

UNDERSTANDING DISABILITY RIGHTS

The Americans with Disabilities Act is the law that sets forward the rights and protections for individuals with disabilities. It provides protections for individuals with disabilities so that they are not discriminated against and so that they can advocate for themselves without fear of retaliation. The ADA also places obligations on employers to adapt work requirements to meet the needs of individuals with disabilities. Navigating the requirements of the ADA can be confusing. Having some basic information can give individuals a jumping off point to address their own health issues.

What is a disability?

A disability is a physical or mental impairment that “substantially limits” one or more “major life activities.” There isn’t an exhaustive list of what qualifies as “major life activities,” but the law uses a common-sense approach to determine those basic elements of life that many of us take for granted. Things like walking, eating, sleeping, talking, caring for oneself, and others all qualify as “major life activities.” These life activities do not have to be impossible or even significantly difficult in order to qualify as “substantially limited,” but interference must be more than minimal or momentary. Life activities can also be considered “substantially limited” even if the limitation can be addressed by medication or other modifications, such as insulin for someone with diabetes or an individual who walks with a cane.

What is an accommodation?

Accommodations are changes to a workplace that allow an employee with a disability to complete the “essential duties” of his or her job. These changes can be structural in nature, such as changing a work location or modifying a work schedule, or they might include modifications to work rules or policies to fit the employee’s disabilities. For example, if an employee has difficulty walking, he or she could request a classroom on the first floor or near an entrance to the building. If an employee needs to eat at certain times of day, that person can request modifications to rules about keeping food in the room. As long as the employee completes the basic functions of the job, nearly anything else can be the subject of an accommodation.

Requesting an accommodation

Even though an employee can request almost any accommodation, the employer is only required to provide a “reasonable accommodation” that does not create an “undue burden.” Therefore, the accommodation process does require more than just requesting a change. The first step in the accommodation process is to talk with your doctor about what kind of changes can be made to your work so that you can do the “essential functions.” At this point, you want to come up with a list of possible accommodations that is as comprehensive as possible since you likely won’t know from the start which your employer may agree to. With your list in hand, you should then contact your employer and notify the appropriate supervisor that you are requesting an accommodation related to a disability. This request will trigger a process where you will talk with your employer to find an accommodation that will work for you and won’t place an “undue burden” on the employer.

Getting help

The accommodation process can be complex and emotionally draining, particularly if you are already dealing with a disability. Missouri NEA’s UniServ directors are experts at assisting people in working with their districts--so be sure to involve them through the accommodation process to help smooth the process and ensure it comes to a satisfactory conclusion. Therefore, before doing anything else, give your UniServ director a call, and talk with him or her about how best to proceed.