

Disability and Accessibility: Definitions and Laws

An individual with a disability is defined by the ADA as:

- A person who has a physical or mental impairment that substantially limits one or more major life activities (e.g. walking, talking, learning, chronic illness),
- A person who has a history or record of such an impairment (even if they do not currently have a disability, e.g. cancer survivors), or
- A person who is perceived or regarded by others as having such an impairment

Reasonable Accommodations

- A change or adjustment to a job or a workspace that allows a person with a disability to apply for a job, to perform the essential functions of a job, and to participate equally
- Essential functions: job duties and skills necessary to perform the job, e.g. without them the job could not be done.

Disclosure

- People with disabilities make a personal decision to share information about their disability for the specific purpose of receiving accommodations
- There is no standardized form or set of requirements for disclosure

Americans with Disabilities Act (ADA)

- Only applies to companies and federal contractors with 15+ employees
- Employers may invite you to disclose a disability (such as using Form CC-305), and it is your choice to disclose or not during the application process or on the job. If your disability is obvious or has been disclosed, employers can ask if you will need reasonable accommodations.
- Employers are free to choose from available accommodation options
- Employers are required to take affirmative action to recruit, hire, promote, and retain individuals with disabilities
- Employees are invited to self-identify every 5 years, using standardized materials

Legal Recourse

- If you feel your needs have not been met through reasonable accommodations, you may file a complaint against your employer.
- File a charge of discrimination with the Equal Employment Opportunity Commission within 180 days of the incident <http://www.eeoc.gov/employees/charge.cfm>
- You may be encouraged to settle disputes through mediation first
- Employers cannot retaliate against employees filing a complaint

Accommodations

If you have decided to seek accommodations, communicate directly with your supervisor (on the job) or the hiring manager (during the job search).

There is no standard language required to request accommodations, so focus on expressing your specific needs and how it affects you on the job. Provide different options for accommodations, and be willing to have follow-up conversations about what works best for you and the employer. It can be useful to keep a paper or email trail of your request for documentation purposes.

Common accommodations provided include:

- Modifying job application procedures and training materials
- Making existing facilities accessible and usable
- Restructuring the job
- Modifying work schedule or project times
- Modifying or installing new equipment
- Providing qualified readers or interpreters

Accommodations that do not need to be provided by the employer include:

- Eliminating a primary job responsibility
- Lowering production standards applied to all employees
- Providing personal use items (prostheses, wheelchairs, etc.)
- Excusing violations to uniformly applied conduct rules (job related and of business necessity)
- Anything creating significant difficulty or expense to the employer, especially if there are multiple accommodation options available

Resources for accommodations:

- Accommodations can be requested at any step of the job application process or while on the job
- AskJan maintains a database of information about many different types of disabilities and their associated accommodations: <http://askjan.org/media/atoz.htm>
- Duke provides interpreter services for on-campus interviews in the Career Center. Students should contact Duke Student Disability Access Office (SDAO, <http://access.duke.edu/students/requesting/index.php>) at least 48 hours before the interview.

Voluntary Self-Identification of Disability

Form CC-305
OMB Control Number 1250-0005
Expires 1/31/2017
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Why are you being asked to complete this form?

Because we do business with the government, we must reach out to, hire, and provide equal opportunity to qualified people with disabilities.¹ To help us measure how well we are doing, we are asking you to tell us if you have a disability or if you ever had a disability. Completing this form is voluntary, but we hope that you will choose to fill it out. If you are applying for a job, any answer you give will be kept private and will not be used against you in any way.

If you already work for us, your answer will not be used against you in any way. Because a person may become disabled at any time, we are required to ask all of our employees to update their information every five years. You may voluntarily self-identify as having a disability on this form without fear of any punishment because you did not identify as having a disability earlier.

How do I know if I have a disability?

You are considered to have a disability if you have a physical or mental impairment or medical condition that substantially limits a major life activity, or if you have a history or record of such an impairment or medical condition.

Disabilities include, but are not limited to:

- Blindness
- Deafness
- Cancer
- Diabetes
- Epilepsy
- Autism
- Cerebral palsy
- HIV/AIDS
- Schizophrenia
- Muscular dystrophy
- Bipolar disorder
- Major depression
- Multiple sclerosis (MS)
- Missing limbs or partially missing limbs
- Post-traumatic stress disorder (PTSD)
- Obsessive compulsive disorder
- Impairments requiring the use of a wheelchair
- Intellectual disability (previously called mental retardation)

Please check one of the boxes below:

- YES, I HAVE A DISABILITY (or previously had a disability)
- NO, I DON'T HAVE A DISABILITY
- I DON'T WISH TO ANSWER

Your Name

Today's Date

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Reasonable Accommodation Notice

Federal law requires employers to provide reasonable accommodation to qualified individuals with disabilities. Please tell us if you require a reasonable accommodation to apply for a job or to perform your job. Examples of reasonable accommodation include making a change to the application process or work procedures, providing documents in an alternate format, using a sign language interpreter, or using specialized equipment.

¹ Section 503 of the Rehabilitation Act of 1973, as amended. For more information about this form or the equal employment obligations of Federal contractors, visit the U.S. Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) website at www.dol.gov/ofccp.

PUBLIC BURDEN STATEMENT: According to the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. This survey should take about 5 minutes to complete.