

## **FREQUENTLY ASKED QUESTIONS**

### **on the Rights of Federal Employees with Disabilities in 2025**

This Q&A is intended to answer questions being asked by federal employees of Executive Branch agencies given recent federal directives.

#### **1. My understanding is that it is against the law to discriminate against a federal employee because of a disability. Is that still the law?**

Yes. Section 501 of the Rehabilitation Act<sup>1</sup> protects qualified individuals with disabilities from discrimination based on disability. More specifically, it prohibits disability discrimination in hiring, advancement, discharge, compensation, training, or other terms, conditions, and privileges of employment.<sup>2</sup> It also requires reasonable accommodations, discussed below.

#### **2. Does the ADA protect me as a federal employee with a disability?**

No. The Americans with Disabilities Act (ADA) does not directly apply to the federal government. But the standards used to determine if Section 501 has been violated are the same as the standards applied under the ADA.<sup>3</sup>

#### **3. Does the law still require my federal employer to provide reasonable accommodations if I need them because of a disability?**

Yes. Section 501 of the Rehabilitation Act provides that, unless it would be an undue hardship, agencies must provide reasonable accommodation for

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<sup>1</sup> 29 U.S.C. § 791. Section 504 of the Rehabilitation Act, 29 U.S.C. § 794, provides similar protections.

<sup>2</sup> 29 C.F.R. § 1614.203(b).

<sup>3</sup> 29 C.F.R. § 1614.203(b).

the known physical or mental limitations of a qualified individual with a disability.

**4. I keep reading about new orders or policies from the Trump administration concerning the federal workforce. Do any of them change the law on disability discrimination or reasonable accommodation?**

No. The new orders and policies cannot change the requirements of the Rehabilitation Act. A memo from the U.S. Office of Personnel Management (OPM) – a federal agency which is part of the Administration – acknowledges this. It states that “agencies should not terminate or prohibit accessibility or disability-related accommodations, assistance, or other programs that are required by [the Rehabilitation Act] or related laws.”<sup>4</sup>

**5. My employer has been allowing me to work remotely as a disability accommodation. Do they have to continue that, even though the new administration is saying that people have to return to in-person work?**

If working remotely is needed as a disability accommodation, the employer must still provide it. Another OPM memo recognizes this, stating that federal agencies should require in-person work unless remote work is “due to a disability [or] qualifying medical condition.”<sup>5</sup>

**6. I have heard that some federal agencies may be reviewing or reconsidering disability accommodations provided to their employees, including those allowing remote work. Can they do that?**

Reviewing an accommodation is permitted, but a reasonable accommodation should only be changed if an accommodation is no longer necessary, if the original accommodation is no longer effective for the employee, or if another reasonable and effective accommodation exists.

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<sup>4</sup> [\*OPM Memorandum to Heads and Acting Heads of Departments and Agencies, Further Guidance Regarding Ending DEIA Offices, Programs and Initiatives\*](#), “Accessibility and Reasonable Accommodation” (Feb. 5, 2025).

<sup>5</sup> [\*OPM Memorandum to Heads and Acting Heads of Departments and Agencies, Guidance on Presidential Memorandum Return to In-Person Work\*](#), Part III(1) (Jan. 22, 2025).

**7. Can my employer ask for more medical documentation, if I have already provided it in the past, or if I am already receiving an accommodation?**

The employer should only ask for documentation if the disability or the need for the accommodation is not known or obvious. Such requests are normally made at the time of the original accommodation request. Further documentation may be requested if the disability is one that changes over time. When the employer has a good reason for seeking more documentation, the employer should only ask for reasonable documentation about the disability and about its functional limitations that require reasonable accommodation.

**8. I have also heard that some federal agencies are being told to share information about their employees' disabilities of accommodation with others. Is that legal?**

It depends. Any medical information you provide is a confidential medical record. Employers may share such information only in limited circumstances, with supervisors, managers, first aid and safety personnel, and with government officials investigating compliance with the law. But such information may not be used in a way that is inconsistent with the agency's obligations to avoid disability discrimination.<sup>6</sup>

**9. What if my supervisors or co-workers pressure me to try to force me to return to in-person work, or quit?**

Such behavior may be illegal retaliation for requesting an accommodation or may be illegal interference with your right to seek an accommodation. It could also be illegal workplace harassment.

**10. I have heard that federal agencies may be putting together lists of employees they are designating for layoff. Can they put me on such a list just because I have a disability, or just because I am receiving an accommodation?**

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<sup>6</sup> 29 C.F.R. § 1630.14(c), made applicable by 29 C.F.R. § 1614.203(b).

No. That would be illegal disability discrimination.

**11. I don't have a disability, but I need to continue to work remotely because of the disability of a family member or another person for whom I have caregiving responsibilities. Can I keep working remotely as an accommodation for that other person's disability?**

Although the agency may agree to this arrangement, federal disability discrimination laws do not provide a right to an accommodation that is only required because of the disability of a family member or other associate.

**12. I don't have a disability. Am I entitled to a reasonable accommodation for any other reason?**

Yes, possibly. Your employer may have to provide you with a reasonable accommodation related to pregnancy, childbirth, or related medical conditions. Although beyond the scope of this Q&A, you may want to review the guidance on [Pregnancy Discrimination and Pregnancy-Related Disability Discrimination](#) on the website of the Equal Employment Opportunity Commission (EEOC).

Your employer may also have to reasonably accommodate your religious beliefs or practices, making adjustments to allow you to practice your religion. Again, this is beyond the scope of this Q&A, but there is more information in the EEOC's guidance on [Religious Discrimination](#).

**13. I don't have a disability, but I have been permitted (or even encouraged) to work remotely in the past, and working remotely is very important to me. Do I have a right to keep working remotely, even if it is not an accommodation for a disability?**

That question is beyond the scope of this Q&A, but if remote work is not required as a reasonable accommodation, or by the terms of a contract (including a union contract), you may not have a right to continue to work remotely.

#### **14. What should I do if I think my federal employer is violating my rights as an employee with a disability?**

If you can't work it out directly, you can file a complaint. There are very short deadlines to complain, and you should assume they cannot be extended.

The first step in the complaint process is to make (and document) an informal complaint with your agency's EEO officer. This must be done within 45 days of the date of the failure to accommodate or other discrimination. But there are also deadlines for each step after that. The full complaint process is summarized in the [Overview of Federal Sector EEO Complaint Process](#) on the EEOC website.

#### **15. If I make a complaint about a failure to accommodate or other disability discrimination, what should I do if my employer retaliates against me?**

It is illegal to retaliate against an employee for making a complaint of discrimination, or for complaining about the failure to accommodate. You should file a separate complaint about any retaliation, following the same steps referenced in Question 14 above.

#### **16. Where can I get more information about my rights?**

There is more information about your rights on the EEOC website. You might start by looking at the [EEOC Disability-Related Resources](#). If you are worried that the information there may have recently changed or may no longer be accurate, you may want to consult a lawyer.

#### **17. How can I find a lawyer who can help me with questions about disability discrimination or the failure to accommodate?**

There are various ways to find a lawyer. You should look for a lawyer who handles federal-sector employment matters. You may wish to use the [National Employment Lawyers Association's Find-a-Lawyer page](#) (check the box for Federal Employees).

The lawyers listed below are members of the National Employment Law Association who have indicated their availability for consulting on these issues. Please note that there are other lawyers who handle federal-sector employment matters, and the authors make no representation about the legal services any of the listed firms may provide.

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