Reasonable Accommodations in the Workplace

This fact sheet talks about the laws that protect you from discrimination at work if you have a disability. It also talks about how to ask for a reasonable accommodation and when and how to file a complaint.

Anti-Discrimination Laws at Your Job

The federal Americans with Disabilities Act (ADA) protects the rights of employees with disabilities and says that employers have to give reasonable accommodations. You can read the ADA online at: https://www.ada.gov/law-and-regs/ada/

There is another federal law that protects employees working for the federal government and private employers that receive federal funding. It's called Section 504 of the Rehabilitation Act. Read it online at: https://www.dol.gov/agencies/oasam/centers-offices/civil-rights-center/statutes/section-504-rehabilitation-act-of-1973.

There also is a state law, the Minnesota Human Rights Act (MHRA) that gives similar protections for employees with disabilities. You can read that statute online at: https://www.revisor.mn.gov/statutes/cite/363A.

These anti-discrimination laws do not apply to all employers. ADA only applies to employers who have 15 or more employees. The ADA also does not usually apply to religious organizations.

The ADA and MHRA cover people with physical or mental disabilities. The definition of disability in these laws is broader than the Social Security Administration's definition. This means you may be considered to have a disability under the ADA even if you aren't eligible for Social Security disability benefits.



How do I know if the ADA or MHRA covers me?

To be covered by civil rights laws like the ADA and MHRA, you must meet the criteria for one of 3 areas:

1. You must have a physical or mental impairment that limits one or more major life activities a lot. This might be a person who uses a wheelchair because they can't walk, or a person who is autistic and is limited in communication.

2. You have a history or record of a physical or mental disability. This could be because you had a serious illness in the past, like cancer or mental illness. You recovered and are looking for work. An employer can't refuse to hire you because of this past disability.

3. You are seen as having a disability. This could include an employer making a wrong assumption about a medical disorder. And being wrong about if it means that you might not be able to do the job or would be limited in doing that job.

What is a Reasonable Accommodation?

Reasonable accommodations are changes or adjustments to a job, work environment, or the job application process. You must need the reasonable accommodation because of your disability.

Examples of reasonable accommodations are things like:

- making an office accessible
- providing an interpreter because you are deaf
- changing a work schedule or letting an employee take frequent breaks.



Some other common reasonable accommodations are things like:

- taking away a less important part of your job that isn't important
- letting you have a part-time schedule or making changes to your schedule that you need
- letting you take time off of work (like providing unpaid leave along with FMLA or sick leave)
- giving you a different job (like transferring you to an open job that you are qualified to do) or
- working from home

If you're not sure what kinds of reasonable accommodations you should ask for, the Job Accommodation Network (JAN) is a helpful resource. JAN has facts sheets on disabilities, sample letters and ideas that may help you get the accommodation you need to do the job like anyone else. Find them at https://askjan.org or call them at 1-800-526-7234 for a free consultation.

Can my employer deny my request?

Yes. Your employer can deny your accommodation request if:

- It would be an "undue hardship" for them or
- You can't do the necessary functions of the job, even with the disability-related accommodation.

Employers may be able to show "undue hardship" if the accommodation you ask for costs too much or would change the workplace environment too much.

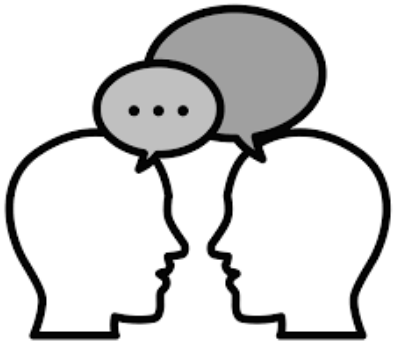
When and how do I ask for a reasonable accommodation?

You can ask for an accommodation that you need because of your disability at any time. It is best to ask for an accommodation before your work is affected or before you face discipline at work. Your accommodation request does not need to be in writing. But it is usually best to do it in writing to make sure your request is clear. It also gives you proof that you made the request. Put the date on it and keep a copy for your records.

What happens next?

You and your employer should start talking about your requests as soon as possible. This can be informal but should include a chance to:

- Talk about your concerns with your employer.
- Share information about your needs.
- Talk about what might work from the employer's perspective.
- Work out together different ways or accommodations to address your concerns so you can keep working.



Your employer has the right to ask you for certain information about your disability if you ask for an accommodation, especially if the disability is not obvious. BUT they should not ask for all of your medical records.

For More Information

- Read more about the ADA and reasonable accommodations in the workplace:
  - https://www.eeoc.gov/eeoc/publications/fs-ada.cfm
  - https://www.eeoc.gov/policy/docs/accommodation.html.

- The Minnesota State Department of Human Rights also has information on their website about reasonable accommodations: https://mn.gov/mdhr/employers/reasonable-accommodations/

How do I protect my rights under the ADA and the MHRA?

You can file a discrimination complaint against your employer if your employer doesn't respond to your request, you think your employer wrongly denied your request, or your employer retaliates against you for requesting an accommodation.

Filing a Discrimination Complaint

If you think your employer denied your reasonable accommodation request and shouldn't have, or discriminated against you in another way based on your disability, contact:

- **The Minnesota Department of Human Rights** - file a charge of discrimination online at: https://mn.gov/mdhr/intake/consultationinquiryform/

- **The federal Equal Employment Opportunity Commission** - file a charge of discrimination through their online portal at: https://www.eeoc.gov/eeoc-public-portal

Both investigate for free. Contact them at:

Minnesota Department of Human Rights
540 Fairview Avenue North, Suite 201
Saint Paul, MN 55104
Email: info.mdhr@state.mn.us
Telephone: 651.539.1100
MN Relay: 711 or 1.800.627.3529
Toll Free: 1.800.657.3704

Federal Equal Employment Opportunity Commission
Towle Building
330 Second Avenue South, Suite 720
Minneapolis, MN 55401
Telephone: 612.552.7306
TTY: 1.800.669.6820
ASL Video Phone: 844.234.5122

To get information about MDHR, go to https://mn.gov/mdhr/.

For information about EEOC and employment discrimination and forms to file charges, go to https://www.eeoc.gov./.

Is there a deadline to file a discrimination complaint?



There is a legal deadline (called a statute of limitations). It gives you **1 year** from the date of the discrimination to file an MDHR or state district court complaint. State complaints can be filed in court without going to MDHR first.

You have **300 days** from the date of the discrimination to file a complaint with the EEOC. Federal charges must be filed with EEOC and can't go directly to court until investigated or dismissed by the agency.

Get Help with Reasonable Accommodations

Hennepin & Ramsey County Bar Association, attorney referral service
612-752-6699
https://mnlawyerreferral.org
*they charge a small fee for ½ hour meeting. A lawyer might agree to take your case and only get paid if you win.

Volunteer Lawyer's Network Legal Clinics
612-752-6677
https://vlnmn.org/help/

Minnesota State Law Library: https://mncourts.libguides.com/employment/legal_help

Self-Help Centers
https://mncourts.gov/help-topics/self-help-centers

Employment Lawyers

- **MN State Bar:** https://mnbars.org/?pg=FindALawyer
- **MN National Employment Lawyer Association:** https://mn-nela.org/

Calling the Minnesota Disability Law Center for Help
For more information about MDLC or to apply for help with reasonable accommodations in employment, call:

New client intake: 1-877-696-6529
Statewide: 1-800-292-4150
TDD – 612-332-4668

MDLC has limited funding. We can only help with reasonable accommodation cases if you get Social Security disability benefits, such as Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI).

Fact Sheets are legal information NOT legal advice. See a lawyer for advice.
Don't use this fact sheet if it is more than 1 year old. Ask us for updates, a fact sheet list, or alternate formats.

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