Know Your Workplace Rights

Disability rights on the job — for consumers of WILC & Putnam Independent Living Services

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People with disabilities have strong rights at work in New York, from hiring to accommodations to leave. Here's an overview, and the deadlines that matter.

Disability rights at work

- **The ADA (Title I)** covers employers with 15+ employees. **The NYSHRL** covers **all employers** in New York and defines disability more broadly, including physical, mental, and medical conditions, whether or not they limit a major life activity.
- **The Rehabilitation Act** (Sections 501, 503, and 504) protects federal employees and workers at federal contractors and federally funded programs.
- It is illegal to refuse to hire, fire, demote, harass, or pay you less because of a disability, a record of one, or because an employer *thinks* you have one, or because you're associated with someone who does.

Reasonable accommodations

- You can ask for changes that help you do the job: modified schedules, remote or hybrid work, equipment or software, breaks, a reassigned or vacant position, leave, a service animal, or changed policies. Ask in plain words; you don't need legal terms. Putting it in writing helps.
- The employer must engage in a good-faith **interactive process** with you and can refuse only if the accommodation would cause undue hardship. Ignoring your request can itself be a violation.
- Medical information you share must be kept confidential and separate from your personnel file. Before a job offer, employers generally can't ask whether you have a disability.
- **Pregnancy-related conditions** also get accommodations under the federal Pregnant Workers Fairness Act and the NYSHRL.

Leave & benefits

- **FMLA:** up to 12 weeks of unpaid, job-protected leave (50+ employees; 1,250 hours worked), including intermittent leave for a chronic condition.
- **NY Paid Sick Leave** (up to 40 or 56 hours a year) and **NY Paid Family Leave** (up to 12 weeks, partially paid, to care for a family member). NY short-term disability (DBL) can cover your own off-work illness or injury.
- Getting SSDI/SSI benefits doesn't automatically bar an ADA claim, but statements on benefit forms matter. Get advice before you apply.

What to do now

- Keep a dated record of each accommodation request and every response, or non-response.
- Save emails, texts, doctor's notes, and performance reviews to a personal account.
- Retaliation for asking for an accommodation or complaining is illegal. Write it down if it happens.

Local agencies

- **NYS Division of Human Rights**: dhr.ny.gov · 1-888-392-3644
- **Westchester County Human Rights Commission**: humanrights.westchestergov.com
- **U.S. EEOC**: eeoc.gov · 1-800-669-4000
- **Job Accommodation Network** (free accommodation ideas): askjan.org

Deadlines matter — don't wait

Claim / where	Typical deadline (verify for your facts)
EEOC charge (Title VII, ADA, ADEA, PWFA, Equal Pay)	300 days from the discriminatory act (in New York)
NYS Division of Human Rights complaint (NYSHRL)	3 years for acts on/after Feb. 15, 2024 (1 year for most earlier acts)
NYSHRL lawsuit in court	3 years
ADA / Rehab Act (federal employees & contractors)	EEO counselor in 45 days (federal employees); OFCCP complaint for contractors in 300 days
FMLA interference / retaliation	2 years (3 if willful)
Lawsuit after an EEOC Right-to-Sue letter	90 days from receipt

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