

# DISABILITIES AND EMPLOYMENT



Legal Services Orientation  
Fall 2016

**Disability**: it doesn't have to be a dirty word. As a disabled Veteran, you are entitled to rights under the Americans with Disabilities Act (ADA), and you don't have to like your disability limits you.



## What is a Disabled Veteran?

According to the ADA's website, "Many disabled veterans do not consider themselves disabled, nor do they meet our society's definition of disabled. The stereotype of someone in a wheelchair or missing a limb isn't an accurate description of the vast majority of our nation's disabled veterans."

## What is a Disabled Veteran? (Cont'd)

The ADA defines a disability as such: “a person who (1) has a physical or mental impairment that substantially limits one or more major life activities; (2) has a record of such an impairment; or (3) is regarded as having such an impairment. An individual with a disability is qualified if he is able to meet an employer's requirements for the job, such as education, training, employment experience, skills, or licenses, and is able to perform the job's essential or fundamental duties with or without reasonable accommodation.”



This includes but is not limited to:

- 🇺🇸 PTSD
- 🇺🇸 Migraines
- 🇺🇸 Severe Anxiety
- 🇺🇸 TBIs
- 🇺🇸 Any mental health condition diagnosed by a specialist (Psychiatrist, neurologist, etc)

BASICALLY, ANY LONG TERM CONDITION THAT  
CAN AFFECT HOW YOU DO YOUR JOB, AND MAY  
REQUIRE AN ACCOMMODATION.

**\*\*THIS MEANS POST-SURGERY REHABILITATION DOES NOT COUNT\*\***

# WHEN SHOULD I TELL MY EMPLOYER I HAVE A DISABILITY?

The ADA says “a person with a disability can choose to disclose at any time, and is not required to disclose at all unless s/he wants to request an accommodation or wants other protection under the law. Someone with a disability can disclose at any of these times:



- 🇺🇸 Before the hiring interview
- 🇺🇸 During the interview
- 🇺🇸 After the interview but before any job offer
- 🇺🇸 After a job offer but before starting a job
- 🇺🇸 Any time after beginning a job

**“EMPLOYERS ARE MOST LIKELY TO BE RESPONSIVE TO A DISCLOSURE IF THEY THINK IT IS DONE IN GOOD FAITH, AND NOT AS A LAST-DITCH EFFORT TO KEEP YOUR JOB.”**

**-BOSTON UNIVERSITY COLLEGE OF HEALTH AND REHABILITATION SCIENCES**



For more information, check out the following sources:

<https://www.eeoc.gov/eeoc/publications/ada18.cfm>

[https://www.eeoc.gov/eeoc/publications/ada\\_veterans\\_employers.cfm](https://www.eeoc.gov/eeoc/publications/ada_veterans_employers.cfm)

<https://cpr.bu.edu/resources/reasonable-accommodations/disclosing-your-disability>

<https://askjan.org/topics/veterans.htm>