



Your Employment Rights

Protection and Advocacy System for New Hampshire

Disability Rights Center - NH is dedicated to eliminating barriers existing in New Hampshire to the full and equal enjoyment of civil and other legal rights by people with disabilities.

This brochure is not meant to be legal advice. For specific legal advice an attorney should be consulted.

If you need vocational training or help finding and keeping a job and you are a client of an area agency for developmental services or a community mental health center, you can get help from your case manager.

64 N Main Street
Suite 2, 3rd Floor
Concord, NH 03301

Phone: 603-228-0432 or
1-800-834-1721 (voice/ TTY)
Fax: 603-225-2077
Email: advocacy@drcnh.org
www.drcnh.org

Disability Rights Center - NH

In New Hampshire, your employment rights are protected by RSA 354-A, the Law Against Discrimination. The New Hampshire Commission for Human Rights is the agency that enforces the Law Against Discrimination. Employers with 6 or more employees during the 180 days prior to the filing of the complaint are covered under this law. If you work for or interview with an employer that has 15 or more employees, you are also protected by the ADA (Americans with Disabilities Act). Under these laws, employers are not allowed to discriminate against you because of your disability. However, these laws do not guarantee you a job because you have a disability.

Before You Get the Job

When you apply for a job, an employer can ask you many questions but may not ask about everything. For example:

- **An employer may *NOT* ask you about your disability**
- **An employer may *NOT* ask you about your health or medications**
- **An employer may *NOT* ask you if you have been in the hospital**

These are ILLEGAL questions.

Employers might ask you these questions anyway, even though the law says they cannot. You do not have to tell the employer about your disability, health, or medications. Here are some suggestions that will help you protect your rights.



Who is covered under the ADA?

- A person who has a physical or mental impairment that substantially limits one or more major life activity.
- A person who has a record of such an impairment, even if they do not currently have a disability.
- People who do not have a disability but are regarded as having a disability.
- It is illegal to discriminate against a person based on that person's association with a person with a disability (family or friends).

ON THE JOB APPLICATION: If there is a question about your physical or mental abilities, do not answer it! Leave it blank!

Have you not worked, because of your disability? If an employer wants to know why you did not work for some time, you should say:

"I took time off from work to handle a private matter."

This answer may satisfy an employer. Do NOT lie. Lying could result in losing your job. If they ask again, just tell them, "I'm sure that you can understand that some things are private." Then, talk about why you are qualified for that job!

During the Job Interview

If an employer asks you an ILLEGAL question (or if they want to know why you did not answer an ILLEGAL question on the job application), you should say:

"I do not answer questions about things that are private and not related to the job. I would be happy to discuss my qualifications for this job."

Physical or Medical Examinations

The employer can ask you questions about your health and require medical examinations, but only **AFTER** the employer offers you a job, **BEFORE YOU START** the job, and only **IF IT IS REQUIRED FOR ALL NEW EMPLOYEES**. However, the employer **CANNOT** use any of this

information to exclude you from the job if you can do the "essential functions" (important parts) of the job, with or without "reasonable accommodations."

After You Start the Job

Do you have to tell your employer about your disability after you start working? NO!

Can your employer ask about your disability after you start working? NO!

When do you tell the employer about your disability?

You never have to tell the employer about your disability, unless you need assistance to do your job. Then you will need to tell the employer about your disability to get the assistance you need and explain why your disability requires this assistance. This assistance is called a "reasonable accommodation." The employer

can refuse to give you this assistance only if what you ask for is too expensive or difficult.

If you do need to ask for a reasonable accommodation, do it in writing!

In your letter, ask your employer to respond in writing. If they don't write back, but agree to provide job accommodations to you, send a "Thank You" letter listing what they have agreed to do. This shows that they received your letter, acknowledged your disability, and have agreed to provide job accommodations. Keep copies of all letters! For more information, go to <http://www.drcnh.org/IssueAreas/Empdiscrim.html>

Examples of reasonable accommodations

- Extra breaks
- Seating
- Magnifying glass
- Better lighting
- Reduced noise
- ASL interpreter for meetings

IF YOU HAVE BEEN DISCRIMINATED AGAINST, DO NOT WAIT!

You must file your complaint within **180 days*** of the date on which you were discriminated against by an employer (there are minor exceptions allowing extensions to 300 days in some cases: consult with a lawyer). You do not need a lawyer to file a disability discrimination complaint with either the EEOC (Equal Employment Opportunity Commission) or the New Hampshire Commission for Human Rights.

You cannot go straight to court with an employment discrimination claim. You first must file with one of these agencies.

EEOC's Boston office:

John F. Kennedy Federal Bldg
475 Government Center
Boston, MA 02203
Phone: 617-565-3200 or
1-800-669-4000
Fax: 617-565-3196
TTY: 617-565-3204 or
1-800-669-6820
<http://www.eeoc.gov/>

NH Commission for Human Rights

2 Chenell Drive
Concord, NH 03301-8501
(603) 271-2767
Fax: (603) 271-6339
E-MAIL:
humanrights@nhsa.state.nh.us
<http://www.nh.gov/hrc/>



**Note to Federal Employees: The rules are different for you. You have only 45 days to file your complaint, and you must file with the EEO counselor at your agency. Call DRC for more information.*