



*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.*

## Additional Resources

For general information about your employment rights visit: [drcnh.org/issue-areas/employment](https://www.drcnh.org/issue-areas/employment)

[U.S. Equal Employment Opportunity Commission](https://www.eeoc.gov/)

[The Job Accommodation Network](https://www.jobaccommodationnetwork.org/)

# Employment

## Know Your Rights



## Requesting an Accommodation

# The Three Step Process

### Step One: Request an Accommodation

If a health condition is causing you to experience difficulties in any aspect of your work, you have the right to request an accommodation from your employer. We recommend making this request in writing to the appropriate individual or department.

Your request should include the following:

- Describe the specific work limitation
- Explain that the work limitation results from a health condition protected under the ADA
- Request an accommodation that will lessen the limitation
- Propose ideas for potential accommodations

Also, it is helpful to request the employer's disability accommodation policy or employee manual.

Your employer may ask for medical documentation to support your request for an accommodation. Your employer needs to give you a reasonable amount of time for you to get this documentation from your doctor.

Accommodations are specific to your needs and health status. Some of the most common accommodations include:

- A flexible work schedule
- Access to meals/ snacks throughout the day
- Assistive technology, like talk-to-text
- Access to a sign language interpreter

### Step Two: The Interactive Process

Once you have requested an accommodation, you and your employer must engage in an interactive, cooperative process to identify a suitable accommodation that will allow you to perform the essential functions of

*Continued on page 2*

Continued from page 1

the job. Your employer may legally deny a proposed accommodation if it poses an undue hardship or fundamentally changes the nature of their business, or if the accommodation results in you being unable to perform the essential functions of your job. Although it is helpful for you to propose ideal solutions, your employer is NOT required to provide you with the specific accommodation you request. In that situation, you and your employer should be flexible and develop an accommodation that suits both of your needs.

If you have engaged in the interactive process and your employer has denied your request, or if your employer refuses to engage in the interactive process, you should consult an attorney.



### Step Three: Evaluating Your Accommodation

Once you have received an accommodation, it is important to review whether the accommodation is working. If you find that the accommodation

isn't enough to help you perform the essential functions of your job, you need to communicate that to your employer. Sometimes, accommodations that have worked for a long time may no longer work, especially if your health condition changes. In that case, you should discuss a different accommodation with your employer.

## Harassment, Termination and Other Negative Actions

An employer cannot penalize you for requesting or receiving an accommodation. For example, an employer cannot change your pay or benefits, terminate you, harass you, or change your job conditions in a negative way. If you have always received a good performance review but are suddenly getting bad reviews after requesting an accommodation, this may be illegal behavior. If you encounter negative changes in your work environment after asking for or receiving an accommodation, you should speak 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

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