



# Facts About Disability Discrimination In Employment

Nevada state law and the Americans with Disabilities Act of 1990 (ADA), as amended, prohibit private employers, state and local governments, employment agencies and labor unions from discriminating against qualified individuals with disabilities in job application procedures, hiring, firing, advancement, compensation, job training, and other terms, conditions and privileges of employment. An individual with a disability is a person who:

- 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.

A qualified employee or applicant with a disability is an individual who, with or without reasonable accommodation, can perform the essential functions of the job in question. Reasonable accommodation may include, but is not limited to:

- Making existing facilities used by employees readily accessible to and usable by persons with disabilities.
- Job restructuring, modifying work schedules, reassignment to a vacant position;
- Acquiring or modifying equipment or devices, adjusting or modifying examinations, training materials, or policies, and providing qualified readers or interpreters.

An employer is required to make reasonable accommodations for the known disability of a qualified applicant or employee if it would not impose an "undue hardship" on the operation of the employer's business. Undue hardship is defined as an action requiring significant difficulty or expense when considered in light of factors such as an employer's size, financial resources and the nature and structure of its operation.

An employer is not required to lower quality or production standards to make an accommodation, nor is an employer obligated to provide personal use items such as glasses or hearing aids.

Persons who file a charge, oppose unlawful employment discrimination, participate in employment discrimination proceedings, or otherwise assert their rights under the laws enforced by the Commission are protected against retaliation.

## Medical Examinations and Inquiries

Employers may not ask job applicants about the existence, nature or severity of a disability. Applicants may be asked about their ability to perform specific job functions. A job offer may be conditioned on the results of a medical examination, but only if the examination is required for all entering employees in similar jobs. Medical examinations of employees must be job related and consistent with the employer's business needs.

## Drug and Alcohol Abuse

Employees and applicants currently engaging in the illegal use of drugs are not covered by the anti-discrimination laws, when an employer acts on the basis of such use. Tests for illegal drugs are not subject to the law's restrictions on medical examinations. Employers may hold illegal drug users and alcoholics to the same performance standards as other employees.

### If You Think You Have Been Discriminated Against Because Of Disability, Contact The Nevada Equal Rights Commission

Nevada Equal Rights Commission  
1820 East Sahara Avenue, Suite 314  
Las Vegas, NV 89104

PH: 702 486-7161  
Fax: 702-486-7054

Nevada Equal Rights Commission  
1675 E. Prater Way, Suite 103  
Sparks, NV 89434

PH: 775-823-6690  
Fax: 775-688-1292

Or visit us on the Internet

[www.detr.state.nv.us](http://www.detr.state.nv.us)

A complaint must be filed within 300 days of the date of the alleged discriminatory conduct.

You may also contact the federal Equal Employment Opportunity Commission (EEOC)  
at 1-800-669-4000 or on the Internet at <http://www.eeoc.gov/>