

Reasonable Accommodation Procedural Guidelines

City of New York

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Department of Citywide Administrative Services

NEW YORK CITY

**REASONABLE ACCOMMODATION
PROCEDURAL GUIDELINES**

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A. Overview

These Guidelines are intended to provide a clear and consistent framework for the implementation of New York City's (the "City") reasonable accommodation policy and procedures as memorialized in the City's Equal Employment Opportunity ("EEO") Policy and its amendments (the "Policy"), and the "About EEO: *What You May Not Know*" Handbook (the "Handbook"). The Policy and Handbook should be referred to and/or provided to persons who inquire about reasonable accommodations.

City agencies must provide reasonable accommodations to applicants and employees (including interns) that permit them to perform the essential functions of the job in connection with disability, religion, pregnancy, childbirth or a related condition, and status as a victim of domestic violence, sex offenses, or stalking (collectively "protected bases"), unless so doing will result in undue hardship to the agency. Agencies must also provide reasonable accommodations that enable employees with disabilities to enjoy equal benefits and privileges of employment as are enjoyed by similarly situated employees without disabilities.

There is no *one-size-fits-all* formula for deciding when to grant a reasonable accommodation. Rather, the reasonable accommodation process must be flexible, interactive, and individualized with meaningful, cooperative and timely communication between the individual requesting the accommodation and the agency. An agency should consult with its Office of General Counsel ("OGC") regarding any questions on how to proceed throughout the reasonable accommodation process.

B. Protected Bases Defined

Basis for Accommodation	Defined
Disability	Any physical, medical, mental or psychological impairment, or a history or record of such impairment. ¹
Religion	An individual's sincerely held religious belief or practice of his/her creed or religion, including all aspects of religious observance, practice and belief, and moral or ethical beliefs as to what is right or wrong, which are sincerely held with the strength of traditional religious views. A belief system that does not include a traditional concept of God, may be a religion. However, an individual's assertion that the strength of the belief he or she holds has reached the level of traditional religious views does not automatically mean that the belief is religious. Strongly held beliefs that are based on scientific evidence or that are philosophical and personal may not be religious beliefs even though they inform critical life choices. A hallmark of religion is the believer's categorical disregard of elementary self-interest in preference to transgressing the religious tenets.
Status as a victim of domestic violence, sex offense, or stalking	<p>Victim of Domestic Violence: a person who has been subjected to acts or threats of violence, not including acts of self-defense, committed by a current or former spouse or domestic partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim, by a person who is or has been in a continuing social relationship of a romantic or intimate nature with the victim, or a person who is or has continually or at regular intervals lived in the same household as the victim.²</p> <p>Victim of Sex Offenses or Stalking: a person who has been subjected to acts that would constitute violations of article 130 (addressing sex offenses) of the New York Penal Law or violations of sections 120.45, 120.50, 120.55 or 120.60 (addressing stalking) of the New York Penal Law.³</p>
Pregnancy, childbirth or a related medical condition	The condition of being pregnant, having a child, or a medical condition related to pregnancy or childbirth. ⁴

¹ New York City Administrative Code § 8-102(16) (a).

² New York City Administrative Code § 8-107.1(1)(b).

³ New York City Administrative Code § 8-107.1(1)(c).

⁴ New York City Administrative Code § 8-107 (22).

C. Types of Reasonable Accommodations

Basis for Accommodation	Work Performance and Environment	Application Process
<p>Disability</p>	<p>A change to a job, the work environment, or the way the job is performed that allows an individual with a disability to perform the essential job functions, or to enjoy equal benefits and privileges of employment as are enjoyed by similarly situated employees without disabilities.</p> <p>Examples are:</p> <ul style="list-style-type: none"> • Job restructuring; • Modifying work schedules; • Providing or modifying equipment or devices; • Leave and/or transfer; • Providing a sign language interpreter for the hearing impaired or reader for the visually impaired; and • Reassignment (see below, Section “E,” “Reassignment”). 	<p>A change to the way operations are carried out that allows an eligible individual to participate in the application and examination process and subsequent interview process. Examples are:</p> <ul style="list-style-type: none"> • Alternative test date, format, or test site; • Extended time to take a test; • Enlarged print test booklets and answer sheets; • Audio version of the test and scribe assistance in the selection of answers. • Telecommunication devices for the hearing impaired; • Preparing information in enlarged print; and • An accessible interview location. <p>To request an accommodation, applicants should follow the instructions on the relevant Notice of Examination and Special Circumstances Guide.</p>
<p>Religion</p>	<p>A change in a workplace rule or practice that allows employees to exercise their sincerely held religious beliefs or practice.</p> <p>Examples include:</p> <ul style="list-style-type: none"> • Flexible arrival and departure times; • Leave or voluntary swaps of shifts or assignments; • Time and/or place to pray; • Accommodation relating to appearance and dress; and • Modified workplace practices, policies and/or procedures. 	<p>A change in the scheduling of tests and interviews to accommodate religious observances.</p>

Basis for Accommodation	Work Performance and Environment	Application Process
<p>Status as a victim of domestic violence, sex offenses, or stalking</p>	<p>A change in a workplace rule or practice that allows the individual to perform his or her essential job functions.</p> <p>Examples include:</p> <ul style="list-style-type: none"> • Leave; • Modified or flexible work schedules; • Confidentiality of addresses and phone numbers; • Transfers to another location, unit, division and/or work station; and • Assisting in the enforcement of protective orders, such as posting photograph of abuser with reception or security. 	
<p>Pregnancy, childbirth, or a related medical condition</p>	<p>A change to a job, the work environment, or the way the job is usually performed that allows the individual to perform the essential job functions.</p> <p>Examples are:</p> <ul style="list-style-type: none"> • Bathroom breaks; • Unpaid medical leave; • Periodic rest for those who stand for long periods of time; and • Assistance with manual labor. 	

D. The Reasonable Accommodation Process

I. Time Frame for Processing Requests and Providing Reasonable Accommodations

	Reasonable Accommodation Process Time Frame
Day 1	<p>When an individual makes an oral or written request for a change to the work environment, workplace rule or practice, job or operations relating to a disability, sincerely held religious belief, pregnancy, childbirth, or medical condition related to pregnancy or childbirth, or status as victim of domestic violence, sex offenses or stalking, the request need not mention the words “reasonable accommodation” or “accommodation.” If the request is not made directly to the agency staff authorized to process the request, it should be referred to such person as soon as possible. Ideally, the referral should occur within three (3) business days from the date of the request, barring extenuating circumstances.</p> <p>When an employee with a known or obvious disability is having difficulty performing his or her job, the employee may be asked whether he or she needs a reasonable accommodation, even though it is typically the responsibility of the individual needing an accommodation to request it.</p>
By Day 10	<p>The appropriately authorized agency staff must engage in the interactive process with the requestor (see below, Section “K,” “The Role of City Agency Personnel”).</p>
By Day 30 (or as soon as possible)	<p>If all the supporting information requested has been provided, the responsible agency staff must grant or deny the request and communicate this decision to the requestor.</p>
Expedited Processing	<p>In certain time-sensitive circumstances, when the accommodation is needed for imminent medical treatment or to avoid imminent emotional and/or bodily harm, a request for reasonable accommodation requires an expedited review and decision in less than 30 days.</p>

II. The Interactive Process

The interactive process is critical. The agency staff responsible for reviewing reasonable accommodation requests should determine if the request is based on disability, sincerely held religious belief, pregnancy, childbirth, or medical condition related to pregnancy or childbirth, or status as victim of domestic violence, sex offenses or stalking. If the request is based on one or more of these, then the agency staff should engage in the relevant analysis, as set forth below. The process for disability is discussed separately from the other categories because the analysis related to disability is typically more involved, although the steps outlined may apply to other categories as well. Appendix C, below, may be used to record the steps taken during the interactive process and the outcome.

Step	Disability
1. Request for a Reasonable Accommodation	<ul style="list-style-type: none"> An individual who made the request should complete a Reasonable Accommodation Request Form. If the disability and/or need for an accommodation are obvious or known, the requestor may be provided with an accommodation without a formal analysis of his/her job limitations or the job's essential duties. This is the case, for example, for an employee in a wheelchair who needs a desk to be elevated in order to permit wheelchair access.
2. Examine Job Duties and Essential Job Functions	<ul style="list-style-type: none"> If the need for an accommodation is not obvious or known, determine the job duties and essential functions of the position. The requestor must meet the qualifications for the job and must be able to perform the essential duties of the position. In determining whether the requestor can perform the essential duties, the agency must consider whether the requestor could perform them with a reasonable accommodation. A job function may be considered essential for various reasons, such as: the reason the position exists is to perform a particular function; there is a limited number of employees among whom the performance of the function can be distributed; and/or the function is highly specialized. The inquiry into whether a function is "essential" is not intended to second guess the agency's business judgment with regard to production standards, or to require the agency to lower performance standards.
3. Meet with Individual Request Medical Documentation	<ul style="list-style-type: none"> Meet with the requestor to determine physical or mental abilities or limitations and the specific barriers these limitations pose to the performance of the job's essential functions. If needed to analyze the request, the agency may ask the requestor to provide reasonable medical documentation describing the nature, severity, and duration of the impairment, limitations on performing the essential job functions, specific accommodations sought, if any, and why the disability or limitations require the accommodations sought. This medical documentation should be submitted or forwarded to the EEO Officer/Disability Rights Coordinator. The requestor may be provided with copies of essential functions for review by his/her medical provider.

Step	Disability (cont.)
4. Determine disability and sufficiency of documentation	<ul style="list-style-type: none"> After reviewing the medical documentation, determine if the individual has a disability as defined above (see above, Section “B,” “Protected Bases Defined”). Also determine if the medical documentation provides sufficient information regarding the severity, duration, limitations, and need for an accommodation. This review and assessment should be conducted by the EEO Officer/Disability Rights Coordinator. If the medical documentation is insufficient, the requestor should be given an opportunity to have his/her medical provider submit additional documentation with the missing information. The requestor may also be asked to sign a medical release allowing the agency to submit a list of specific questions to the medical provider. An employee can be asked to submit to an examination by a health professional selected by the agency, at the agency’s expense, if the agency is unable to get sufficient information directly from the requestor or his or her medical provider.
5. Discuss potential accommodations	<ul style="list-style-type: none"> After obtaining documentation that sufficiently identifies and describes the disability, its limitations, and the need for an accommodation, discuss with the requestor possible reasonable accommodations. See above, Section “C”, “Types of Reasonable Accommodations”, for guidance on identifying possible reasonable accommodations. See also below, Appendix “H,” particularly the Job Accommodation Network (“JAN”).
6. If there is more than one reasonable accommodation	<ul style="list-style-type: none"> Where more than one possible reasonable accommodation exists, the agency should give primary consideration to the requestor’s preference. However, the agency has the discretion to choose among various appropriate reasonable accommodations that will enable the performance of the essential job functions or ensure access to equal employment opportunities. The agency may consider factors such as the relative ease in providing a particular accommodation as compared to others, or the expenses associated with each accommodation.
7. Direct Threat	<ul style="list-style-type: none"> If there is a reasonable belief that an employee with a known disability may pose a direct threat to him/herself or others, the employee may be asked to submit to an examination by a health professional selected by the agency. A “direct threat” is a significant risk of substantial harm to the health or safety of the individual or others that cannot be eliminated or reduced by reasonable accommodation.⁵ The determination that an individual poses a “direct threat” must be based on an individualized assessment of the individual’s present ability to safely perform the essential functions of the job, and should include consideration of whether there is a reasonable accommodation that could enable the individual to do so. The assessment that an employee poses a direct threat to him/herself or others, that cannot be addressed with a reasonable accommodation, must be based on reasonable medical judgment that relies on the most current medical knowledge and/or on the best available objective evidence. An agency seeking to remove from a permanent competitive position an employee whose disability poses a direct threat must comply with the process set forth in Section 72 of the Civil Service Law.

⁵ Code of Federal Regulations, Title 29, Section 1630.2(r).

Step	Disability (cont.)
8. Undue Hardship	<ul style="list-style-type: none"> An accommodation need not be granted where it would impose an undue hardship on the agency. An undue hardship is an action that would require significant difficulty or expense. Undue hardship includes any accommodation that would be unduly costly, extensive, substantial, or disruptive, or that would fundamentally alter the nature or operation of an agency’s business. (See below, Section “F,” “Undue Hardship,” for factors to consider in determining undue hardship). If a particular accommodation imposes an undue hardship, an agency must consider whether an alternative accommodation is available that does not impose undue hardship.
9. Grant or deny request	<ul style="list-style-type: none"> An accommodation need not be granted where the individual would not be able to perform the essential functions of the position even with the reasonable accommodation. However, if there is no reasonable accommodation that would enable an employee to perform the essential functions of his or her current position, the agency should consider whether reassignment to another position could be made as a reasonable accommodation (see below, Section “E,” “Reassignment”). <p>A grant or denial of a reasonable accommodation request must be in writing, either explaining the accommodation that will be provided, or for denials, the reason the request was denied. Appendices “D” and “E” below may be used to communicate internally the grant or denial of a reasonable accommodation request. A letter briefly explaining the outcome must be sent to the candidate or employee.</p> <ul style="list-style-type: none"> Supervisors and managers may be informed regarding necessary restrictions on the work or duties of the employee and necessary accommodations. When an individual’s request for an accommodation has been denied, or the individual has been offered an accommodation other than the one requested, the individual may appeal to the agency head or designee (see below, Section “G,” “Appeal Process”). An individual may choose to file a complaint with the EEO Office or with an external enforcement agency or in any court of competent jurisdiction regarding a failure to reasonably accommodate.

Step	Religion, Victim of Domestic Violence, Sex Offenses or Stalking, Pregnancy, Childbirth, or Related Medical Condition
1a. Determine since rely held religious belief	<ul style="list-style-type: none"> • “Religion” is defined broadly and protects beliefs and practices that may be unfamiliar. Accordingly, the agency should generally not question that a request for religious accommodation is based on a sincerely held belief. However, if the agency has genuine reason to doubt that a belief qualifies as religious (as defined above, in Section “B,” “Protected Bases Defined”), or is sincerely held (for example, the requestor has engaged in conduct that is inconsistent with the asserted belief or practice), the agency may make a limited inquiry, including asking for supporting documentation. The documentation submitted may include the requestor’s first-hand explanation, or explanations from others, such as a church official or member, who are aware of the religious practice or beliefs.
1b. Determine status as a victim of domestic violence sex offenses or stalking	<ul style="list-style-type: none"> • The agency may ask the individual to provide appropriate documentation supporting his/her status as a victim of domestic violence, sex offense or stalking, such as documentation from an employee, agent, or volunteer of a victim services organization, attorney, member of the clergy, medical or other professional services provider, police or court records, or any other corroborating evidence. • If the agency has reason to believe that an employee is a victim of domestic violence, sex offense or stalking (for example you know that the person is living in a shelter for victims of domestic violence), and that person is in need of a reasonable accommodation (such as leave), the agency should initiate the interactive process with that individual.
1c. Pregnancy, childbirth or related medical condition	<ul style="list-style-type: none"> • If pregnancy, childbirth or related medical condition and/or need for an accommodation are not obvious, you may request reasonable medical documentation supporting the request.
2. Engage in Interactive process: Religion Victim of sex offenses or stalking Pregnancy Childbirth, or related medical condition	<ul style="list-style-type: none"> • Using a flexible approach, work with the individual requesting the accommodation to determine possible reasonable accommodations and whether the individual would be able to do the essential functions of the position with a reasonable accommodation (see above, Section “C,” “Types of Reasonable Accommodations”).

Step	Religion, Victim of Domestic Violence, Sex Offenses or Stalking, Pregnancy, Childbirth, or Related Medical Condition (cont.)
3. Undue hardship	<ul style="list-style-type: none"> An accommodation need not be provided where it would impose an undue hardship. See below, Section “F”, “Undue Hardship”, for the factors to consider in determining undue hardship for request based on religion and for requests based on childbirth or related medical condition, and victim of domestic violence, sex offenses or stalking. If a particular accommodation imposes an undue hardship, an agency must consider whether an alternative accommodation is available that does not impose undue hardship.
4. Grant or Deny Accommodation	<ul style="list-style-type: none"> A grant or denial of a reasonable accommodation request must be in writing, either explaining the accommodation that will be provided, or for denials, the reasons the request was denied. Appendices “D” and “E,” below, may be used to communicate internally the grant or denial of a reasonable accommodation request. A letter briefly explaining the outcome must be sent to the applicant or employee. When an individual’s request for an accommodation has been denied, or the individual has been offered an accommodation other than the one requested, the individual may appeal to the agency head or designee (see below, Section “G,” “Appeal Process”). An individual may choose to file a complaint with the EEO Office or with an external enforcement agency or in any court of competent jurisdiction regarding a failure to reasonably accommodate.

E. Reassignment

Reassignment as an Accommodation of Last Resort for People with Disabilities

Reassignment is a type of a reasonable accommodation for a person with a disability, and should be considered as an accommodation of last resort. Reassignment can be made only to a vacant position, or a position that will become available within a reasonable time of the request (generally, up to three months), in an equivalent or lower level job title for which the requestor is qualified, and should be considered if:

- There are no other effective accommodations that will enable the employee to perform the essential functions of his/her current job;
- All other possible accommodations will impose undue hardship; **and**
- There is an open position for which the employee may be qualified.

General considerations on Reassignment as a reasonable accommodation based on Disability:

- Agencies are not required to create new positions or move other employees from their current jobs in order to create a vacancy. An employee requesting reassignment as an accommodation should be considered for reassignment to open positions for which he/she meets the posted job qualifications and job-requirements and for which the employee can perform the essential job duties. If the employee cannot perform those duties without a reasonable accommodation, the agency should consider whether the employee can perform them with a reasonable accommodation.
- An agency is not required to consider giving an employee a promotion as a reasonable accommodation. The agency should first consider reassignment to a vacant position equivalent in terms of pay and status to the employee's current position. If there is no vacant equivalent position, the employee may be offered a reassignment to a vacant lower level position for which he/she is qualified. Reassignment should be consistent with Civil Service Law and procedures and the terms of the relevant Collective Bargaining Agreement, if any.
- If a vacancy exists in a position for which the employee seeking a reassignment is qualified, but there is a more qualified candidate who is not seeking the position as an accommodation for a disability, the agency should consult with the General Counsel's Office.
- The agency should follow the reasonable accommodation procedure if the employee needs a reasonable accommodation for applying or interviewing for the reassignment position. The agency's EEO Officer or DRC, in collaboration with the agency's Personnel Officer, and/or the agency's career counselor should help to identify opportunities that match the parameters agreed upon with the requestor. The requestor should also be encouraged to assist in the search to help determine the following:
 - Whether there are limits on the search the employee would like the agency to conduct;
 - Whether the employee is qualified for a particular job; and
 - Whether the employee would need a reasonable accommodation to perform the essential functions of a new position.
- As the end of the search period draws near, the EEO and Personnel Officers should schedule a meeting with the requestor to review where things stand (including the process to date and a realistic assessment of the requestor's chances for finding a reassignment in view of current and projected job opportunities).
- If the employee does not wish to pursue other opportunities within the agency or no appropriate opportunities exist, staff should consult with the General Counsel's Office for next steps.

F. Undue Hardship

An agency need not grant a request for an accommodation that would result in undue hardship to the agency. A determination of undue hardship must be based on an individualized assessment of the circumstances at the time of the accommodation request and the review of the request.

UNDUE HARDSHIP – Disability, Pregnancy, Childbirth or Related Medical Condition, and Victim of Domestic Violence, Sex Offenses, or Stalking.⁶

The determination of undue hardship should be based on several factors, including, but not limited to:

- the nature and cost of the accommodation;
- the overall financial resources of the facility or the facilities involved in the provision of the reasonable accommodation; the number of persons employed at such facility; the effect on expenses and resources, or the impact otherwise of such accommodation on the operation of the facility;
- the overall financial resources of the agency, and the overall size of the business of the agency with respect to number of its employees, the number, type, and location of its facilities; and
- the type of operation or operations of the agency, including the composition, structure and functions of the workforce, the geographic separateness, administrative, or fiscal relationship of the facility or facilities in question to the agency.

UNDUE HARDSHIP – Religion⁷

Undue hardship means an accommodation requiring significant expense or difficulty (including a significant interference with the safe or efficient operation of the workplace or a violation of a bona fide seniority system). Factors to be considered in determining whether the accommodation constitutes an undue hardship include, but are not limited to:

- the identifiable cost of the accommodation, including the costs of loss of productivity and of retaining or hiring employees or transferring employees from one facility to another, in relation to the size and operating cost of the agency;
- the number of individuals who will need the particular accommodation to a sincerely held religious observance or practice; and
- for agencies with multiple facilities, the degree to which the geographic separateness or administrative or fiscal relationship of the facilities will make the accommodation more difficult or expensive.

⁶ New York City Administrative Code § 8-102(18).

⁷ New York City Administrative Code § 8-107(3)(b).

G. Appeal Process

Time Frame for Processing Requests and Providing Reasonable Accommodations

	TIME FRAME FOR PROCESSING AND PROVIDING REASONABLE ACCOMMODATIONS
Within 15 Days	The requestor may appeal to the agency head or the agency head's designee a decision denying the individual's request for a reasonable accommodation or denying the specific accommodation requested (neither the agency's EEO Officer nor General Counsel may be designated to review an appeal though they may provide guidance). An individual may also appeal where no decision was made regarding the request.
Within 30 Days	Within 15 business days of receiving an appeal, the agency head or designee must review and decide the appeal, and issue notice of the decision to the requestor. If the decision on appeal is to grant a reasonable accommodation, the agency head or designee must direct the appropriate agency representative to promptly implement the reasonable accommodation. The EEO Officer must monitor the implementation of the reasonable accommodation.
Beyond 30 Days	If a decision on appeal cannot be rendered within the 15 business days, notice must be communicated to the requestor indicating the reason for the delay and when the decision on the appeal will be rendered.

H. Lactation

REASONABLE LEAVE AND LOCATION FOR LACTATING MOTHERS

Lactating mothers must be provided reasonable unpaid break time, or be allowed to use paid break time or lunch time each day, to express breast milk, for up to three years following child birth. Agencies must make reasonable efforts to provide a room or other location in close proximity to the work area where the employee may express milk in privacy. If an employee so chooses, unpaid break time may run concurrently with regularly scheduled paid break or lunch time.⁸

I. Dissemination of Information

Each agency shall make the reasonable accommodation procedure and any related updates readily available through the following means:

- ***About EEO: What You May Not Know***
- **Employee Orientation Sessions**
- **Employee Training Sessions, specifically, Equal Employment Opportunity Training**
- **Periodic Employee Meetings**
- **Written materials**
- **Agency Bulletin Boards**
- **Electronic materials**
- **Agency internet and intranet sites**
- **New York City websites**
- **Via E-mail**
- **Via links to the City's EEO Policy**

This information shall be made readily available to:

- **Job applicants**
- **New employees**
- **Current employees**
- **The public**

⁸ Section 206-c of the New York State Labor Law, and the New York State Department of Labor's Guidelines Regarding Rights of Nursing Mothers to Express Breast Milk in the Workplace. See also the Patient Protection and Affordable Care Act (29 USC § 207(r)[1-4]).

J. Recordkeeping and Tracking

RECORDKEEPING AND TRACKING

It is important to maintain a complete written record of the reasonable accommodation process, including the request, all steps to review the request, the decision on the request and on appeal, and when each of these was made.

A complete record is also important for tracking and related purposes. Some additional factors to consider throughout the record keeping and tracking process are:

1. The number of reasonable accommodations, by type (disability, religion, pregnancy, childbirth or a related medical condition, status as victim of domestic violence, sex offenses, or stalking), that have been requested and whether those requests have been granted or denied;
2. The job titles for which reasonable accommodations have been requested;
3. The types of reasonable accommodations that have been requested for each of those job titles;
4. The number of reasonable accommodations, by type, for each job that have been approved, and the number of accommodations, by type, that have been denied;
5. The number of requests for reasonable accommodations, by type, that relate to the benefits or privileges of employment, and whether those requests have been granted or denied, including leaves recorded under City Time as religious observances;
6. The job titles for which reasonable accommodations have been requested;
7. The types of reasonable accommodations that have been requested, by job title;
8. The amount of time taken to process each request for reasonable accommodation; and
9. The sources of technical assistance that have been consulted in trying to identify possible reasonable accommodations.

CONFIDENTIALITY

- All information, including a statement of the person requesting a reasonable accommodation or any other related documentation, record, and the fact that the individual has requested or obtained a reasonable accommodation, must be maintained as confidential records by City agencies to the extent required by applicable federal, state, or local law.
- Medical information must be collected and maintained on separate forms in separate medical files and must be treated as a confidential medical record except that, among other exceptions, supervisors and managers may be provided with information necessary to implement restrictions on the work or duties of the employee or to provide a reasonable accommodation.
- Information relating to a reasonable accommodation request may be shared with agency counsel or personnel officers for the purposes of reviewing a request and implementing an accommodation.

K. The Role of City Agency Personnel

The following describes the roles of various City agency personnel in the accommodation process.

TITLE	ROLE OF CITY AGENCY PERSONNEL
EEO Officer	<p>The EEO Officer:</p> <ul style="list-style-type: none"> • receives, reviews and provides consultation on reasonable accommodation requests; • records and tracks all reasonable accommodation requests and the outcome of each request; • maintains, with appropriate confidentiality, all accommodation requests and outcomes and supporting documentation; and • provides information to individuals regarding the reasonable accommodation process. <p>See below, “Disability Rights Coordinator” (“DRC”) description below for other duties for which the EEO Officer is responsible (or may designate other City agency personnel to perform) if the agency has no DRC.</p>
Disability Rights Coordinator (“DRC”)	<p>In agencies that have a DRC in addition to an EEO Officer, the DRC is responsible for:</p> <ul style="list-style-type: none"> • forwarding to the EEO Officer, each request for reasonable accommodation upon receipt, including any supporting medical or other documentation; • submitting the accommodation request on behalf of a requesting individual to the EEO Officer, as needed; and • Ensuring effective communication between applicants or employees and agency staff at every stage of the application and reasonable accommodation process. <p>If the agency has no DRC, the EEO Officer should perform, or designate appropriate City agency personnel to perform, these duties.</p>
City Agency Personnel Officer (“APO”)	<p>The APO is responsible for:</p> <ul style="list-style-type: none"> • ensuring that job vacancy announcements and letters of appointment contain information regarding the City’s reasonable accommodation policy, including the contact information of the appropriate City agency personnel to facilitate the accommodation process; • forwarding accommodation requests to the EEO Officer; • identifying vacant positions for reassignment as a possible reasonable accommodation; and • serving as a resource to the agency EEO Officer.

TITLE	ROLE OF CITY AGENCY PERSONNEL (cont.)
Managers and Supervisors	<p>Managers and supervisors must:</p> <ul style="list-style-type: none"> • In consultation with the EEO Officer or appropriately designated City agency personnel, decide each request for reasonable accommodation; • Notify the EEO Officer of request for a reasonable accommodation upon receiving the request; • Engage in the interactive process with individuals who request reasonable accommodations and agency staff; • Cooperate with agency staff in the implementation of EEO policies and standards; and • Cooperate with agency staff in the timely implementation of approved accommodations.
City Agency Head	<p>The City agency head or his/her designee must:</p> <ul style="list-style-type: none"> • Review and decide a written appeal, if any, from any individual expressing dissatisfaction with the resolution of the individual's reasonable accommodation request within 15 business days of receipt of that appeal (<u>NOTE</u>: neither the EEO Officer nor General Counsel may be designated to review an appeal, but they may be consulted for guidance).

APPENDICES

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Appendix A

REASONABLE ACCOMMODATION REQUEST FORM

This form and all information must be kept confidential.

APPLICANT/EMPLOYEE INFORMATION		
Print Full Name		<input type="checkbox"/> Job Applicant <input type="checkbox"/> Current Employee <input type="checkbox"/> Other
Home or Work Address		Phone Number
EMPLOYEE INFORMATION (Complete this section if you are working at the agency even if you are currently on leave.)		
Civil Service Title		Office Title
Office Telephone Number	Division	Supervisor Name and Phone Number
Location		
APPLICANT INFORMATION (Complete this section only if you are a <u>job applicant</u>)		
Position/Title Sought		Division/Unit (if known)
Location of Position (if known)		
Part(s) of employment process for which an accommodation is requested		
<input type="checkbox"/> Job Application	Job Vacancy Notice Number (if known):	

<input type="checkbox"/> Interview	Interview Date:
<input type="checkbox"/> At Work	
<input type="checkbox"/> Other (please specify):	
Agency Contact Person (if known)	Phone Number
<p>Basis of reasonable accommodation request:</p> <p><input type="checkbox"/> Disability</p> <p><input type="checkbox"/> Religion</p> <p>Describe your religious belief/practice/observances and identify the accommodations that you request:</p> <p>_____</p> <p>_____</p> <p><input type="checkbox"/> Status as Victim of Domestic Violence Sex Offenses or Stalking</p> <p><input type="checkbox"/> Pregnancy, childbirth or a related medical condition</p>	
<p>Identify the situation which requires accommodation.</p> <p><u>Be specific.</u> (Attach additional sheets of paper, if necessary.)</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>	
<p>Is the condition for which you are requesting an accommodation</p> <p><input type="checkbox"/> Permanent <input type="checkbox"/> Temporary <input type="checkbox"/> Unknown</p> <p>If temporary, anticipated date accommodation(s) no longer needed:</p>	

Describe the nature of reasonable accommodation requested and how the accommodation will assist you to perform the essential functions of the position held or desired, or to enjoy the benefits and privileges of employment. Please be specific.

(Attach additional sheets and present supporting documentation as appropriate.)

If equipment is requested, please specify brand, model number and vendor, if known.

For Reasonable Accommodations based on Disability you may be required to provide verification by a health professional or a disability service provider (e.g. ACCESS-VR, NYS Commission for the Blind and Visually Impaired).

**This CONFIDENTIAL documentation should be provided
to the Disabilities Rights Coordinator or EEO Officer.**

Documentation must:

- Be written on the official letterhead of the qualified health professional or health professional's organization.**
- Identify the health professional's credentials. e.g., M.D., D.O.**
- Be dated and signed by the health professional.**
- Describe the severity of the disability and its limitations in detail as they currently exist and only in relationship to the job.**
- State whether the duration of disability is permanent or temporary or unknown.**
- If temporary, specify the date the disability is expected to no longer require accommodation.**
- Indicate the extent to which the accommodation will permit you to perform the essential functions of the job or to enjoy the benefits and privileges of employment.**

I certify that I have read and understood the information provided in this request, and that it is true to the best of my knowledge, information and belief.

Date	Requestor's Signature/Authorized Agent
-------------	---

DO NOT WRITE IN THIS SECTION

To be completed by agency staff supervising the employment application process or supervising an employee requesting a reasonable accommodation. After completing, supervisors must provide a copy of the entire form to the employee or applicant, and immediately send a copy to the EEO Officer or DRC.

Name and Title of Supervisor or Staff supervising application process:

Unit/Division:

Location:

Phone Number:

Date Request Received:

Supporting Documentation Included

Supporting Documentation Not Included

Date:

Signature

To be completed by the DRC or EEO Officer

Date Request Received by DRC or EEO Officer:

Date Supporting Documentation Received by DRC or EEO Officer (if any):

Signature

Appendix B

CITY OF NEW YORK

AUTHORIZATION FOR RELEASE OF MEDICAL INFORMATION

Please see attached

Authorization for Release of Health Information Pursuant to HIPAA form

RESOLUTION

Granted

Date:

Type of Accommodation Granted:

As requested

Different from what was requested

Please provide specifics: (Attach additional sheets as needed.)

Denied

Date:

Reason for Denial:

Date when letter granting or denying the requested accommodation was sent to employee or applicant:

Signature: _____ **Date:** _____

Appendix D

GRANTING OF REASONABLE ACCOMMODATION REQUEST

To be completed by Deciding Official

1. Full Name of Individual requesting reasonable accommodation:

2. Basis for reasonable accommodation request:

Disability

Religion

Status as Victim of Domestic Violence Sex Offenses or Stalking

Pregnancy, childbirth or a related medical condition

3. Specific Accommodation Requested:

4. Decision:

Reasonable accommodation granted as requested

Alternative accommodation granted

Describe Accommodation Granted:

Deciding Official

Name (print):

Signature:

Date granted: _____

Telephone: _____

Email: _____

cc: EEO Officer, and if applicable, Agency Personnel Officer, manager/supervisor.

Appendix E

DENIAL OF REASONABLE ACCOMMODATION REQUEST

To be completed by Deciding Official

1. Name of Individual requesting reasonable accommodation:

2. Basis for reasonable accommodation request:

- Disability
- Religion
- Status as Victim of Domestic Violence Sex Offenses or Stalking
- Pregnancy, childbirth or a related medical condition

3. Specific Accommodation Requested:

4. Request for reasonable accommodation denied because (you may check more than one box).

- Employee's request determined not to be related to a disability
- Employee's request determined not to be related to religion
- Employee determined not to be a victim of domestic violence, sex offenses, or stalking
- Request determined not to be because of pregnancy, childbirth, or related medical condition
- Accommodation Would not Meet Requested Need
- Accommodation Would Cause Undue Hardship
- Documentation of Need for the Accommodation Inadequate
- Accommodation Would Require Removal of an Essential Function of the Job
- Accommodation Would Pose Direct Threat
- Other (Please specify) _____

<p>5. Reason(s) for the denial of reasonable accommodation (must be specific, e.g., why accommodation is ineffective or causes undue hardship).</p>
<p>6. If the individual proposed one type of reasonable accommodation, which is being denied, but rejected an offer of a different type of reasonable accommodation, explain both the reasons for denial of the requested accommodation and reason why chosen accommodation would be effective.</p>
<p>7. Appeal: Where an employee or applicant has requested a reasonable accommodation consistent with these procedures and the agency representative has not provided the reasonable accommodation within 15 business days of the request, an appeal may be made to the agency head or his/her designee.</p>
<p>8. If a job applicant or employee wishes to file an internal EEO complaint, (s)he must contact (name), the agency EEO Officer (provide contact information).</p>
<p>Deciding Official</p> <p>Name (print): _____</p> <p>Telephone: _____ Email: _____</p>
<p>Signature: _____ Date Denied: _____</p>
<p>cc: EEO Officer, and if applicable, Agency Personnel Officer, manager/supervisor.</p>

Appendix F

RESOURCES

Listed below are resources for identifying and evaluating possible accommodations that agency personnel may consult. Agency personnel involved in the reasonable accommodation process are encouraged to use these resources as needed.

DISABILITIES

Job Accommodation Network (JAN)

<http://www.askjan.org/>

Mayor's Office for People with Disabilities

100 Gold Street 2nd Floor

New York, NY 10038

<http://nyc.gov/mopd>

311

212-NEW-YORK (Out of City)

711 (Relay Service for Deaf/Hard of Hearing)

New York State Division of Human Rights

<http://www.dhr.ny.gov/>

<http://www.dhr.ny.gov/sites/default/files/pdf/466-11-and-Appendix.pdf>

U.S. Equal Employment Opportunity Commission (EEOC)

1-800-669-4000

(TTY) 1-800-669-6820

info@eeoc.gov

The EEOC has published many documents that provide guidance on ADA requirements. These documents are available at www.eeoc.gov. Some examples include:

Reasonable Accommodation and Undue Hardship Under the ADA

<http://www.eeoc.gov/policy/docs/accommodation.html>

Disability-Related Inquiries & Medical Examinations of Employees under the ADA

<http://www.eeoc.gov/policy/docs/guidance-inquiries.html>

Application of the ADA to the Contingent Workers Placed By Temporary Agencies & Other Staffing Firms

<http://www.eeoc.gov/policy/docs/guidance-contingent.html>

ADA and Psychiatric Disabilities

<http://www.eeoc.gov/policy/docs/psych.html>

Enforcement Guidance: Workers' Compensation & the ADA

<http://www.eeoc.gov/policy/docs/workcomp.html>

Pre-employment Disability-Related Questions & Medical Examinations

<http://www.eeoc.gov/policy/docs/preemp.html>

FMLA, ADA, and Title VII

<http://www.eeoc.gov/policy/docs/fmlaada.html>

Q&A: Intellectual Disabilities in the Workplace & the ADA

http://www.eeoc.gov/facts/intellectual_disabilities.html

Job Applicants and the ADA

<http://www.eeoc.gov/facts/jobapplicant.html>

Telework as a Reasonable Accommodation

<http://www.eeoc.gov/facts/telework.html>

RELIGION

EEOC Compliance Manual:

Section 12 – Religion

<http://www.eeoc.gov/policy/docs/religion.html>

VICTIMS OF DOMESTIC VIOLENCE

New York City Commission on Human Rights

<http://www.nyc.gov/html/cchr/html/publications/domestic-violence.shtml>

New York State Division of Human Rights

http://www.dhr.ny.gov/sites/default/files/pdf/domestic_violence.pdf

PREGNANCY

New York State Division of Human Rights

<http://www.dhr.ny.gov/sites/default/files/pdf/pregnancy.pdf>

NYC Commission on Human Rights (Pregnancy, childbirth, and related medical condition)

<http://www.nyc.gov/html/cchr/html/publications/pregnancy-employment-poster.shtml>

EEOC

<http://www.eeoc.gov/laws/types/pregnancy.cfm>