

# Disability Rights: Getting the Help You Deserve

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## What are my rights?

If you have a disability, you have the right to be treated equally and use welfare programs and services like people without disabilities. This may mean that the County Welfare Department must make changes to its programs or policies to allow you to participate.

## What is a disability

Under welfare rules, a disability is a mental, emotional, physical or learning condition, that affects a basic part of your life. A disability might impact things like walking, talking, eating, being able to work or learn, etc. It is not the same definition of disability used by Social Security.

## Should the county help me?

Yes! The county and most employers are required to make changes, or “accommodations,” to their rules to help you. The “accommodation” must be reasonable. If the county does not think what you want is reasonable, it should try to find a change you will agree to. The county cannot just refuse to help – county staff need to work with you to find a solution.

## Getting an accommodation

1. **Give Notice.** The county and employers only have to “accommodate” you if they know you have a disability. No magic words are required. You can just say “I would like a disability accommodation.” You do not need to list your condition or a diagnosis, but you do need to give enough information to prove you have a condition that has a “significant impact” on basic life activities.
2. **Put your request in writing** (if possible).
3. **Go to appointments you are given** to arrange for accommodations.
4. **Talk** to an accommodation specialist for help.

## Accommodation Resources

- Job Accommodation Network: (800) 526-7234.
- Disability and Business Technical Assistance Centers: (800) 949-4232.

## CalWORKs Rules

- If your worker thinks you have a condition that gets in the way of your doing Welfare-to-Work tasks, the worker must refer you for a disability evaluation. If the worker finds you have a disability, the county must decide if you should be exempt from work or your Welfare-to-Work plan should be changed to meet your needs.
- If you disagree with the Welfare-to-Work plan the county proposes for you after a disability evaluation, you have the right to a “non-county” review of the proposed plan (called a “third-party assessment”) and a state hearing to review the plan.
- You should not have your cash aid cut if you refuse to be in a program or job that discriminates. **Tell your worker – don’t just quit.**
- You must be able to physically get into and use county buildings and programs. (For example, the county must provide modifications to its locations like usable ramps, signs in braille, and so on.)

## Solving disability problems in CalWORKs

If you need a change in the CalWORKs program rules because of a disability, and the county won’t help you:

- Ask for a state fair hearing if this affects your cash aid or welfare to work participation. Call toll free (800) 952-5253 or fill out the back of any Notice of Action.
- File a Civil Rights complaint. Call toll free (866) 741-6241.
- If you cannot do 32-35 hours a week because of your condition, ask for an exemption.

## Solving disability problems at work

If the employer has 15 or more workers, it must make “reasonable accommodations.” If the employer will not accommodate you, call the Department of Fair Employment and Housing at (800) 884-1684 to file a discrimination complaint.

- You can get employment advice from the Voluntary Legal Services Program if you are in the Sacramento Region at (916) 551-2140 or in other parts of California, you can call the Worker’s Rights Clinic at (415) 864-8208.
- Ask the county for “good cause” to quit your job and/or to get another Welfare-to-Work assignment.

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IF YOU NEED LEGAL HELP, CONTACT LEGAL SERVICES OF NORTHERN CALIFORNIA