



EMPLOYEE AND STUDENT RIGHTS

VICTORIA PIETRUSZKA, M.S.

DREXEL UNIVERSITY JD/PHD CANDIDATE

PERC THERAPIST

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)

WORKERS' RIGHTS



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

Employers cannot ask job applicants about

- Existence
- Nature
- Severity

Employers can ask about

- Ability to perform specific functions

Conditional job offer

- Results of medical exam, but only if required for all employees in similar jobs (and must be job-related)
- Must keep medical records confidential*

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*

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

504 eligibility

As you transition out
of high school, rights
change

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

POST-SECONDARY 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?

