EMPLOYEE AND STUDENT RIGHTS

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A FEW STARTING POINTS

NOT LEGAL ADVICE!

WHAT ARE YOU MOST INTERESTED IN WALKING AWAY FROM THIS PRESENTATION WITH?
AGENDA

Introduction to Americans with Disabilities Act (ADA)

Employment rights

Employment & the ADA

Education Rights

Education & the ADA
AMERICANS WITH DISABILITIES ACT (ADA)

PROHIBIT DISCRIMINATION AGAINST PEOPLE WITH DISABILITIES

- **Education**
  - U.S. Department of Education

- **Employment**
  - U.S. Equal Employment Opportunity Commission (EEOC)

- **Government Services**
  - U.S. Department of Justice
  - U.S. Department of Health and Human Services (HHS)
<table>
<thead>
<tr>
<th>Topic</th>
<th>Description</th>
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| **Fair pay** | Minimum wage ($7.25/hr)*  
Overtime pay  
- No less than time and a half after 40 hours in a workweek |
| **Rest & meal periods** | Short rest periods (customary) count as hours worked |
| **Family & Medical Leave** | Employers of 50+ employees give up to 12 weeks of unpaid, job-protected leave |
| **Misclassification** | Contractor or employee? |
| **Wrongful discharge/termination** | Without a contract, employer can let an employee go “at will” (varies by state) |
| **Discrimination & Harassment** | Unfair treatment based on protected characteristics  
Reasonable workplace accommodations  
Retaliation |
EMPLOYMENT & ADA

Applies to covered entities

Disability:
- Physical or mental impairment
- Substantially limits 1+ life activities
- Record of impairment
- Regarded as having impairment

Qualified employee
- With or without reasonable accommodation can perform essential functions of the job

Reasonable Accommodations
- Must be provided unless an undue hardship
**MEDICAL EXAMS & INQUIRIES**

<table>
<thead>
<tr>
<th>Employers cannot ask job applicants about</th>
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<tbody>
<tr>
<td>• Existence</td>
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<tr>
<td>• Nature</td>
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<td>• Severity</td>
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<table>
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<th>Employers can ask about</th>
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<td>• Ability to perform specific functions</td>
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<th>Conditional job offer</th>
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<td>• Results of medical exam, but only if required for all employees in similar jobs (and must be job-related)</td>
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<td>• Must keep medical records confidential*</td>
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Reasonable Accommodations

Mental health conditions are covered

• What might be some reasonable accommodations?

Getting a reasonable accommodation

• Ask for one.
• Must be an interactive process!
• Employer must give you the reasonable accommodation*
As you transition out of high school, rights change

Lose free and appropriate public education (FAPE)
Appropriate academic adjustments as necessary

Section 504 of the rehabilitation act of 1973 & ADA (Title II)

504 eligibility

POST-SECONARY EDUCATION RIGHTS
POST-SECONDARY ADJUSTMENTS

Identify self as having a disability & request academic adjustment

May need to follow procedures

Can request at any time

May have to provide documentation

School will review
POST-SECONDARY ADJUSTMENTS – CONT’D

Expect an interactive process!

Adjustment Examples
QUESTIONS?