recordings.
- Prison officials are not required to provide accommodations that impose undue financial and administrative burdens or require a fundamental alteration in the nature of the program.
- Prison officials are also allowed to discriminate if the disabled prisoner's participation would pose significant safety risks or a direct threat to the health or safety of others that cannot be mitigated through reasonable modifications.

What to do if you believe your rights have been violated

- File a formal grievance through your facility's grievance process and appeal all levels available. If your facility has an ADA Coordinator you may also contact that person and ask him/her to help you with an accommodation for your disability.
- You or your attorney can file a lawsuit explaining how your rights have been violated under the ADA, the Rehabilitation Act, or both. You must complete any available grievance procedure and all appeals before filing a lawsuit in federal court.
- To bring a lawsuit under these laws, disabled prisoners must show: (1) that they are disabled within the meaning of the statutes, (2) that they are "qualified" to participate in the program, and (3) that they are excluded from, are not allowed to benefit from, or have been subjected to discrimination in the program because of their disability. Under the Rehabilitation Act, prisoners must also show that the prison officials or the governmental agency named as defendants receive federal funding.
- Depending on the situation, disabled prisoners may file claims for relief under the Eighth Amendment, which prohibits cruel or unusual punishment, in addition to or instead of the ADA or Rehabilitation Act.

Georgia

- The laws of some states may provide different or greater legal rights than the federal laws. Disabled prisoners should investigate this possibility before bringing suit.

Additional resources

- Every state and U.S. territory has a federally mandated Protection and Advocacy (P&A) organization that works to provide assistance and legal services to individuals with disabilities. Some of these organizations also work with incarcerated individuals. For a complete listing of all these organizations by state click here: <https://www.ndrn.org/ndrn-member-agencies.html>