

**ACCOMMODATIONS CAN VARY
DEPENDING ON THE PERSON
AND THE JOB**

There is no specific type of accommodation that may be provided. They can include making the facilities accessible to all employees, or job modifications such as modified work schedules, modifications in training materials or policies or examinations, or reassignment of a work space. It should be feasible or plausible based on the work responsibilities and environment. Examples of reasonable accommodations can be found at the *Job Accommodation Network* — www.askjan.org

**UNREASONABLY DENYING AN
ACCOMMODATION IS ILLEGAL
DISCRIMINATION**

Persons in recovery who believe that they have been unreasonably denied an accommodation or subjected to some other disability-related employment discrimination can call the Connecticut Legal Rights Project for assistance.

EMPLOYMENT LAW FLYERS

- #1 Employment Discrimination**
- #2 Deciding Whether to Disclose a Disability**
- #3 Preparing for an Interview**
- #4 Reasonable Accommodations**

**For more assistance contact
Connecticut Legal Rights
Project, Inc.
Toll Free 1-877-402-2299
TTY 860-262-5066
www.clrp.org**

Connecticut Legal Rights Project, Inc., is a statewide non-profit agency which provides legal services to low income persons with mental health conditions, who reside in hospitals or the community, on matters related to their treatment, recovery, and civil rights.

*The information in this flyer is effective as of
August 2016*



EMPLOYMENT LAW



#4

**REASONABLE
ACCOMMODATIONS**

**LEGAL REPRESENTATION FOR PEOPLE
WITH MENTAL HEALTH CONDITIONS**

EMPLOYMENT CAN HELP PROMOTE RECOVERY. EMPLOYMENT SERVICES ARE PART OF RECOVERY PLANNING.

IT IS ESSENTIAL THAT PERSONS IN RECOVERY UNDERSTAND THEIR LEGAL RIGHTS IN ALL PHASES OF THE EMPLOYMENT PROCESS.

THIS FLYER PROVIDES SOME BASIC INFORMATION RELATED TO REASONABLE ACCOMMODATIONS.

IT IS NOT INTENDED TO GIVE LEGAL ADVICE OR COVER ALL SITUATIONS.

State and federal laws protect qualified persons with a disability from discrimination in the workplace. You have a right not to be discriminated against because of your disability.

This is not a preference. It is about ensuring that a qualified person with a disability has equal rights — and that a person's disability is not a barrier to employment.

THE DISABILITY MUST BE DISCLOSED

In order to get an accommodation, the disability must be disclosed. In most instances involving an “invisible” disability such as a mental health condition, the employer may request documentation of the disability. Most often, this is a letter from a doctor verifying the disability. The job applicant controls the information to be provided. The only information that must be disclosed is what is needed to show that the requested accommodation is related to the disability.

ACCOMMODATIONS MUST BE RELATED TO THE DISABILITY

The accommodation must be directly related to the individual's disability, and not simply a matter of convenience for the person. If this connection is not apparent, then some additional explanation may be required.

ACCOMMODATIONS APPLY TO THE HIRING PROCESS

Persons in recovery who may need someone to attend the interview with them, or to schedule the interview at a time to accommodate a disability-related sleep pattern or other disability-related issue, have the right to request such a change.

ACCOMMODATIONS CANNOT ELIMINATE AN ESSENTIAL JOB FUNCTION

An employer is not required to change a fundamental duty of the job being filled, or lower production standards that are applied uniformly to all persons regardless of disability. A person with a disability who is unable to perform the essential job functions (with or without reasonable accommodation) is not a qualified individual protected by the Americans with Disabilities Act.

ACCOMMODATIONS MUST BE REASONABLE AND NOT CAUSE UNDUE HARDSHIP TO THE EMPLOYER

An employer cannot be required to make a change or modification if it would cause significant difficulty or expense to the employer, or fundamentally alter the nature or operation of a business. This is determined on a case by case basis.

REQUESTING A REASONABLE ACCOMMODATION

The request for a reasonable accommodation does not require mentioning laws or even using the words “reasonable accommodation.” The fact that the person informs the employer that he cannot get to work on time because of a regular treatment meeting can be a request. Someone other than the applicant or employee can make the request on behalf of the individual in recovery. It does not have to be in writing, although it is preferable to have documentation of the request.

INTERACTION WITH THE EMPLOYER ABOUT THE REQUEST

The fact that a request has been made does not necessarily mean the employer must make the change. It is just the first step in an informal, interactive process to clarify what the individual needs and how to meet those needs. The employer can ask relevant questions to help make an informed decision, but this is not an opportunity to explore the person's medical history. The employer is not required to make the change that is requested and can offer an alternative that meets the person's needs.

THE ACCOMMODATION CAN BE REQUESTED AT ANY TIME

The person in recovery can ask for an accommodation at any time that it is clear that there may be a barrier related to the disability that interferes with performing the job. However, it is best to request one before work-related problems arise.