



# Your Rights and Responsibilities

## Overview

With regard to the employment process, you, the worker, have certain rights and responsibilities. There are laws that protect you from discrimination in the work place. Businesses that have more than 15 employees also have rights and responsibilities. Under the Americans with Disabilities Act (ADA), it is against the law for certain businesses to discriminate against qualified individuals with disabilities. Section 504 of The Rehabilitation Act of 1973 also prohibits discrimination in employment. The Workforce Investment Act (WIA) of 1998 forbids discrimination in employment or in provision of services by any organization that receives Federal funding under WIA. This includes activities and services provided at your local One-Stop Career Center. Not all businesses are covered by these laws. This fact sheet explains employment rights and responsibilities for you and the business. The underlined terms are defined on the sidebar of this page.

## Pre-Employment

### Job Recruitment and the Application Process

- ◆ Businesses are not required to recruit individuals with disabilities. They may not, however, use recruitment techniques that might screen out potential applicants with disabilities.
- ◆ Businesses are obligated to make the application process accessible for anyone who wishes to apply. Large print format, on-line application processes, and assistance in completing the application are all considered reasonable accommodations for the application process.

- ◆ Employers are not allowed to ask disability-related questions on job applications.
- ◆ For Affirmative Action purposes only, an employer may ask you to voluntarily disclose if you have a disability. This is okay as long as it is stated that giving the information requested is voluntary and will be kept confidential. Information provided cannot be used against you. Refer to the fact sheet entitled *Disclosure* for more information on why, when, and how to disclose.
- ◆ You can ask for accommodations in order to take tests that are a required part of the application process.

## The Interview Process

### Reasonable Accommodations

- ◆ It is your responsibility to request an accommodation for the interview. If you do not ask, the interviewer will not know that you want one.
- ◆ Reasonable accommodations include holding the interview in an accessible location, providing sign language interpreters, or providing a reader for an applicant who is blind. You can request modified testing procedures if testing is a standard part of the interview process, and if it is required of all applicants for that particular position.
- ◆ You should never be asked to pay for an accommodation. The employer pays for accommodations, unless it creates an undue hardship.

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## Glossary of Terms

- ◆ *Qualified individual with a disability:* an individual with a disability who, with or without reasonable accommodation, is able to perform the essential functions of the job.
- ◆ *Disability:* a physical or mental impairment that substantially limits one or more major life activities (i.e. walking, seeing, speaking or hearing).
- ◆ *Essential functions of the job:* necessary or required duties of a specific job.
- ◆ *Reasonable accommodation:* modification or adjustment to a job or work environment that allows an individual with a disability to fully participate in all employment related activities.
- ◆ *Undue hardship:* significant difficulty or expense to the business.

This fact sheet and others can be found at [www.mdeid.org](http://www.mdeid.org) and [www.mdworkforcepromise.org](http://www.mdworkforcepromise.org).

Questions?

Contact the Maryland Department of Disabilities.

# The Interview Process (continued)

## Questions

- ◆ Employers may not ask you to take a medical examination as part of, or prior to, the interview process.
- ◆ Employers may not ask disability-related questions during an interview. They may not ask if you have a disability, or what type of medications you are taking.
- ◆ Employers may ask about your ability to perform essential functions of the job for which you are interviewing with or without accommodations.
- ◆ You should expect employers to ask about your qualifications and skills. Be prepared to explain or demonstrate how you would be able to perform job tasks that are essential to the job.

## After the Job Offer

- ◆ After an employer offers you the job, the employer might ask you disability-related questions and/or request a medical exam. This is okay as long as it is asked of all new employees in similar jobs. The employer may not take back the job offer because a medical exam reveals a disability.
- ◆ If you accept the job offer, it is up to you to request reasonable accommodations if you are eligible for and need them. The employer does not have to provide the specific accommodations requested. It is a good idea to learn about different accommodations that would enable you to perform the essential functions of the job and to offer suggestions to your employer. Resources such as Division of Rehabilitation Services (DORS), Job Accommodation Network (JAN), and U.S. Equal Employment Opportunity Commission (EEOC) can help determine the best accommodation for you. Contact information is located in the resource section of this fact sheet.

## On The Job

- ◆ Accommodations are not limited to only your job functions. Your place of business should provide accessible break rooms, cafeterias, restrooms and transportation (if it is company-provided). It is okay for the business to provide comparable facilities if it is not possible to make an existing space accessible.
- ◆ Your employer may offer health insurance that excludes coverage for pre-existing conditions. If the insurance offered to all employees does not cover all of your medical expenses, the company does not have to obtain additional coverage for you.
- ◆ A reasonable accommodation may be requested at any time. If you acquire a disability after you are hired, or if your disability affects the way you perform your job, you should let your supervisor know. It is your responsibility to request an accommodation.
- ◆ Your employer is allowed to offer to place you in a different job if it is determined that there is no other way for you to perform the essential functions of your current job.

## Resources

### *DBTAC: Mid-Atlantic ADA Center*

Voice / TTY: (800) 949-4232  
Email: [adainfo@transcen.org](mailto:adainfo@transcen.org)  
Website: [www.adainfo.org](http://www.adainfo.org)

### *Job Accommodation Network (JAN)*

Voice: (800) 526-7234  
TTY: (877) 7819403  
Email: [jan@askjan.org](mailto:jan@askjan.org)  
Website: [www.askjan.org](http://www.askjan.org)

### *Maryland Commission on Human Relations*

Voice: (410) 767-8600  
Voice: (800) 637-6247 (toll free, MD)  
TTY: (410) 333-1737  
Email: [mchr@mail.mchr.state.md.us](mailto:mchr@mail.mchr.state.md.us)  
Website: [www.mchr.state.md.us](http://www.mchr.state.md.us)

### *Maryland Department of Disabilities*

Voice / TTY: (410) 767-3660  
Voice / TTY: (800) 637-4113  
Email: [mdod@mdod.state.md.us](mailto:mdod@mdod.state.md.us)  
Website: [www.mdod.maryland.gov](http://www.mdod.maryland.gov)

### *Maryland WorkFORCE Promise*

Voice: (301) 662-0099  
TTY: (301) 662-4853  
Email: [info@mdworkforcepromise.org](mailto:info@mdworkforcepromise.org)  
Website: [www.mdworkforcepromise.org](http://www.mdworkforcepromise.org)

### *Maryland State Dept. of Education Division of Rehabilitation Services (DORS)*

Voice: (410) 554-9442 / (888) 554-0334  
TTY: (410) 554-9411  
Email: [dors@dors.state.md.us](mailto:dors@dors.state.md.us)  
Website: [www.dors.state.md.us](http://www.dors.state.md.us)

### *TransCen, Inc.*

Voice: (301) 424-2002  
TTY: (301) 309-2435  
Email: [inquiries@transcen.org](mailto:inquiries@transcen.org)  
Website: [www.transcen.org](http://www.transcen.org)

### *U.S. Department of Labor (DOL) Office of Disability Employment Policy (ODEP)*

Voice: (866) 487-2365  
TTY: (877) 889-5627  
Website: [www.dol.gov/odep](http://www.dol.gov/odep)

### *U.S. Equal Employment Opportunity Commission (EEOC)*

Voice: (800) 669-4000  
TTY: (800) 669-6820  
Email: [info@ask.eeoc.gov](mailto:info@ask.eeoc.gov)  
Website: [www.eeoc.gov](http://www.eeoc.gov)  
Office Locator: [www.eeoc.gov/offices.html](http://www.eeoc.gov/offices.html)