

What Are Your Rights?



The Rehabilitation Act of 1973 requires Federal agencies to reasonably accommodate the needs of qualified employees with a handicapping condition.

What this means is that if you qualify for protection under the Rehabilitation Act, the agency may have to change or adjust your job or workplace to enable you to perform the essential functions of your job.

Some common examples of reasonable accommodation include:

Making the workplace readily accessible to you (building a ramp, changing your desk height, modifying toilet facilities, providing cups at the water fountain); redesigning or adapting equipment for you (instructions in braille, shoulder rest); providing a reader or sign language interpreter; restructuring your job or reassigning some of your marginal job functions; and as a last resort, reassigning the employee to a funded, vacant position.

If your disability involves substance abuse, your employer should provide you with a “firm choice” between treatment rather than dismissal as a form of reasonable accommodation. If you choose treatment, you have a right to leave without pay.

Who Can Use the Rehabilitation Act?

To be able to demand that your agency provide reasonable accommodation for your disability, you must first satisfy two requirements. First, you must be a **qualified employee** as the Rehabilitation Act defines that term. Second, you must have a **handicapping condition** as the Rehabilitation Act defines that term.

Who is a qualified employee?

Qualified employee is a term of art in the Rehabilitation Act. What it means is that either with or without accommodation, a person must be qualified for the position and able to perform the essential tasks of the job. A person cannot be considered unqualified simply because he or she cannot perform marginal or incidental job functions.

What is a handicapping condition?

A person with a **handicapping condition**, as defined by the Rehabilitation Act, is one who:

Has a physical or mental impairment which substantially limits one or more of such person’s major life activities (e.g., walking,

seeing, hearing, working, or performing manual tasks like reaching, standing, or lifting); or has a record of such impairment (has a history of such impairment); or is regarded as having such an impairment (e.g., conditions people mistakenly believe are limiting, such as a facial disfigurement, or an involuntary head jerk).

Many different impairments may qualify as handicapping conditions. Examples include: HIV/AIDS; unusual sensitivity to tobacco smoke; nervous breakdown; diabetes; carpal tunnel syndrome; sickle cell anemia; deafness; blindness; being wheel-chair bound; and addiction to alcohol or drugs (as long as the person is not currently using illegal drugs).

What Can AFGE Do For You?

AFGE can help you determine if you qualify for reasonable accommodation. If you do, AFGE will help you assert your rights. AFGE can also help you recover money awards to compensate for actual losses suffered due to handicap discrimination. Under the 1991 Civil Rights Act, if your agency intentionally discriminates against you, and you are a qualified person with a handicapping condition, you may be able to recover up to \$300,000 in compensatory damages plus back pay and attorney’s fees. Typical forms of compensatory damages may include economic damages (such as medical costs, lost benefits, and other “out of pocket” expenses) and non-economic damages (such as pain and suffering and emotional distress).

What Can You Do?



Fighting discrimination against federal employees with disabilities is an important AFGE concern. Locals and members should ask themselves whether they are

doing everything they can to stamp out discrimination against employees with disabilities. Ask yourself:

Are AFGE members with disabilities stuck in dead-end jobs with no opportunity for promotion, because their agency is unfairly discriminating against them due to their disability? Are AFGE members with disabilities deprived of work opportunities, benefits and services — such as staff meetings, the cafeteria, restrooms, or lounge — because of their disabilities? Has the agency failed to become a “model” employer of the disabled?

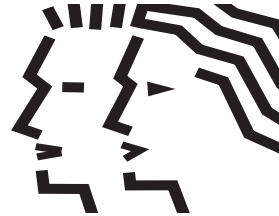
If the answer to any of these questions is “yes,” there are steps that AFGE Local leadership and members can take to better defend the rights of members with disabilities. Get familiar with disability laws; negotiate favorable contract language; and fight for the rights of your sisters and brothers with disabilities!

For more information, please contact:

Your Local Representative
or
American Federation of Government Employees
Fair Practices Department
80 F Street, NW
Washington, DC 20001

(202) 639-6418 (Voice)
(202) 639-6490 (Fax)
(202) 639-6474 (TDD)

WOMEN'S &
FAIR PRACTICES
DEPARTMENTS



American Federation
of Government Employees
AFL-CIO

AFGE

*Proud To Make
America Work!*

Working With AFGE To Fight For The Rights Of Federal



Agencies are required by law to reasonably accommodate the needs of qualified employees with disabilities. AFGE can help you assert your right to a workplace that fully meets its obligation to