



California's protection & advocacy system

Disability Discrimination Fact Sheet: State And Local Government Employees

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State And Local Government Employees

State and local government employees are protected from disability discrimination under state and federal law. Title I of the federal Americans with Disabilities Act (ADA) prohibits disability discrimination in employment. Title II of the ADA prohibits disability discrimination by state and local governments. Section 504 of the Rehabilitation Act also prohibits disability discrimination against government entities that receive federal funds.

The California Fair Employment and Housing Act (FEHA) provides similar protections. Any violation of the ADA or Section 504 is also a violation of state law. However, in some circumstances, state law may provide a higher level of protection than federal law.

Discrimination includes unequal treatment, retaliation and harassment against employees and job applicants with disabilities. It also includes the failure to provide reasonable modifications to an employer's practices, policies or workplace conditions in order to accommodate an employee's or applicant's disability. Whether an accommodation or modification is reasonable depends on the specific situation and the type of job involved. Reasonable accommodations and modifications cannot impose an undue hardship (significant difficulty or expense) on the employer. A sample letter to request a reasonable accommodation, and a sample support letter from a treating professional, are below.

Below are some resources to learn more about disability discrimination and reasonable accommodations in employment:

- The U.S. Equal Opportunity Commission (EEOC) website: <http://www.eeoc.gov/laws/types/disability.cfm>
- The California Department of Fair Employment and Housing website: <http://www.dfeh.ca.gov/Employment>
- The Job Accommodations Network website, for information about reasonable accommodations in employment: <http://askjan.org>
- The Legal Aid at Work website, for resources and legal representation: <https://legallaidatwork.org/>

Self-Advocacy

If you believe that you have been discriminated against, you can contact your agency's ADA Coordinator or EEO office, or file an administrative complaint at the state or federal level.

Every state agency should have an Equal Employment Opportunity Office (EEO). The EEO is responsible for handling any claims of discrimination or requests for reasonable accommodations within that agency. To find the contact information of the Equal Opportunity Officer for your agency, please visit:

<http://www.calhr.ca.gov/state-hr-professionals/Pages/ocr-description.aspx>

Local governments with 50 or more employees should appoint at least one employee to coordinate ADA compliance. The ADA coordinator works with the government entity to educate departments on the rights of employees with disabilities and conducts investigations of complaints of noncompliance with the ADA and state law. You can find contact information for your local ADA coordinator at the city or county's website.

You can also file an administrative complaint with the California Department of Fair Employment and Housing (DFEH) or U.S. Department of Justice.

Complaints can be filed with the DFEH within one year from the date of discrimination. The DFEH website has information on filing and pursuing a discrimination complaint: <https://www.dfeh.ca.gov/filing-a-complaint-online/>.

You must file an administrative complaint, and obtain a “right to sue letter” from the DFEH before you can file a lawsuit for disability discrimination in state court.

Under a work-sharing agreement with the EEOC, the U.S. Department of Justice (DOJ) is the federal agency primarily responsible for investigating employment discrimination complaints against most Title II employers. Employees of government entities that receive federal funding should submit discrimination complaints under Section 504 to the federal agency that provides the funding. Complaints must be filed with the DOJ or the relevant federal agency within 180 days of the discrimination.

To file an ADA complaint with the DOJ, use the online complaint form available on the Department’s ADA Website at www.ada.gov.

Complaints may also be mailed to the Disability Rights Section at:

U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Civil Rights Division
Disability Rights Section
Washington, D.C. 20530

Courts have held that unlike actions filed against private employers under ADA T.I, it is not necessary to obtain a right-to-sue letter from the DOJ before filing a Title II or 504 lawsuit in court. Those courts have stated that while legal standards of Title I apply to Title II and 504 employment discrimination claim, the procedural requirements of Title I do not. Lawsuits under Section 504 or T.II must be filed within one year of the date of discrimination.

Litigation

Violations of the laws discussed above may also be enforced through private lawsuits. Please be aware that statutes of limitations restrict the timeframe for filing litigation, and that you could potentially lose claims if you do not act within the applicable statute of limitations. Sovereign immunity may also limit the relief that is available from government entities. If you are interested in pursuing litigation, you should consult with an attorney as soon as possible.

Sample Letter to Request a Reasonable Accommodation

[Date]

Dear [Employer]:

I am writing to request [a] reasonable accommodation[s] for my disability/disabilities. I [am an employee of/am applying for a position at] [Public Entity]. Because of my disability, I need the following accommodations: [list accommodations]. My [physician/psychiatrist/psychologist/therapist/social worker/occupational therapist /other individual (describe)] has deemed these accommodations/modifications necessary in light of my disability. Please see the attached letter from [doctor or professional's name].

Federal and state law require that employers accommodate employees and applicants who have disabilities. Please respond to this request by [date]. Feel free to contact me at [your phone number and/or e-mail address] if you have any questions. Thank you.

Sincerely,

[Your name]

[Your address]

Sample Support Letter

[Date]

Dear [Public Entity]:

I am the [physician/psychiatrist/psychologist/therapist/social worker/occupational therapist] for [Name], and am familiar with his/her condition. [S/he] has a disability that causes certain functional limitations. These limitations include [list functional limitations that require the requested accommodation].

[The requested accommodation] is necessary for [Name] to [work at/apply for employment at] [Employer]. [Describe how the accommodation will assist or support the individual].

Thank you for providing this reasonable accommodation for [Name].

Sincerely,
[Name and Title]

We want to hear from you! Please complete the following survey about our publications and let us know how we are doing! [\[Take the Survey\]](#) For legal assistance call 800-776-5746 or complete a [request for assistance form](#). For all other purposes call 916-504-5800 (Northern CA); 213-213-8000 (Southern CA).

Disability Rights California is funded by a variety of sources, for a complete list of funders, go to <http://www.disabilityrightsca.org/Documents/ListofGrantsAndContracts.html>.