



## Disability Employment Law

### Overview

There are three federal laws that protect individuals with disabilities from discrimination in the employment and job application process. They are:

- ◆ Americans with Disabilities Act (ADA)
- ◆ Family Medical Leave Act (FMLA)
- ◆ Rehabilitation Act of 1973

Some states also have their own state-specific employment laws. The laws that protect individuals with disabilities from discrimination in the employment and job process in Maryland are Article 49B and the Maryland Workers' Compensation Law.

### Federal Laws

The federal law most businesses are familiar with is the **Americans with Disabilities Act (ADA)**. Title I of the ADA prohibits discrimination against people with disabilities in all employment-related activities, including hiring, pay, benefits, firing and promotion.

The ADA applies to businesses that have 15 or more employees, including state or local governments.

An individual with a disability is defined as 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.

The ADA requires that businesses provide reasonable accommodations for qualified individuals with disabilities who can perform the essential job functions with or without accommodations.

The design of the **Family Medical Leave Act (FMLA)** is to help employees balance

their work and family responsibilities; it allows them to take up to 12 weeks of unpaid leave per year for certain family and medical reasons without losing their jobs. An employee can take FMLA leave for any of the following reasons:

- ◆ the birth and care of a newborn child of the employee,
- ◆ placement with the employee of a child for adoption or foster care,
- ◆ the care of an immediate family member (spouse, child or parent) with a serious health condition or
- ◆ medical leave when the employee is unable to work because of a serious health condition.

FMLA applies:

- ◆ to all public agencies, including state, local and federal employers and local schools.
- ◆ to private-sector employers who employed 50 or more employees in 20 or more workweeks in the current or preceding calendar year, and who are engaged in commerce, or in any industry or activity affecting commerce.

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### Where can I obtain additional information?

- ◆ For the **Americans with Disabilities Act (ADA)** contact:  
U.S. Equal Employment Opportunity Commission (EEOC)
- ◆ For **Family Medical Leave Act (FMLA)** contact:  
U.S. Department of Labor Employment Standards Administration Wage and Hour Division
- ◆ For the **Rehabilitation Act of 1973** contact:  
U.S. Department of Labor
- ◆ For **Article 49B** contact:  
Maryland Commission on Human Relations
- ◆ For the **Maryland Workers' Compensation Law** contact:  
State of Maryland Workers' Compensation Commission



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*This fact sheet and others can be found at [www.mdod.maryland.gov](http://www.mdod.maryland.gov) and [www.mdworkforcepromise.org](http://www.mdworkforcepromise.org).*

*Questions?*

*Contact the Maryland Business Leadership Network*

## Federal Laws (continued)

The **Rehabilitation Act of 1973** authorizes the funding for various disability-related purposes and activities. There are three sections of the Rehabilitation Act that pertain to employment. Each section prohibits discrimination against qualified individuals with disabilities and requires affirmative action in hiring, placement and advancement of individuals with disabilities. The following are the sections and the types of employer each pertains to:

- ◆ Section 501 - pertains to federal employers.
- ◆ Section 503 - pertains to federal contractors or subcontractors who have contracts/subcontracts in excess of \$10,000.
- ◆ Section 504 - pertains to federal agencies, programs or activities that receive federal financial assistance or are conducted by a federal agency.

\*Note: If a business receives federal funds, other sections of the Rehabilitation Act of 1973 may apply.

## Maryland Specific Laws

**Article 49B** is the anti-discrimination law in Maryland. It prohibits discrimination in employment, housing, public accommodations, state services, institutional health care and the conduct of business by licensees of the Department of Labor, Licensing and Regulation.

It prohibits Maryland businesses that have 15 or more employees from discriminating against any individual with respect to compensation, terms, conditions or privileges of employment, because of an individual's race, color, religion, sex, age, national origin, marital status, or physical or mental disability. It requires that businesses provide reasonable accommodations for individuals with disabilities. Reasonable accommodation is defined as making adaptations to either the workplace or the job so that a qualified person can perform

his/her job duties. Several counties throughout Maryland have their own anti-discrimination laws. Visit the Maryland Commission on Human Relations website for contact information in your particular county (address listed below).

Every employer with one or more employees is required to provide **Workers' Compensation** coverage. Maryland businesses are required to obtain workers' compensation insurance from one of the following:

- ◆ an insurance company that is licensed to write workers' compensation insurance, or
- ◆ the Injured Workers' Insurance Fund (IWIF) or
- ◆ becoming a self-insured employer. If a business is interested in this option, the approval of the Workers' Compensation Commission is required.

## Resources

### *Business.gov*

An online resource for small businesses. At [www.business.gov](http://www.business.gov), you can find more information about employment law and individuals with disabilities.

### *DBTAC: Mid-Atlantic ADA Center*

Voice / TTY: 800-949-4232  
Email: [adainfo@transcen.org](mailto:adainfo@transcen.org)  
Website: [www.adainfo.org](http://www.adainfo.org)

### *DisabilityInfo.gov*

[www.DisabilityInfo.gov](http://www.DisabilityInfo.gov) is website that has employment tips specific to businesses. At [www.DisabilityInfo.gov](http://www.DisabilityInfo.gov) you can find more information on employment laws and regulations.

### *Injured Workers' Insurance Fund (IWIF)*

Voice: (410) 494-2000 / (800) 264-4943  
Website: [www.iwif.com](http://www.iwif.com)

### *Job Accommodation Network (JAN)*

Voice/TTY: (800) 526-7234  
Email: [jan@jan.wvu.edu](mailto:jan@jan.wvu.edu)  
Website: [www.jan.wvu.edu](http://www.jan.wvu.edu)

### *Maryland Business Leadership Network*

Voice: (866) 624-3502  
Email: [bln@suntrust.com](mailto:bln@suntrust.com)  
Website: [www.usbln.com](http://www.usbln.com)

### *Maryland Commission on Human Relations*

Voice: (800) 637-6247  
TTY: (410) 333-1737  
Website: [www.mchr.state.md.us](http://www.mchr.state.md.us)

### *Maryland Department of Disabilities*

Voice / TTY: (410) 767-3660  
Voice / TTY: (800) 637-4113  
Email: [mdod@mdod.state.md.us](mailto:mdod@mdod.state.md.us)  
Website: [www.mdod.maryland.gov](http://www.mdod.maryland.gov)

### *Maryland Department of Labor, Licensing, and Regulation (DLLR)*

Voice: (410) 230-6001  
Website: [www.dllr.state.md.us](http://www.dllr.state.md.us)

### *Maryland Workers' Compensation Commission*

Voice: (410) 864-5100 / (800) 492-0479  
Email: [info@wcc.state.md.us](mailto:info@wcc.state.md.us)  
Website: [www.wcc.state.md.us](http://www.wcc.state.md.us)

### *U.S. Department of Justice*

*ADA Home Page*  
Voice: (800) 514-0301  
TTY: (800) 514-0383  
Website: [www.ada.gov](http://www.ada.gov)

### **The following are U.S Department of Labor (DOL) resources:**

#### *elaws Advisors*

elaws Advisors is a website with interactive e-tools that provide information for a number of federal employment laws.  
Website: [www.dol.gov/elaws](http://www.dol.gov/elaws)

#### *Office of Compliance Assistance Policy*

Voice: (866) 487-2365  
TTY: (877) 889-5627  
General Website: [www.dol.gov/compliance](http://www.dol.gov/compliance)  
Employment Law Guide: [www.dol.gov/compliance/guide/index.htm](http://www.dol.gov/compliance/guide/index.htm)

#### *Office of Disability Employment Policy (ODEP)*

Voice: (866) 633-7365  
TTY: (877) 889-5627  
Website: [www.dol.gov/odep](http://www.dol.gov/odep)

#### *Employment Standards Administration Wage & Hour Division*

Voice: (866) 487-9243  
Website: [www.dol.gov/esa](http://www.dol.gov/esa)

#### *U.S. Equal Employment Opportunity Commission (EEOC)*

Voice: (800) 669-4000  
TTY: (800) 669-6820  
Email: [info@ask.eeoc.gov](mailto:info@ask.eeoc.gov)  
Website: [www.eeoc.gov](http://www.eeoc.gov)