



DISABILITY RIGHTS
PENNSYLVANIA

(800) 692-7443 (Voice)
(877) 375-7139 (TDD)
www.disabilityrightspa.org

Transition to Adulthood

A Guide for Transition Age Individuals with Disabilities and Their Families

Chapter 4 - Employment

Chapter 4: Employment

When you become an adult, you may have to begin supporting yourself financially. If you have a disability, sometimes you just need the right supports to help you find and keep a job. If you decide that you want to work, you have many rights and resources to help you reach your work goals.

Starting to Work

When you are still in high school, your Individualized Education Program (IEP) should have goals designed to help you gain the skills you need to work, but once you leave school, you might need help gaining a few more skills or locating the right job. Finding a job can be difficult for anyone, with or without a disability. But the good news is that many employers are starting to realize that people with disabilities are a valuable and talented pool of applicants who are often overlooked. Below are some resources that can help you prepare for and find a job.

Preparing to Work

There are several places in Pennsylvania that can help you figure out your skills, learn new skills, set goals, and find jobs.

The Office of Vocational Rehabilitation (OVR) can provide many different services to help individuals with disabilities get ready to work, find a job, and keep their job. If you work with OVR, you will set a career goal and OVR will provide you with services to help you work toward it. Some available services include counseling, job coaching, job assessments, training, job placement, and other support services you may need to help you be independent. OVR may also be able to provide assistive technology. To qualify for OVR services you must meet two factors:

1. You have a mental or physical disability that causes a substantial impediment to employment and you can benefit from OVR services; and
2. You need OVR services to prepare for, enter, engage in, or retain employment.

There are 21 different district offices in Pennsylvania. You should apply for OVR services by contacting the district office that is closest to you. To find the district office closest to you, contact the Central Office at (800) 442-6351 or (866) 830-7327 (TTY). You can also find the local OVR that serves your county on the Pennsylvania Department of Labor and Industry's website. Contact your district office and request an application for services. Once you complete the application an OVR Counselor will determine your eligibility for services after an assessment. The assessment will look at your abilities, limitations, interests, and skills. If you are approved for services then you should receive individualized employment services based on your need. If you are eligible for SSI, you are automatically eligible for Vocational Rehabilitation services.

One-Stop Career Centers can help you assess your skills and experience, get job training and coaching, and find a job. In Pennsylvania, the One-Stop Career Center is called CareerLink, and there are many offices across the state. Any Pennsylvania resident who is eligible to work in the United States is eligible for free services from CareerLink. The CareerLink website allows you to search for jobs and training opportunities and create an online resume. For more services, such as job referrals, resume and interview assistance, occupational skills training, and a variety of workshops related to career development, go to your local CareerLink office. To use CareerLink internet services or find the CareerLink office closest to you, go to <http://www.pacareerlink.state.pa.us>. The search engine for your local CareerLink office is linked on the right hand side of the page.

Goodwill offers job training and placement services for youth and individuals with disabilities at some of their locations. Your local Goodwill may offer individualized placement and support services, help with writing a resume and preparing for interviews, and more. To find out what services are available in your area, contact your local Goodwill and ask for an employment specialist. You can find your local Goodwill at <http://locator.goodwill.org/>.

Home and Community-Based Services Waivers (Waivers) are Medical Assistance programs that provide a variety of healthcare and daily living

services to low-income individuals with disabilities.

Several of the available Waivers offer prevocational services that help prepare Waiver participants for paid employment. For more on Medical Assistance and Waivers, see page 74.

Internships and On-the-Job Training Programs

Internships and On-the-Job Training Programs are a great place to start if you don't have much work experience. Below are some internship and career development opportunities for youth. Some are specifically directed toward youth with disabilities.

National:

The American Association of People with Disabilities (AAPD) has paid summer internships for students and recent graduates. Interns live in Washington, D.C. for 10 weeks and work in Congressional offices, federal agencies, and private organizations. AAPD provides interns with accessible housing, a stipend for expenses, and free travel to and from Washington, D.C. AAPD also offers internships in their office throughout the year. For more information and to apply for an internship, visit <http://www.aapd.com/what-we-do/employment/internship-program/> or call (202) 457-0046.

The Workforce Recruitment Program (WRP) connects federal sector employers across the country to college students and recent graduates with disabilities. To be eligible for WRP you have to have a disability and be a full-time undergraduate or graduate student. You are also eligible if you graduated no more than one year ago. WRP does not work directly with students – it coordinates with a contact at your school. Check with your school's disability or career services coordinator to see if your school is already connected to WRP. If not, ask them to contact the WRP Coordinator at wrp@dol.gov.

Job Corps provides academic and career training for young people ages

16-24 who meet low income requirements. Job Corps students choose from a list of careers and get on-the-job training. Students can also take classes to earn their GED or high school diploma. During your Job Corps program, and for six months after you graduate, Job Corps specialists will help you develop interview skills, create a resume, and find a job. They can also help you earn college credit at nearby community colleges and transfer to a degree program if you want to. Job Corps students decide for themselves how quickly they want to go through the program and can spend between eight months and two years completing it.

Job Corps provides students with health and dental care, free meal services, and a living allowance. Most Job Corps locations also provide free housing in dormitories, but some are open only to commuters. If you live on campus, Job Corps will pay for you to travel between your home and the center at the beginning and end of your program and during winter and summer breaks. There are Job Corps centers across the country, including four in Pennsylvania. You will usually be placed in the center closest to your home. For more information about Job Corps, you can download an informational brochure at <https://recruiting.jobcorps.gov/en/requestinfo.aspx> or call (800) 733-5627.

Beaver County:

Job Training for Beaver County, Inc. offers a variety of career services for youth ages 14-21, including work experience programs, such as internships, and skills training. To find out more about the programs available and whom to contact, visit <http://itbc.org/youth/> or call (724) 728-2020. This program is only available to residents of Beaver County.

Philadelphia:

WorkReady is run by the Philadelphia Youth Network. WorkReady offers both summer and year-round paid programs for youth with varying levels of work experience. WorkReady places youth with a variety of organizations where they can improve their work readiness. Youth ages 14-21 are eligible to participate. For more information, call the WorkReady Philadelphia Hotline at (267) 502-3742. To apply online, go to

http://www.mypyn.org/workready_app.php. This program is only available to residents of Philadelphia.

Finding Open Positions

There are several ways to get connected to state, local government, federal, and non-federal jobs:

The Pennsylvania State Civil Service Commission connects individuals to state and local government jobs. There are hundreds of different civil service jobs in a number of areas, such as education, accounting, and law enforcement. For each application you submit, you need to go to one of eight testing centers and take a civil service exam. The topics tested will vary depending on the job you apply for, but they generally include questions about how to interact with clients, supervisors, and coworkers. For some jobs, there may be basic math questions or a typing test. Each job posting will list the test subjects required for that job. To apply for a civil service job, go to <http://www.scsc.state.pa.us/> and create an account. Once you are logged into your account, you will be able to view open jobs and apply for the jobs that interest you. If you need accommodations to take your civil service exam, you have to submit a Justification for Testing Accommodation Form. You can download this form at http://www.portal.state.pa.us/portal/server.pt/community/testing_information/14273.

Many agencies in the federal government have goals to hire more people with disabilities. If you want to work for the federal government, there are two ways to get hired: competitively and non-competitively. If a job is filled competitively, it means that you find an open job you want to apply for and go through the full application process. You can find government jobs to apply for at <http://www.USAJOBS.gov>. If you don't have internet access, or you need more help, you can call (202) 606-2525.

If you have a disability, you can also apply for a non-competitive job. This means that you send in an application for an open job and may be able to get the job through a much shorter and simpler process.

To apply non-competitively, you need to have a statement from a doctor or vocational rehabilitation specialist that proves you have a disability and certifies that you are ready to do the job. If you are interested in applying non-competitively, you should contact the Selective Placement Program Coordinator (SPPC) for the agency you want to work for. Most federal agencies have an SPPC to help recruit, hire, and accommodate people with disabilities. You can find each agency's SPPC at http://apps.opm.gov/sppc_directory/.

If you are looking for a non-government job, there are several job search websites specifically for people with disabilities. All of the websites listed below are free for people looking for jobs:

- GettingHired: <http://www.gettinghired.com/>
- Hire Disability Solutions: <http://www.hireds.com/>
- Ability Jobs: <http://www.abilityjobs.com/>
- National Business & Disability Council:
<http://www.viscardicenter.org/services/nbdc/job-seekers/>
- Career Opportunities for Students with Disabilities:
<http://www.cosdonline.org/>
- American Association of People with Disabilities:
<http://jobs.aapd.com/>
- Think Beyond the Label Dot Com:
<http://www.thinkbeyondthelabel.com/Job-Board/GetAJob.aspx>

Work and Social Security Benefits

Many young people with disabilities receive Social Security benefits to help them support themselves. This can be either Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI). For descriptions of these benefits and information about applying, see page 101 of this guide. Many people believe that people who receive Social Security benefits cannot work at all, but the Social Security Administration (SSA) actually encourages beneficiaries to work if they can. SSA supports beneficiaries who want to work by offering training and placement resources. SSA also offers a variety of work incentive programs to help you earn extra income without losing your benefits. These resources and programs are described below.

Ticket to Work helps Social Security beneficiaries prepare for and find employment. Beneficiaries can “assign” their ticket to an Employment Network (EN) or OVR to get free employment services. When you work with an EN, you set work goals and figure out what services you need from the EN to help you reach your goals. All ENs offer career counseling and job placement, but some also have more services, so you should think about what you need from your EN. Don’t be afraid to call around before you choose which one is right for you – you don’t have to assign your ticket to an EN just because you talk to them. The EN can also choose which assignments to accept, so you may have to try a few different ENs. If you choose one EN and change your mind later, you can move your ticket to a different EN. To search for an EN near you, go to <http://www.choosework.net/> and click on the map. After you search, click on the “Report Card” link next to any EN’s name to find detailed contact information and a list of services that EN provides.

While you are using your ticket, SSA will not perform a medical Continuing Disability Review (CDR) as long as you are making progress toward your employment goals. If you use your ticket, you can still use any of the Work Incentives described below. If you want more information about Ticket to Work, or you need help finding an EN or OVR, call the Ticket Call Center, MAXIMUS, at (866) 968-7842 or (866) 833-2967 (TTY).

Social Security Work Incentives: If you get Supplemental Security Income (SSI), you might be worried that you’ll lose your benefits if you get a job. But even if you have a job, you can still qualify for SSI. If you get SSI, you will always make more money by working. You can usually keep your Medicaid too. For more on SSI, see page 101. Only “countable income” lowers your SSI benefit. This is your gross income minus any exclusions you qualify for. Once the Social Security Administration (SSA) finds that number, for every two dollars of countable income that you earn, your SSI benefit will go down by one dollar. This means that you can keep your full SSI benefit and more than half of your extra income.

When you first leave high school, you will most likely only qualify for SSI, but if you have already worked and paid Social Security taxes, you may be eligible for Social Security Disability Insurance (SSDI). In some cases, you can also qualify for SSDI based on your parents’ earnings record. For more on getting SSDI, see page 102. Calculating your SSDI benefit if you

go back to work is a little more complicated than calculating your SSI benefit. If you get SSDI, you can use a 9-month Trial Work Period to try working without losing any of your SSDI benefit. You can start your Trial Work Period at any time, but once you start it, you have 5 years to use all 9 months. For 2014, a Trial Work month is any month in which you earn more than \$770.

SSA has several work incentive programs to help you keep more of your income without losing your benefits. Most apply only to SSI benefits, but some can be used with SSDI too. These programs are described below.

The Earned Income Exclusion applies to anyone with SSI or SSDI who gets income from a job. With the Earned Income Exclusion, SSA doesn't count the first \$85 of your monthly income when they figure out your countable income.

The Student Earned Income Exclusion (SEIE) helps students who are younger than 22 and receive SSI keep more money from their jobs. This exclusion is in addition to the regular Earned Income Exclusion. If you go to school regularly, you can earn up to \$1,750 per month (to a maximum of \$7,060 per year) without reducing your SSI benefit at all. Going to school "regularly" means you are attending college at least 8 hours per week, attending school in grades 7-12 at least 12 hours per week, or in a job training program (vocational school, etc.) at least 12 hours per week. You can also use this exclusion if you go to school for fewer hours for reasons out of your control, such as illness, or if you are homeschooled. If you earn more than \$1,750 in a month or get past the yearly maximum, the extra money will be part of calculating your countable income. Note that the rates listed are for 2014.

An Impairment Related Work Expense (IRWE) is money you spend out of pocket to make it possible for you to work. You can deduct IRWEs from your total income, so this money won't count when SSA calculates your SSI or SSDI benefit. These have to be things that you need to work because of your disability and they can't be things that your job or insurance pays for already. It's okay if you also use the item in your daily life, though. For example, if you need a wheelchair so you can get around at your job, this

counts as an IRWE, even if you use the wheelchair at home too. Other examples of IRWEs could be service animals (and things you need to care for your animal), special transportation (or modifications to your own vehicle), medicine, and attendant care services, as long as you need these things to get to work or to do your job. Your local Social Security office has to approve any IRWEs.

A Plan to Achieve Self Support (PASS Plan) can help you get back to work in a job you actually like. When you have SSI, it can be hard to work toward education and job goals, because you can't save up very much money without losing your benefits. A PASS Plan can help you save enough money to reach your goals and still keep your benefits. A PASS Plan is a good idea if you have SSI (or could have it, but you have too much money), you want to work, and you have income other than your SSI payment. To get a PASS Plan, you choose a work-related goal and figure out what you need to get there, such as tuition for school, childcare while you take classes, or supplies for starting a business. Then you find out how much these things will cost and tell SSA how much money you will need to save up. If SSA approves your PASS Plan, you can set aside a certain amount of money each month. The money you set aside doesn't count toward your countable income or your assets.

To get approved, you need to submit Form SSA-545-BK to your local SSA office. You can download this form at <http://www.ssa.gov> or pick it up at the SSA office. You can find your local SSA office at <http://www.ssa.gov/locator> or by calling (800) 772-1213. You can fill out the PASS Plan application by yourself, but it can get pretty complicated, especially if your goal is to start your own business (you'll need a separate business plan for this). It's a good idea to go to a vocational rehabilitation counselor to get help creating your plan and filling in the form. Your local Work Benefits Counseling Project may also be able to help you with your PASS Plan application, or SSA can refer you to someone who can help.

Continued Medicaid Eligibility (The 1619(b) Incentive) lets you keep your Medicaid when your income is too high to get any SSI cash benefit. To get Medicaid under 1619(b), you need to have been eligible for a cash benefit for at least one month out of the last 12 and still meet the qualifications for SSI, other than income. You also have to need Medicaid

in order to work and you need to have an income that is below your state threshold. For 2014, the threshold in Pennsylvania is \$35,897. If you earn more than this, but you have a PASS Plan, IRWEs, or very high medical expenses, you might be able to get an individual threshold that is higher, so contact your local Social Security office. If you get Medicaid under 1619(b) and then you have to stop working or work less, just report your change in income to SSA and you can switch back to getting cash benefits.

Expedited Reinstatement helps you get your full SSI or SSDI benefit back if you need to stop working or have to reduce your hours because of your disability. If your income while you were working was too high to receive a cash benefit check you can ask for Expedited Reinstatement. As long as it is less than 60 months since you stopped getting benefits, you won't have to go through the whole application process again. While you wait for SSA to decide if you can get benefits again, you may be able to get temporary payments and Medicaid coverage that you won't have to repay, even if you don't end up getting your benefits back.

If you need more help understanding Social Security work incentives or have other questions related to working while receiving Social Security benefits, contact a Work Incentives Planning and Assistance (WIPA) program. The WIPA program provides SSA grants to organizations that help Social Security beneficiaries. Anyone who gets SSI or SSDI can get help from WIPA. These programs can help you learn about SSA's work incentives and how working will affect your benefits. They can also give you information about job placement, help you figure out healthcare once you start working, and teach you about other services that you can get. There are three projects in Pennsylvania, and each one serves many counties across the state. The contact information for these projects is as follows:

AHEDD
Phone: (866) 902-4333
Email: inforequest@ahedd.org
<http://www.ahedd.org/>

Disability Rights Pennsylvania

Phone: (800) 692-7443 or (877) 375-7139 (TDD)

Email: intake@drnpa.org

<http://www.drnpa.org>

Goodwill

Phone: (866) 960-9675 or (866) 541-7001 (TTY)

Email: wipa@yourgoodwill.org

<http://www.yourgoodwill.org>

Employment Rights

You have the right to the same job opportunities as people without disabilities, and you have the right to certain accommodations to help you be successful in your job. As you are getting ready to leave high school, it is important for you to learn about your work-related rights.

Anti-Discrimination Laws

The Americans with Disabilities Act (ADA), the Rehabilitation Act, and the Pennsylvania Human Relations Act (PHRA) - make it illegal for employers to discriminate against an employee or job applicant because he or she has a disability. To be protected by the ADA, the Rehabilitation Act, or the PHRA, you need to have a disability and you need to be qualified for a job with an employer who is subject to the particular law. To be “qualified” means that you have the necessary skills, experience, and education, and you can perform the essential functions of the job, with or without a reasonable accommodation.

What counts as a disability?

Under the ADA, the Rehabilitation Act, and the PHRA, a disability is an impairment that substantially limits one or more major life activities, including functional activities such as your ability to care for yourself, see, walk, work, learn, read, or communicate. Major life activities also include major bodily functions, such as the respiratory or immune systems. You

are protected by these laws if:

- You currently have such an impairment;
- You have a record of having such an impairment; or
- You are regarded as having such an impairment.

These laws are supposed to make it easy for you to get protections, so many disabilities can qualify. You can even qualify if your impairment is in remission or if it's episodic, such as epilepsy or major depression. Also, you have a disability even if mitigating measures, such as medication or hearing aids, help you to function better. If you only need ordinary eyeglasses or contact lenses, though, your vision impairment is not a disability.

Substance abuse disorders can qualify as a disability, but you are not protected from discrimination based on your current use of illegal substances.

Illegal practices

Discrimination by an employer can include a range of activities, such as:

- Refusing to hire you;
- Saying that a position is not available when it is;
- Using different standards or tests when deciding whether to hire you;
- Demoting you or refusing to promote you;
- Paying you less or giving you different or fewer benefits;
- Firing you;
- Excluding you from employee activities;
- Denying you access to any of the privileges of employment;
- Placing you on involuntary leave; or
- Refusing to provide a reasonable accommodation.

Harassment because of your disability is considered discrimination if it is so severe and persistent that it creates a hostile work environment. This means that the abuse makes you unable to do your job, prevents you from accessing all the benefits of employment, or results in an adverse action,

such as demotion or termination. To qualify as illegal discrimination, the harassment has to be based on your disability and it has to be more than just occasional teasing. It is illegal for an employer to harass you, and your employer also has to take action if you report that a coworker is harassing you.

Getting Accommodations

All three anti-discrimination laws require employers to make reasonable accommodations if you need them because of your disability.

What are reasonable accommodations?

Reasonable accommodations are changes or adjustments that make it possible for you to apply for a job, to do your job, and to access all the benefits of the job. Reasonable accommodations can include changes to employer policies, such as allowing you to have a flexible schedule, or changes to the office, such as adding a ramp. They can also include assistive technology, such as a computer program to help someone with a visual impairment. An employer doesn't have to provide items that you also need in your personal life, though. The employer also does not have to eliminate essential functions of the job as an accommodation.

You are the expert about your disability, so don't be afraid to tell your employer what accommodations would help you the most. If you're not sure what might be helpful, you can search for ideas on the Job Accommodation Network at <http://askjan.org/soar/>. Your doctor might also be a good person to help you figure out what you need.

How to get reasonable accommodations:

To get a reasonable accommodation, you should talk to your human resources department or your supervisor. You don't need to give your employer details about your disability. All you need to say is that you need a change at work for reasons related to a medical condition. However, if you have a non-obvious disability, or it's not obvious why you need the

accommodation, the employer may be allowed to request documentation to show that you have a disability and that you need the accommodation because of your disability. As soon as you ask for an accommodation, your employer should start working with you to figure out what would help you. It is a good idea to make your request in writing and keep a copy for yourself so that you have proof of what you asked for and when you asked for it.

If your employer refuses to make a reasonable accommodation or fails to make one in a reasonable amount of time, you may be able to file a complaint. For information about how to file a complaint, see page 63 of this guide.

Disclosing Your Disability

You have the right to decide how much you want to tell people about your disability and whether you even want to disclose that you have a disability. Employers cannot ask you if you have a disability, unless they have affirmative action procedures for individuals with disabilities. Employers who use affirmative action procedures to help them recruit and hire more individuals with disabilities may ask you on the application if you have a disability. You are not required to answer this question.

Deciding to disclose:

When you have a hidden disability, it can be tough to decide if you should tell people. It is your decision, but you need to disclose your disability if you want protections under the anti-discrimination laws. If you don't tell your employer that you have a disability, you can't get reasonable accommodations. You also won't be protected from getting in trouble or getting fired if you have problems at work because you don't have those accommodations.

Even if you tell your boss about your disability, you don't need to tell everyone at work unless you want to. Some people like to keep their disability private because they don't need any accommodations and don't

think their disability is relevant to their job. Others worry that their coworkers will think less of them or treat them differently. It's okay to keep your disability private if it makes you more comfortable. But remember that even though you can't control what people think about your disability, you have the right to be protected from discrimination and harassment.

When to disclose:

You should tell someone about your disability as soon as you realize that you need an accommodation. This might be before the interview if you need accommodations at your interview. It might also be after you have been offered the job or have started working if you need an accommodation to do your job or to access benefits of your job (such as an employee lunchroom or employee parking). Don't wait until you are already having problems to tell someone you need an accommodation.

How to disclose:

You only need to tell someone how your disability will affect your job performance and what services and supports you need to succeed in your job. Discuss your disability in a matter-of-fact way and keep the discussion positive. This is especially important if your disability comes up before you are hired. For instance, if there is a gap in your work history, an interviewer might ask you about it. If you had to take time off work because of your disability, you may want to disclose this. But don't focus too much on reasons you couldn't work. Instead, use this as an opportunity to discuss what you did during your time off that may have given you valuable life experience. Focus on your strengths and abilities and tell the interviewer why you are ready to move forward and be successful in the position you're applying for.

Medical Exams and Disability-Related Inquiries

The ADA restricts when and why an employer can make medical inquiries or require medical exams. A "medical inquiry" is any question that is "likely to illicit information about a disability." A question that might have a

disability-related answer, but also has many answers that are not related to a disability is not a “medical inquiry.” For example, the question, “How many days were you sick last year?” is medical, because it is directly related to the severity of any health impairments you may have. On the other hand, the question, “How many days were you absent from your last job?” is not disability-related, because there are many reasons why an employee might miss work. The rules for inquiries and exams vary depending on where you are in the application and employment process:

- **Before you are offered a job:** No medical inquiries or medical exams allowed.
- **After you are offered a job:** Any inquiries or medical exams allowed if required of all applicants. Withdrawing an offer is allowed only when it is job-related and consistent with business necessity and there are no reasonable accommodations available.
- **After you begin work:** Medical inquiries or medical exams allowed only when they are job-related and consistent with business necessity.

A few things to note:

- Tests for illegal drug use can be required at any step, as current use of illegal drugs is not protected by the ADA.
- Employers can require non-medical tests and exams. Examples include agility and fitness tests (as long as these don’t include medical tests, such as measuring heart rate or blood pressure) and psychological tests used to determine qualities such as honesty and reliability.
- If you request an accommodation at any step, and your need for the accommodation is not obvious, employers can ask questions or require exams, but only as much as is necessary to verify your need for the accommodation.

Filing a Complaint

If you think an employer has discriminated against you because of your disability, or you have been harassed at work, you can file a complaint.

Several agencies enforce the ADA, the Rehabilitation Act, and the PHRA. Where you file a complaint depends on the type of employer. The ADA, the Rehabilitation Act, and the PHRA prohibit retaliation, such as firing or disciplining, for filing a complaint.

If the employer is a private employer with at least 15 employees or is a state or local government, you are protected by the ADA. The Equal Employment Opportunity Commission (EEOC) enforces the ADA.

You have 180 days from the date the discrimination happens to file your complaint, or 300 days if you also file a complaint with the Pennsylvania Human Relations Commission (see next page). You can file in person, by mail, or by phone. To file a complaint in Pennsylvania, contact the Philadelphia District Office of the EEOC:

Phone: (800) 669-4000 or (800) 669-5820 (TTY)
Address: 801 Market Street, Suite 1300
Philadelphia, PA 19107

You cannot file a private lawsuit in federal court unless you get a “right-to-sue” letter from the EEOC first. You can request a “right-to-sue” letter if the EEOC does not act on your complaint within 180 days. You have 90 days from receipt of your “right-to-sue” letter to file your lawsuit.

If the employer is a private employer in Pennsylvania with at least 4 employees, you are protected by the PHRA. The Pennsylvania Human Relations Commission (PHRC) enforces the PHRA.

You have 180 days to file a complaint with the PHRC. If the action in your complaint also violates a federal law, the PHRC will file your complaint with the appropriate federal agency. There are three PHRC regional offices in Pennsylvania, serving all sixty-seven counties. You can download a complaint form or find out which office serves your county by going to <http://www.phrc.state.pa.us/> and clicking “File a complaint” on the left side of the page.

Philadelphia

Phone: (215) 560-2496 or (215) 560-3599 (TTY)
Address: PA Human Relations Commission
Philadelphia Regional Office
110 North 8th Street, Suite 501
Philadelphia, PA 19107

Pittsburgh

Phone: (412) 565-5395 or (412) 565-5711 (TTY)
Address: PA Human Relations Commission
Pittsburgh Regional Office
301 Fifth Avenue
Suite 390
Piatt Place Pittsburgh, PA 15222

Harrisburg

Phone: (717) 787-9784 or (717) 787-7279 (TTY)
Address: PA Human Relations Commission
Harrisburg Regional Office Riverfront Office Center, 5th Floor
South Front Street
Harrisburg, PA 17104

You cannot file a private lawsuit in a state court unless you get a “right-to-sue” letter from the PHRC first.

If the employer is a federal executive branch agency, such as the Department of Labor or the Department of Education, you are protected by Section 501 of the Rehabilitation Act. The EEOC enforces Section 501.

Before filing a complaint with the EEOC, you must contact an equal employment opportunity counselor at the agency where you think the discrimination happened. You have 45 days to do this.

If the employer has a contract with the federal government, you are protected by Section 503 of the Rehabilitation Act. The Department of

Labor's Office of Federal Contract Compliance Programs (OFCCP) enforces Section 503.

You have 300 days from the date the discrimination happened to file a complaint. You can get a complaint form at <http://www.dol.gov/ofccp/>. To file your complaint, you can submit it electronically, mail it to your regional office, or bring it to the regional office in person. You can contact the regional office for Pennsylvania at:

Phone: (215) 861-5765 or (877) 889-5627 (TTY)

Fax: (215) 861-5769

Address:

U.S. Department of Labor for OFCCP

Curtis Center, Suite 200 East

170 S. Independence Mall West

Philadelphia, PA 19106-3317

If the employer receives financial assistance from any federal agency or department, you are protected by Section 504 of the Rehabilitation Act. The individual government agencies enforce Section 504.

To file a complaint, contact the federal agency that supplies the employer with financial assistance. You can also file a private lawsuit in federal court for a violation of Section 504. You do not need to file an administrative complaint with the federal agency first.

Family and Medical Leave Act (FMLA)

The Family and Medical Leave Act (FMLA) helps you keep your job if you need to take time off because of your disability. It covers all public agencies. It also covers private employers if the employer has at least 50 employees within a 75 mile radius of your work location. You are protected by the FMLA once you have worked for a covered employer for at least one year as long as you worked at least 1,250 hours in the last year.

If you need to take time off because of a serious health condition, you are entitled to take up to 12 weeks of unpaid leave each year without losing your job. This time does not need to be taken all at once.

Your time off is unpaid, but you can choose to use any paid vacation, personal, or sick leave to cover part of the time off. Your employer can also require you to do this. When you get back from your leave, you must be returned to your original position or to an equivalent position with equivalent pay and benefits.

Any benefits you had before you left are still yours, but your employer doesn't have to let you accrue more benefits, such as sick days and vacation days, while you are away. If you have insurance through work, you can keep it by continuing to pay the required employee contribution.

An employer can ask you to support your request for leave with certification from your health care provider. The certification should list:

- The date the serious health condition started;
- The length the condition will probably last;
- Appropriate medical facts about the condition; and
- A statement that you are unable to perform the functions of your job.

It is illegal for your employer to intimidate, threaten, or coerce you to stop you from taking leave under this law. This means that your employer cannot threaten punishment, such as denying benefits or promotions, if you take leave. Your employer also can't promise benefits, such as promotions or bonuses, if you don't take leave.

Filing a Complaint

If you think your employer has violated the FMLA, you can file a complaint with the Wage and Hour Division of the U.S. Department of Labor. You should file as soon as possible, but you have up to two years. The FMLA prohibits retaliation, such as firing or disciplining, for filing a complaint. To file a complaint, contact the Wage and Hour Division local office that is

closest to you. There are three local offices in Pennsylvania:

Philadelphia

Phone: (215) 597-4950

Address:

U.S. Dept. of Labor Wage & Hour Division
1617 John F. Kennedy Blvd., Suite 1780
Philadelphia, PA 19103

Pittsburgh

Phone: (412) 395-4996

Address:

U.S. Dept. of Labor Wage & Hour Division Federal Building
1000 Liberty Ave., Suite 1416
Pittsburgh, PA 15222

Wilkes-Barre

Phone: (570) 826-6316

Address:

U.S. Dept. of Labor Wage & Hour Division
7 North Wilkes-Barre Blvd.
Stegmaier Bldg., Suite 373M
Wilkes-Barre, PA 18702

You can also file a private lawsuit in federal court within two years of the last action that violated the FMLA. You don't need to file a complaint with the Wage and Hour Division first.

The laws governing your employment rights can get complicated, but it's important to remember that there are laws protecting you and that you have resources to ensure that you get those protections. The information in this guide is meant to give you a brief overview of your employment rights. If you still have questions or need help understanding how the laws apply to a particular situation, contact the Disability Rights Network of Pennsylvania at (800) 692-7443 (voice) or (877) 375-7139 (TDD) for assistance.

Contact Information

If you need more information or need help, please contact Disability Rights Pennsylvania (DRP) at 800-692-7443 (voice) or 877-375-7139 (TDD). The email address is: intake@disabilityrightspa.org.

The mission of Disability Rights Pennsylvania is to advance, protect, and advocate for the human, civil, and legal rights of Pennsylvanians with disabilities. Due to our limited resources, Disability Rights Pennsylvania cannot provide individual services to every person with advocacy and legal issues. Disability Rights Pennsylvania prioritizes cases that have the potential to result in widespread, systemic changes to benefit persons with disabilities. While we cannot provide assistance to everyone, we do seek to provide every individual with information and referral options.

IMPORTANT: This publication is for general informational purposes only. This publication is not intended, nor should be construed, to create an attorney-client relationship between Disability Rights Pennsylvania and any person. Nothing in this publication should be considered to be legal advice.

PLEASE NOTE: For information in alternative formats or a language other than English, contact Disability Rights Pennsylvania at 800-692-7443, Ext. 400, TDD: 877-375-7139 or intake@disabilityrightspa.org.