



*If you have questions about your employment rights or think that your rights have been violated because of your disability you can contact DRC-NH to speak with an attorney free of charge.*

## Did You Know?

**ADA protection extend to all aspects of your employment:**

- ✓ **hiring**
- ✓ **promotion**
- ✓ **termination**
- ✓ **work-related benefits**

# Employment

## Know Your Rights



## Accessing an Inclusive and Safe Work Environment

In New Hampshire, federal and state laws like the Americans with Disabilities Act (ADA) protect people with disabilities from employment discrimination on the basis of their disability. This protection extends to all aspects of your employment, including hiring, promotion, termination, and work-related benefits.

### Am I Covered Under the Americans With Disabilities Act (ADA)?

- An individual who has a disability that substantially limits one or more major life activities is covered under the ADA and state law. This may include individuals who require medication or assistive devices like a walker or talk-to-text software.
- An individual who has a record of impairment, even if they do not currently have a disability, is also covered under the ADA. Additionally, individuals who have periodic conditions that are in remission are covered. For example, an individual with bipolar disorder or epilepsy who is not currently symptomatic.
- An individual who does not have a disability, but is regarded as having a disability, is also covered under the ADA. For example, an individual who is obese may be covered if an employer assumes that, because of their size, the person would not be able to do the job.
- Additionally, it is illegal to discriminate against a person for associating with a person with a disability. An example of illegal conduct would be refusing to promote an individual because their spouse has a disability.





## Finding Employment: Who Can Help Me?

There are services available to help people with disabilities find and keep employment.

- [NH Vocational Rehabilitation:](#) Helps people with disabilities find competitive, integrated employment.
- [Community Mental Health Centers:](#) Assist people with mental health conditions find employment.
- [Area Agencies:](#) Provide services to people with developmental disabilities and people with brain injuries who need supported employment.



## Can They Ask Me That? Navigating Employer Inquiries

Job applications and interviews are frequent sources of both intentional and unintentional discrimination. Even after accepting a position, you might be asked a question that is inappropriate. Employers are not legally allowed to ask you certain questions that relate to your disability:

- Employers may **NOT** ask you about your disability.
- Employers may **NOT** ask about your health or medications.
- Employers may **NOT** ask whether you have been in the hospital.
- Employers may **NOT** ask you whether you have applied for, or have received, worker's compensation benefits.
- Employers may **NOT** ask you whether you have applied for, or have received, Social Security Disability Benefits (SSDI) or Supplemental Security Income (SSI).
- Employers **ARE** permitted to ask whether you are capable of performing the essential functions of the job. They are **NOT** permitted to ask whether a disability interferes with your ability to perform those functions.
- Employers **ARE** permitted to ask you whether an accommodation is needed to perform the essential functions of a job due to a disability. They are **NOT** permitted to ask for particular information about your disability.

Some employers have internal affirmative action plans that seek to hire individuals with disabilities. This is why many job applications ask you to answer: "do you have a disability?" You are **NOT** required to answer this question affirmatively, and if you do not answer that question "yes" when you apply, you are **STILL** protected under both the ADA and state law.

If an employer or potential employer asks an illegal question, one possible response is

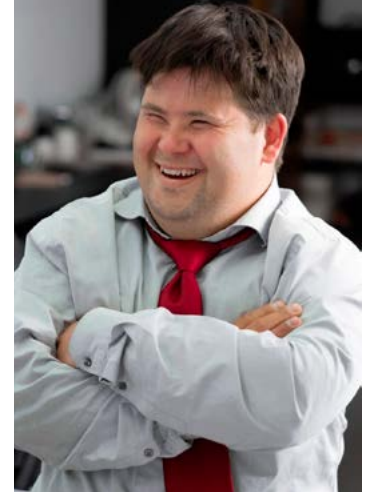
*"I do not answer questions about things that are private and not related to the job. I would be happy to discuss my qualifications for this job."*

Disability Rights Center - New Hampshire (DRC-NH) is dedicated to the full and equal enjoyment of civil and other legal rights by people with disabilities.

DRC-NH is New Hampshire's designated Protection and Advocacy agency and authorized by federal statute "to pursue legal, administrative, and other appropriate remedies" on behalf of individuals with disabilities. We are a statewide organization independent from state government or service providers.

### How Do I Receive an Accommodation for My Job?

Employers are required to provide reasonable accommodations to their employees as long as the accommodations are not prohibitively expensive or fundamentally change the nature of the business. Both the employee and the employer are required to engage in a good faith, interactive process to identify possible accommodations to ensure that all employees have access to a safe and accessible work environment.



See [The Three Step Process](#) to learn more about how this interactive process works. If your employer refuses to provide an accommodation, or does not engage in the interactive process, we recommend that you consult with an attorney.



### Disability Rights Center - NH

Protection and Advocacy System for New Hampshire

64 North Main Street, Suite 2  
3<sup>rd</sup> Floor, Concord, NH 03301-4913

**MISSION:** The Disability Rights Center is dedicated to eliminating barriers to the full and equal enjoyment of civil and other legal rights for people with disabilities.

**twitter.com/DRCNH**

**facebook.com/DisabilityRightsCenterNH**

**WEBSITE:** www.drcnh.org

**EMAIL:** mail@drcnh.org

**VOICE AND TDD:** ..... (603) 228-0432  
1-800-834-1721

**FAX:** ..... (603) 225-2077

TDD access also through NH Relay Service

**VOICE AND TDD:** ..... 1-800-735-2964

This publication was supported solely by federal funding from grants from the U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration; U.S. Department of Health and Human Services, Administration for Community Living/Administration on Intellectual and Developmental Disabilities; U.S. Department of Education, Department of Rehabilitation Services; Social Security Administration; and a grant from the New Hampshire Bar Foundation.

The contents are solely the responsibility of the grantees and do not necessarily represent the official views of the grantors.

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