

Disability Discrimination

Federal employees are protected from disability discrimination by the Rehabilitation Act of 1973, as amended. Disability discrimination occurs when an agency harasses or treats an otherwise qualified individual with a disability unfavorably because he or she has a disability; a history of a disability (such as cancer that is controlled or in remission); or is perceived to have a physical or mental disability. The Rehabilitation Act also protects employees from discrimination based on their relationship with a person with a disability (even if they do not themselves have a disability). For example, it is illegal to discriminate against an employee because her husband or child has a disability. In many disability discrimination cases, the central issue involves an agency's failure to reasonably accommodate a disabled employee. The Rehabilitation Act requires agencies to provide reasonable accommodation to an employee or job applicant with a disability, unless doing so would cause "undue hardship" on the agency. A reasonable accommodation is any change in the work environment (or in the way things are usually done) to help a person with a disability perform the basic functions of a job or enjoy the benefits and privileges of employment. Reasonable accommodation might include, for example, making the workplace accessible for wheelchair users, allowing an employee to telecommute or have a flexible schedule, or, in extreme cases, to be reassigned to a vacant position. Undue hardship means that the accommodation would be too difficult or too expensive for the agency to provide; however, in light of the federal government's size and financial resources, it is much more difficult for an agency to establish an accommodation creates an undue burden than it would be for a smaller employer. In fact, the federal government is supposed to be a "model employer" with respect to the employment of individuals with disabilities. If you need assistance requesting a reasonable accommodation or filing a complaint after an agency denied your request for reasonable accommodation or otherwise discriminated against you because of your disability, the attorneys at Tully Rinckey PLLC can assist you. Contact Tully Rinckey immediately with the details of the hostile work environment you are suffering at your federal job. You don't have to tolerate it any longer. Schedule an initial consultation by phone at 202-787-1900.