Your disability rights at work in California and the United States

First and foremost: It is best to establish your rights proactively, request reasonable accommodations, create a paper trail, and hold your employer accountable if they fail to comply.

FEHA: Fair Employment and Housing Act

California Law

Government Code §12940.

This is one of your most important protections. It generally applies to employers with five or more employees and prohibits disability discrimination.

Federal Laws

ADA: Americans with Disabilities Act

Title I of the ADA.

Generally, applies to employers with 15 or more employees. Protects qualified employees and applicants with disabilities.

Rehabilitation Act of 1973

Section 501 and Section 504.

Provides additional protections, particularly if you work for the federal government or an employer/program receiving applicable federal financial assistance.

What qualifies as a disability?

Under California FEHA, disability is interpreted broadly.

It can include:

- Physical disabilities.
- Mental health conditions.
- Chronic illnesses.
- Neurological conditions.

- Autoimmune disorders.
- Chronic pain.
- Mobility impairments.
- Conditions affecting concentration, memory, communication, or other major life activities.
- Conditions that are episodic or fluctuate in severity.

This protects your right to need modifications to how, when, or where you perform your work. This is known as your “right to reasonable accommodations”.

Your employer generally must provide reasonable accommodations that allow you to perform your job, unless doing so would create an undue hardship, which they must legitimately have a legal proof of, and should show proof that they engaged in the interactive process and considered effective alternatives.

Examples (not a full list) include:

Accommodation	**Examples**
Schedule changes	Flexible hours, modified shifts, additional breaks
Work location	Remote work or a quieter workspace
Physical environment	Ergonomic chair, adjustable desk, lighting changes
Work duties	Redistributing marginal duties, modifying how tasks are performed
Medical needs	Permission to attend appointments or take medication
Rest periods	Additional or modified breaks
Communication	Written instructions, alternative communication methods
Leave	Medical leave, intermittent leave, or additional recovery time

Equipment	Assistive technology, specialized equipment

Under California law, you have what is called the right to an interactive process. This means the employer has a legal obligation to participate in a timely, good-faith interactive process when it becomes aware that you may need an accommodation.

They should:

- Discuss your limitations and work-related needs.
- Understand which job duties are affected.
- Discuss possible accommodations.
- Consider alternative accommodations if your first request isn't workable.
- Avoid unnecessary delays.
- Follow through on implementing an agreed-upon accommodation.

Your employer cannot legally treat you unfavorably because of your disability.

Examples of potentially unlawful conduct include:

- Firing you because of your disability.
- Refusing to hire you because of your condition.
- Denying you promotions because of disability-related assumptions.
- Giving you worse assignments because of your disability.
- Treating you differently from other employees because of your condition.
- Refusing to consider reasonable accommodations.
- Penalizing you for disability-related limitations without properly considering accommodations.
- Forcing you out of your job because accommodating you is inconvenient.

You are protected when you exercise your disability rights.

Your employer cannot retaliate against you for:

- Requesting reasonable accommodations.
- Disclosing a disability to seek workplace assistance.
- Asking HR about your legal rights.
- Participating in an accommodation process.
- Complaining about disability discrimination.
- Filing a complaint with the California Civil Rights Department.
- Supporting another employee's disability discrimination complaint.

You should document any changes in treatment, particularly when they occur after you request accommodations.

- You don't have to give your entire medical history.
- **Your employer should only request information reasonably necessary to evaluate the disability-related limitation and accommodation.**
- **Medical information should be kept confidential and separate from ordinary personnel records.**
- **Your direct supervisor generally needs to know the restrictions or accommodations necessary to manage your work, not your entire diagnosis or medical history.**

You can ask that medical information be handled confidentially.

Asking for Accommodations -

Think about how your disability affects your ability to perform your job.

For example:

- Do you need a modified schedule?
- Do you need additional breaks?
- Do you need flexibility for medical appointments?
- Do you need to work remotely?
- Do you need a different workspace?
- Do you need modified duties?
- Do you need flexibility when symptoms flare up?
- Do you need intermittent time off?

Focus on the functional limitation and what would help you work.

Obtain medical documentation if appropriate

A healthcare provider can write a letter explaining:

1. That you have a medical condition or impairment.
2. The relevant functional limitations.
3. How those limitations affect your work.
4. What accommodations are medically appropriate.
5. Whether the accommodations are temporary, ongoing, or need periodic reassessment.

Your provider **does not** need to give your employer your entire medical history.

Submit a formal written accommodation request

Send it to HR, your employer's accommodation department, or the appropriate management representative. **Keep a record of everything.**

Create a personal folder outside your employer's systems containing:

- Your accommodation request.
- Medical documentation you submitted.
- HR's responses.

- Emails about your accommodations.
- Written accommodation approvals.
- Any performance evaluations.
- Relevant schedules and time records.
- Documentation of denied accommodations.
- Notes about conversations with management.

For verbal conversations, write down:

- Date and time.
- Who was involved.
- What was discussed.
- What was promised.
- Whether anything was denied.
- Whether there were any threats or comments about your disability.

What if your employer refuses to accommodate you?

An employer potentially violates FEHA if it:

- Refuses to engage in the interactive process.
- Unreasonably delays the accommodation process.
- Refuses reasonable accommodations without a legally sufficient reason.
- Fails to consider alternative accommodations.
- Discriminates against you because of your disability.
- Retaliates against you for requesting accommodations.

Request an explanation in writing

If HR denies your request, ask them to explain:

- Why the accommodation was denied.

- What specific hardship they believe it creates.
- Whether alternative accommodations were considered.
- What alternative accommodations they are offering.
- Whether they are willing to continue the interactive process.

Escalate internally

If your direct supervisor is the problem, consider contacting:

- HR.
- The disability accommodation coordinator.
- Employee relations.
- Corporate compliance.
- An ethics or reporting hotline.
- A higher-level manager.

File an external complaint

California

California Civil Rights Department (CRD)

Handles:

- Disability discrimination.
- Failure to provide reasonable accommodations.
- Failure to engage in the interactive process.
- Disability-related retaliation.

General employment discrimination filing deadline: three years from the discriminatory act.

Federal

Equal Employment Opportunity Commission (EEOC)

Enforces the ADA and other federal employment discrimination laws.

You can report:

- Disability discrimination.
- Failure to accommodate.
- Retaliation.
- Disability-related termination.

In California, the usual federal filing deadline is 300 days, although exceptions can apply.

Consider an employment attorney

If your employer:

- Fires you after you request accommodations.
- Threatens to fire you for your disability.
- Refuses to accommodate you.
- Repeatedly violates approved accommodations.
- Forces you to take leave instead of considering reasonable accommodations.
- Retaliates against you.

Consider consulting a California employment attorney who specializes in disability discrimination and FEHA.

Depending on the circumstances, potential legal remedies can include:

- Reinstatement.
- Lost wages.
- Future lost earnings.
- Emotional distress damages.
- Punitive damages in qualifying cases.
- Attorney's fees and costs.
- An order requiring reasonable accommodations.