

Chiari & Employment: Your Rights Under the Americans with Disabilities Act

July 31, 2007 - As we all know, Chiari impacts our lives in various ways and with varying degrees of severity. Often, people with Chiari Malformations may encounter limitations at work as a result of their condition. The Americans with Disabilities Act (ADA) provides people with disabilities certain rights, and may make working with Chiari easier if you are aware of what it is.

What is the ADA?

According to the Job Accommodation Network (2007), "The Americans with Disabilities Act of 1990 (ADA) requires employers to provide reasonable accommodation to qualified employees and applicants with disabilities, unless such accommodations would pose an undue hardship (e.g. too costly, too extensive, too substantial, too disruptive). In general, the applicant or employee with a disability is responsible for letting the employer know that an accommodation is needed to participate in the application process, to perform essential job functions, or to receive equal benefits and privileges of employment. Employers are not required to provide accommodations if they are not aware of the need."

"The Americans with Disabilities Act of 1990 (ADA) makes it unlawful to discriminate in employment against a qualified individual with a disability. The ADA also outlaws discrimination against individuals with disabilities in State and local government services, public accommodations, transportation and telecommunications. This part of the law is enforced by the U.S. Equal Employment Opportunity Commission (EEOC) and State and local civil rights enforcement agencies that work with the Commission."

What conditions are covered by the ADA?

There is not a list of conditions that are considered disabilities under the ADA. Rather, the ADA recognizes a person with a disability as someone having a significant limitation in one or more daily life activities. The U.S. Equal Employment Opportunity Commission (EEOC) states "that with respect to an individual, the term "disability" means:

- A) a physical or mental impairment that substantially limits one or more of the major life activities of such individual;
- (B) a record of such impairment; or (C) being regarded as having such an impairment.

What is a reasonable accommodation?

The EEOC states that "a reasonable accommodation is any change in the work environment or in the way things are usually done that results in equal employment opportunity for an individual with a disability. An employer must make a reasonable accommodation to the known physical or mental limitations of a qualified applicant or employee with a disability unless it can show that the accommodation would cause an undue hardship on the operation of its business."

How do I request an accommodation?

Although the EEOC does not specify that accommodation requests must be made in writing, it is in the employees' best interest to write an accommodation request letter to their employer. This will help in initiating the accommodation process, and record keeping for the employee and employer. The link below will direct you to the Job Accommodation Network's publication IDEAS FOR WRITING AN ACCOMMODATION REQUEST LETTER at <http://www.jan.wvu.edu/media/commrequestltr.html>.

This will help you format a letter that discusses your limitations and the requested accommodations.

~~~~~Online resources from the Job Accommodation Network:~~~~~

Accommodating People with Chronic Fatigue Syndrome at <http://www.jan.wvu.edu/media/cfs.html>,

<http://www.jan.wvu.edu/soar/cfs.html>,

Fact Sheet Series: Job Accommodations for People with Chronic Fatigue Syndrome at <http://www.jan.wvu.edu/media/employmentcfsfact.doc>

Work-site Accommodations Ideas for Individuals who have Migraine Headaches at <http://www.jan.wvu.edu/media/Migraine.html>,  
<http://www.jan.wvu.edu/soar/other/migraine.html>,

Fact Sheet Series: Job Accommodations for People with Migraine Headaches at <http://www.jan.wvu.edu/media/employmentmigfact.doc>

Work-Site Accommodations for Individuals with Sleep Disorders at <http://www.jan.wvu.edu/media/Sleep.html>

Fact Sheet Series: Job Accommodations for People with Sleep Disorders at <http://www.jan.wvu.edu/media/employmentsleepfact.doc>

Work-Site Accommodation Ideas for Individuals with Vision Impairments at <http://www.jan.wvu.edu/media/Sight.html>

<http://www.jan.wvu.edu/soar/vision.html>

The ADA: Your Employment Rights as an Individual with a Disability at <http://www.jan.wvu.edu/media/RIGHTSASANIND.html>

The ADA: Your Responsibilities as an Employer at <http://www.jan.wvu.edu/media/EMPLOYERRESP.html>

#### References:

Equal Employment Opportunity Commission. (2000). Section 902 Definition of the Term Disability Retrieved July 10, 2007, from <http://www.eeoc.gov/policy/docs/902cm.html>

Equal Employment Opportunity Commission. (1992). A technical assistance manual on the employment provisions (title I) of the Americans with Disabilities Act. Retrieved July 10, 2007, from <http://www.jan.wvu.edu/links/ADAatam1.html>

Equal Employment Opportunity Commission. (1992). Definition of the term disability. Retrieved July 10, 2007, from <http://www.eeoc.gov/policy/docs/902cm.html>

Job Accommodation Network, (2007) Accommodation and Compliance Series Publications. Retrieved July 6, 2007, from <http://www.jan.wvu.edu/>

-- Jill Hess

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