

Knowing Your Rights

Overview

All workers have certain rights and responsibilities. It is against the law for businesses to discriminate against qualified individuals with disabilities.

Equal Access and Opportunity

There are many laws assuring your right to equal access and opportunities to jobs.

You have the right to:

- Freedom from harassment
- Not be discriminated against
- Not be fired for asserting your rights
- Request reasonable accommodations

What are Reasonable Accommodations?

Reasonable accommodations are any changes or adjustments to a job, the work environment, or the way things usually are done that would allow you to apply for a job, perform job duties, or enjoy equal access to benefits. Some examples are:

- Accessible workplaces, break rooms, cafeterias, and restrooms
- Training and written materials in accessible format
- Adaptive equipment including teletypewriters, readers, and software
- Flexible work and break schedules

You can request a reasonable accommodation at any time it is needed to help you do your job. If you are unable to perform the essential duties of your job, your employer is allowed to offer to place you in a different job.

Health Insurance

Some health insurance offered through employers may exclude coverage for pre-existing conditions. The company does not have to obtain additional coverage for you if the employer offers insurance and it does not cover all of your medical expenses.

In South Dakota, Medical Assistance for Workers with Disabilities (MAWD) is an incentive for people with disabilities, who meet certain criteria, to return to work or remain working. MAWD is healthcare coverage through Medicaid. To learn more about MAWD, you can contact your local Department of Social Services office at 1-877-999-5612.

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Job Applications

Businesses must make the job application process accessible for anyone who wishes to apply. Job applications cannot include questions about disability.

You can ask for accommodations in order to take tests that are a required part of the application process.

Interviewing

It is your responsibility to request an accommodation you need for the interview. A reasonable accommodation may include providing an accessible interview location, providing sign language interpreters if you are deaf, or a reader if you are blind. You should never be asked to pay for an accommodation. The business pays for any needed accommodation, unless it creates undue hardship for them.

During an interview, potential employers may not ask questions about your disability or what type of medications you are taking. They also may not ask you to take a medical exam during or before the interview process. However, potential employers may ask about your ability to perform essential functions of the job with or without accommodations.

Receiving a Job Offer

After you have been offered the job, you may be asked questions about your disability and asked to take a medical exam. This is legal as long as it is asked of all new employees in similar jobs. The employer may not take back the job offer because a medical exam reveals a disability that does not affect your ability to do essential functions of the job.

An employer may ask you to voluntarily disclose if you have a disability for Affirmative Action purposes only. This is okay as long as giving the information requested is voluntary and will be kept confidential. Information given cannot be used against you.

For Further Assistance...

South Dakota Coalition of Citizens with Disabilities

221 South Central Ave ♦ Pierre, SD 57501
800-210-0143 (V/TDD) or 605-945-2207
www.sd-ccd.org

U.S. Dept of Justice, Civil Rights Division Disability Rights Section

800-514-0301 (V)
800-514-0383 (TTY)
www.usdoj.gov/

Ticket To Work

www.ssa.gov/work/Ticket/ticket_info.html