1. **What is employment discrimination based on a person’s disability?**

Employment discrimination based on a person’s disability generally occurs when an employer treats a qualified job applicant or employee unfavorably in any aspect of employment because the individual has or once had a disability, or is regarded as having a disability. Employment discrimination based on a person’s disability may also occur when an employer’s apparently fair policies or procedures have an unintentional discriminatory effect on individuals with disabilities.

2. **What are my rights?**

You cannot be denied employment, harassed, demoted, fired, paid less, or treated poorly because you have a disability, or have a history of a disability, or because your employer regards you as having a mental or physical impairment that is permanent.

If you are an employee with a disability you can request, and the employer must provide, “reasonable accommodation” to allow you to perform your job. Reasonable accommodation must be provided to you by your employer unless doing so would cause the employer significant difficulty or expense.

Similarly, if you are a job applicant with a disability, the employer must provide reasonable accommodation during the application process to allow you to apply and be considered for the job. Again, reasonable accommodation must be provided unless it would be too difficult or too expensive to do so.

3. **Does OFCCP enforce anti-discrimination laws based on disability?**

Yes. OFCCP enforces Section 503 of the Rehabilitation Act. This law makes it illegal for employers doing business with the Federal government to discriminate against job applicants and employees based on disability. This means that these employers cannot discriminate against you when making decisions on hiring, firing, pay, benefits, job assignments, promotions, layoffs, training, and other employment-related activities.

4. **Does OFCCP protect all employees?**

No. OFCCP enforces laws that protect the rights of job applicants and employees of Federal government contractors and subcontractors. Companies that do business with the Federal government must abide by the laws that prohibit discrimination in employment based on race, color, sex, religion, national origin, disability, and status as a protected veteran. Approximately 25% of the American workforce is employed by the Federal government. This includes employees at banks, meat packing plants, retail stores, manufacturing plants, accounting firms, and construction companies, among others, working on federal and/or federally-funded projects.

5. **What is the definition of “disability”?**

You may be considered an individual with a disability if you have:

- a physical or mental impairment that substantially limits one or more of your major life activities;
- or a record of such impairment.

### Definition of Disability

- A physical or mental impairment that substantially limits one or more of your major life activities.
- A record of such impairment.
- Being regarded as having such an impairment.

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**OFCCP Protects Individuals with Disabilities from Discrimination**

**Disability Rights**

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You may be considered an individual with a disability if you have:

- a physical or mental impairment that substantially limits one or more of your major life activities;
- or a record of such impairment.
You may also be considered an individual with a disability if you are "regarded" as having a physical or mental impairment that substantially limits one or more of your life activities, or "regarded" as having a record or history of such impairment even if you do not have an impairment.

6. What are some examples of a disability?
The physical impairments listed below are usually considered to be a disability:
- Diabetes
- Cancer
- Epilepsy
- HIV infection
- Blindness

Mental impairments that are usually considered disabilities include, but are not limited to, impairments such as:
- Major depressive disorder
- Bipolar disorder
- Schizophrenia
- Post-Traumatic Stress Disorder
- Obsessive Compulsive Disorder

7. What does "substantially limits" mean?
"Substantially limiting" means that to a large degree your impairment limits your ability to perform a major life activity when compared to most people. Your impairment does not have to prevent, or significantly or severely restrict you from performing a major life activity in order to be considered "substantially limiting." For example, if you only sleep two hours per night because of bipolar disorder while an average person sleeps eight hours per night you are substantially limited in sleeping. Negative side effects of medications may be considered in determining whether someone is "substantially limited." Under the law, not every impairment is considered a disability.

8. What is a "major life activity"?
This is a partial list of major life activities:
- Seeing
- Self Care
- Eating
- Sleeping
- Walking
- Standing
- Lifting
- Bending
- Speaking
- Breathing
- Learning
- Reading
- Thinking
- Concentrating
- Communicating
- Performing Manual Tasks

In addition, major life activities include the operation of major bodily functions, including functions of the:
- Immune System
- Special Sense Organs and Skin
- Normal Cell Growth
- Digestive System
- Genitourinary
- Bowel
- Bladder
- Neurological System
- Brain
- Respiratory System
- Circulatory System
- Cardiovascular System
- Endocrine System
- Hemic System
- Lymphatic System
- Musculoskeletal System
- Reproductive System

9. Can I still be considered disabled if my impairment is episodic or in remission?
Yes. An impairment that is episodic or sporadic, or is in remission is considered a disability if it substantially limits a major life activity when active.

Applying for a Job

10. Do I need to disclose my disability when applying for a job in order to be protected?
No. You are protected from discrimination whether or not you share this information. However, to receive a reasonable accommodation, you must inform your prospective employer of your need for an accommodation.

11. Can my employer require me to take a medical examination?
If you are applying for a job, the employer may ask you to answer medical questions or take a medical exam before a job offer. An employer may ask whether you can perform the job and how you would perform the job, with or without a reasonable accommodation. If you are offered the job, the job offer may be made with certain conditions, such as:
- passing a medical exam,
- answering certain medical questions.

After you are offered the job, the job offer may be made with certain conditions, such as:
- providing written materials in accessible formats, such as large print, Braille, or audiotape.
- adjusting or modifying policies and procedures.
- changing the work environment in ways that improve accessibility.

If you need an accommodation in the application process, you must inform the employer that you need a change or adjustment to the application or interview process because of your disability. You can make this request orally or in writing, or someone else might make a request for you. For example, a family member, friend, health professional, or other representative such as a job coach. After the request is made, the employer may ask that you complete certain forms, or follow other procedures. Any procedures you are asked to follow cannot be used to prevent a timely accommodation from being provided or addressed.

It is important to note that you are not required to provide your entire medical or mental health history to obtain an accommodation. You only need to provide the pertinent information needed to make an accommodation.

16. Can my employer lower my salary or pay me less than other employees doing the same job because I need a reasonable accommodation?
No. Your employer cannot make you pay for the cost of providing a reasonable accommodation by lowering your salary or paying you less than other employees in the same position.

Filing a Complaint

17. How do I file a complaint?
You may file a discrimination complaint based on disability by:
- Completing and submitting a form online through OFCCP's Website, you will be asked to sign the form when you are interviewed by an OFCCP investigator; or
- Filing a charge with the Equal Employment Opportunity Commission (EEOC), or
- Contacting your state or local fair employment practice agency.