



# Know Your Rights in the Community, Workplace, and School

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# Overview

- Introduction to the Protection & Advocacy system for persons with disabilities
- Federal disability-rights laws
- Rights in postsecondary institutions
- Rights in the community
- Rights in the workplace

# Disability Rights Florida

Florida's federally mandated **protection and advocacy agency.**



# What is a Protection & Advocacy (P&A) agency?

- In 1975 Congress created a system of protection and advocacy agencies to protect the rights of people with disabilities.
- Congress mandated that every U.S. State and territory have an official protection and advocacy agency.
- We are federally funded through grants.



# What P&As Do

- Information or referral
- Self-advocacy support
- Technical assistance
- Assistance with an investigation of abuse, neglect, or rights violations
- Negotiation and mediation support
- Legal advice and representation



# Federal Disability-Rights Laws

- Americans with Disabilities Act (ADA)
  - Title I (employment)
  - Title II (government services)
  - Title III (public accommodations)
- Section 504 of the Rehabilitation Act of 1973
  - Recipients of federal funding

# Rights in Postsecondary Institutions



# Colleges and Universities

- Titles II and III of the ADA and Section 504
- Colleges and universities must make their programs, services and activities accessible to individuals with disabilities.
- Reasonable accommodations that are necessary to afford equal access
  - Examples: periodic rest breaks, notetaker, copy of PPT before class, assistance navigating campus, access with service animal



# Requesting an Accommodation

- It is the student's responsibility to request an accommodation. Students must make a specific demand for an accommodation.
- First step: register with Student Accessibility Services
- Typically, must provide documentation of disability

# Rights in the Community



# Public Entities

- Title II of the ADA and Section 504
- Public entities must make their programs, services and activities accessible to individuals with disabilities.
- Reasonable modifications in policies, practices and procedures; provision of auxiliary aids; and removal of barriers in existing facilities.



# Public Accommodations

- Title III of the ADA
- Disability discrimination by privately-owned, -leased or -operated facilities is prohibited. Ex: stores, restaurants, doctor's offices, theaters, hotels, stadiums, etc.
- Subject to ADA requirements for new construction and alterations.
- Reasonable modifications in policies, practices and procedures; provision of auxiliary aids; and removal of barriers in existing facilities.



# Examples

- Auxiliary aids to facilitate effective communication
- Access to scooters and other mobility supports
- Access with a service animal
- Access with a support person
- Ramp access

# Rights in the Workplace



# Overview of Protections

- The ADA Prohibits discrimination in the job application process, hiring, firing, advancement, compensation, training and all privileges of employment.
- Enforcement: U.S. Equal Employment Opportunity Commission (EEOC)
- Must be qualified with or without a reasonable accommodation to perform the essential functions of the job.

# Essential Job Functions



Essential job functions are the basic job duties that an employee must be able to perform with or without an accommodation.

An employer is not required to lower quality or production standards to make an accommodation. Employees are expected to perform the essential functions of the job.



# What are Reasonable Accommodations?



- Reasonable accommodations are adjustments or modifications that enable people with disabilities to perform the essential functions of a job.
- Accommodations vary depending upon the nature of the job and the needs of the individual applicant or employee.

# Examples of Reasonable Accommodations



Reasonable accommodations may include, but are not limited to:

- Rest area/private space
- Provide Alternative Formats
- Modified work schedules
- Accessible parking
- Acquiring or modifying equipment or devices
- Providing Assistive Technology
- Reassigning to a vacant position
- Job coach

# More Examples

- Requesting telework while undergoing medical/psychological treatment.
- Requesting additional breaks throughout the workday due to migraines and making up that time at the end of the day instead of using FMLA.
- Requesting to begin work early due to fatigue in the afternoons.
- Requesting a transfer to an open position when essential job functions changed and unable to perform the new tasks.

# Undue Hardship

An employer is required to make a reasonable accommodation to the known disability of a qualified applicant or employee as long as it does not impose an “undue hardship” on the operation of the employer’s business.

# How to Request Accommodations

- Disclose the disability
- Request the accommodation based on essential functions of the job
- Initiate active dialogue
- Documentation
- Interactive process

# Ask for Assistance



Disability Rights Florida provides free services.

Intake can be done on the phone or online:

800-342-0823

[www.disabilityrightsflorida.org](http://www.disabilityrightsflorida.org)