

## Your Rights Under the Congressional Accountability Act



# Disability Discrimination

---

**Section 201 of the Congressional Accountability Act (CAA)** provides protection against discrimination in all personnel actions of qualified individuals with disabilities. Personnel actions include hiring, discharge, promotion, pay, benefits, reassignment, and other actions affecting the terms, conditions, and privileges of employment. The CAA also prohibits other kinds of discrimination including using standards or criteria that have the effect of discrimination on the basis of disability; using qualification standards or other selection criteria that tend to screen out an individual with a disability; or denying equal jobs or benefits to a qualified individual because the individual is known to have a relationship or association with an individual with a known disability.

### Key Provisions Under the Law

- Before a job offer is made, employing offices may not ask job applicants about the existence, nature, or severity of a disability.
- Only once an otherwise qualified applicant or employee makes an employing office aware of a physical or mental limitation is the employing office required to make accommodations for that condition.
- An employing office is required to make a reasonable accommodation to the known physical or mental limitations of an otherwise qualified employee or applicant with a disability unless it poses an undue hardship on the office.
- The use of illegal drugs is not protected by this provision.

### Frequently Asked Questions About Disability Discrimination

***Q. Who is protected from employment discrimination based on disability?***

**A.** Employment discrimination is prohibited against "qualified individuals with disabilities." An individual is considered to have a "disability" if she or he has a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment. Major life activities include seeing, hearing, speaking, walking, breathing, performing manual tasks, learning, and caring for oneself. Individuals with epilepsy, paralysis, HIV infection, AIDS, a substantial hearing or visual impairment, mental retardation, or a specific learning disability are also covered.

# **Disability Discrimination** CONTINUED

**Q. Who is a "qualified individual with a disability"?**

**A.** A qualified individual with a disability is a person who meets legitimate skill, experience, education, or other requirements of an employment position that he or she holds or seeks, and who can perform the "essential functions" of the position with or without reasonable accommodation.

**Q. What is "reasonable accommodation"?**

**A.** Reasonable accommodation is any modification or adjustment to a job or the work environment that will enable a qualified applicant or employee with a disability to participate in the application process or to perform essential job functions. Reasonable accommodation also includes adjustments to assure that a qualified individual with a disability has rights and privileges in employment equal to those of employees without disabilities.

---

## The Office of Compliance

The Office of Compliance protects the safety, health, and workplace rights of employees of the US Congress and the Legislative Branch. Established by the Congressional Accountability Act of 1995, the Office is an independent agency which provides an impartial dispute resolution process and educates employees and employing offices about their rights and responsibilities under the Act.

The Office of Compliance welcomes your inquiries. All contacts are kept strictly confidential. If you have any questions regarding disability discrimination or any other provision of the Congressional Accountability Act, please feel free to call the office, visit us in person, or view our web site at [www.compliance.gov](http://www.compliance.gov).

This information does not constitute an official ruling of the Board of Directors and is intended for educational purposes only. For further information, please refer to the Congressional Accountability Act (2 U.S.C 1301 et seq.) and the regulations issued by the Board, or you may contact the Office of Compliance.

**The Office of Compliance**  
**110 2<sup>nd</sup> Street, SE Room LA-200**  
**Washington, D.C. 20540-1999**  
**202-724-9250/TDD 202-426-1912**  
**Recorded Information Line: 202-724-9260**  
**[www.compliance.gov](http://www.compliance.gov)**

Disability Discrimination Fact Sheet  
April 2003