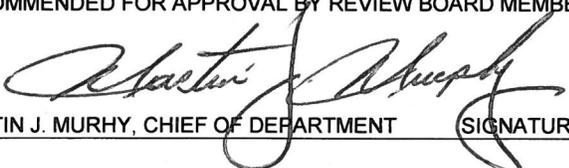
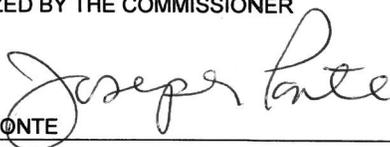




THE CITY OF NEW YORK
DEPARTMENT OF CORRECTION



DIRECTIVE

[] NEW [] INTERIM [X] REVISED			SUBJECT			
EFFECTIVE DATE 09/16/15			*TERMINATION DATE / /			
REASONABLE ACCOMMODATIONS						
CLASSIFICATION # 2232R-B	SUPERSEDES 2232R-A	DATED 10/03/14	APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		DISTRIBUTION A	PAGE 1 OF 7 PAGES
RECOMMENDED FOR APPROVAL BY REVIEW BOARD MEMBER			AUTHORIZED BY THE COMMISSIONER			
 MARTIN J. MURHY, CHIEF OF DEPARTMENT SIGNATURE			 JOSEPH PONTE SIGNATURE			

I. PURPOSE

The purpose of this directive is to delineate the New York City Department of Correction's (Department) policies and procedures regarding the provision of reasonable accommodations for qualified employees and applicants to enable them to reasonably perform the essential functions of their jobs, or positions sought, and enjoy the equal benefits and privileges of employment.

Although this directive focuses on qualified individuals seeking an accommodation based on a disability, this directive also applies to qualified individuals who seek a reasonable accommodation based on a sincerely held religious belief, pregnancy, child birth or related medical condition, or their status as a victim of domestic violence, sex offenses, or stalking. In the event that a reasonable accommodation is sought for reasons other than disability, the same process shall be followed as set forth herein, except that the interest to be accommodated shall be that set forth in relevant statutes, including the New York City Human Rights Law, regarding accommodation of religious belief or status as a victim of domestic violence, sex offenses, or stalking.

II. POLICY

- A. Consistent with the Department of Citywide Administrative Services' Policy and Procedure on Reasonable Accommodation, the Americans with Disabilities Act (ADA) of 1990 as amended, the New York State Human Rights Law, and the New York City Human Rights Law, the Department shall provide reasonable accommodations for qualified applicants and employees with disabilities that are known, or should be known, to the employer, in order to enable them to reasonably perform the essential functions of their jobs, and to enjoy the equal benefits and privileges of employment.

	EFFECTIVE DATE 09/16/15	SUBJECT REASONABLE ACCOMMODATIONS		
	CLASSIFICATION # 2232R-B			
	DISTRIBUTION A	APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	PAGE 2 OF 7 PAGES	

II. POLICY (Cont.)

- B. The Department shall provide reasonable accommodations except where doing so will not enable the qualified applicant or employee to reasonably perform the essential functions of his/her job, or where providing the accommodations would impose an undue hardship on the agency, or pose a direct threat to the health or safety of himself or herself, or others.

III. DEFINITIONS

- A. Qualified applicant or employee: an individual with a disability who is able to satisfy the requisite skills, experience, education, and other job-related requirements of a position and who, with a reasonable accommodation (if needed), or without accommodation (if none is needed), can perform the essential functions of the position held or applied for.
- B. Disability: 1) a physical, medical, or psychological impairment; 2) a history or record of such an impairment; or 3) being regarded as having such an impairment.
- C. Essential functions: duties that are fundamental to a position including, but not limited to, those for which the position exists, those that only a limited number of employees are available to perform, or those that cannot be delegated. Evidence of what constitutes an essential function may include, but is not limited to, the employer's judgment, written job descriptions (if any), the amount and/or proportion of time spent performing the function, the consequences of not requiring the function, the terms of a collective bargaining agreement, and the work experience of incumbents.
- D. Undue hardship: action that is excessively costly, extensive, substantial, disruptive, or that would fundamentally and negatively impact the operation or alter the nature of Department business.
- E. Reasonable Accommodations: modifications or adjustments to the application process, work environment, or to the manner or circumstances under which a position is customarily performed that promote equal employment opportunity for an individual with a disability. Reasonable accommodation enables a qualified applicant or employee with a disability to be considered for a position, to perform its essential functions, or to enjoy benefits and privileges of employment that are equal to those enjoyed by similarly situated employees or applicants without disabilities.

	EFFECTIVE DATE 09/16/15	SUBJECT REASONABLE ACCOMMODATIONS		
	CLASSIFICATION # 2232R-B			
	DISTRIBUTION A	APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	PAGE 3 OF 7 PAGES	

III. DEFINITIONS (Cont.)

Accommodations are not reasonable if they impose an undue hardship on the Department or pose a direct threat to the health or safety of himself or herself, or others.

- F. Disability Rights Coordinator (DRC): the employee designated by the Department's Equal Employment Opportunity (EEO) Office who is responsible for monitoring the process whereby an applicant or employee is granted or denied a reasonable accommodation, and adherence to the procedures described herein.

IV. PROCEDURES

A. REASONABLE ACCOMODATION REQUEST PROCEDURES

The request for a reasonable accommodation triggers the "interactive process." The reasonable accommodation process is meant to be flexible and interactive. The steps below are to be used as a guide to the interactive process. All the steps are not necessary in all situations and the steps need not be done in any particular order.

1. An employee or applicant seeking a reasonable accommodation makes the request to the DRC. If a supervisor receives a reasonable accommodation request, he or she must forward it to the DRC. If it has not already been completed, the DRC will have the individual file a Reasonable Accommodation Request form. Reasonable Accommodation Request forms can be obtained from the Personnel Division, Applicant Investigation Unit, the EEO Office, the facility's Administration Office, or from the Department website.
2. Once the request for reasonable accommodation has been received, the DRC shall review the request to determine:
 - a. Whether the documentation supplied is adequate to make a determination;
 - b. Whether or not the employee/applicant does in fact have a disability;
 - c. Whether or not the requested accommodation is reasonable and, if not, whether an alternative accommodation which is reasonable could be offered; and

	EFFECTIVE DATE 09/16/15	SUBJECT REASONABLE ACCOMMODATIONS		
	CLASSIFICATION # 2232R-B			
	DISTRIBUTION A	APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	PAGE 4 OF 7 PAGES	

IV. PROCEDURES (Cont.)

- d. Whether such an accommodation would enable the individual to reasonably perform the essential function of his/her position, or the essential function of the position he or she applied for.
3. The DRC, in conjunction with the employee's supervisor, the employee, and any other individual the DRC believes is relevant to the analysis, examines the position to determine its purpose and essential functions. It is important to note that this analysis is not intended to second-guess the Department's business judgment or to result in lowered performance standards.
 4. The DRC may confer with HMD medical staff and/or the Office of the General Counsel for review and medical opinion.
 - a. The Department may require medical examinations or other, more detailed, medical documentation on the part of the employee or applicant to determine whether he/she in fact has a disability, whether he/she can perform the essential functions of the job, or what accommodations may be appropriate. However, because the circumstances under which such examinations or documentation may be required in the context of a reasonable accommodation request are narrow and fact specific, only the DRC and HMD medical staff are authorized to make such requests.
 5. The DRC may consult with the employee/applicant to assess the limitations that the disability imposes on the performance of each essential function. The DRC and employee or prospective employee (where a conditional offer has been extended) should consider how any job-related limitation can be overcome, discuss possible reasonable accommodations, and the effectiveness of each proposed accommodation.
 6. The DRC is to consider the individual's preference, along with what is reasonable under the circumstances of the work environment, in selecting accommodations.
 7. If it has been determined that an employee does in fact have a disability, the DRC in conjunction with the employee's supervisor, must determine whether or not the employee will be able to perform the essential functions of his/her position with a reasonable accommodation. The DRC will determine what constitutes "reasonable" in each circumstance and will evaluate on a case-by-case basis.

	EFFECTIVE DATE 09/16/15	SUBJECT REASONABLE ACCOMMODATIONS		
	CLASSIFICATION # 2232R-B			
	DISTRIBUTION A	APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	PAGE 5 OF 7 PAGES	

IV. PROCEDURES (Cont.)

- a. Some examples of reasonable accommodations may include, but are not limited to:
- i. Making facilities physically accessible to and usable by people with disabilities (e.g. providing ramps, rest room grab bars, signage, etc.);
 - ii. Modifying work schedules to accommodate the employee's medical needs (e.g. permitting alternate starting and ending times); and
 - iii. Providing or modifying equipment, devices or materials (e.g. raising a desk for an employee who uses a wheelchair, providing volume controls on intercoms and telephones, installing text telephone, providing materials in alternative formats, including Braille, audio tape or enlarged print, etc.).

Note: The Department may not shift the cost of providing accommodations to the employee to avoid an expenditure of funds that is reasonable for the employer to pay under the totality of the circumstances.

8. If the DRC determines that a requested accommodation for a uniformed member of service is not reasonable, would eliminate an essential function of the position, or would pose a direct threat to the health or safety of himself or herself or others, the DRC may refer the documentation and information to HMD for assessment to determine whether the individual is fit for full duty or should be placed on MMR status.
9. The supervisor sends written documentation to DRC stating what accommodation is possible, and if an accommodation is not possible, the supervisor also advises the DRC of that fact in writing. At that juncture, the DRC may need to look to alternative accommodations.
10. The DRC must make every effort to grant or deny a request for a reasonable accommodation within thirty (30) days of the request. The DRC shall issue a written determination to the employee or applicant regarding the requested accommodation with copies going to the employee's supervisor and/or Warden.

	EFFECTIVE DATE 09/16/15	SUBJECT REASONABLE ACCOMMODATIONS		
	CLASSIFICATION # 2232R-B			
	DISTRIBUTION A	APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	PAGE 6 OF 7 PAGES	

IV. PROCEDURES (Cont.)

11. Whenever the DRC grants a reasonable accommodation, the employee's supervisor and/or the DRC shall monitor its implementation.

B. REASONABLE ACCOMMODATION APPEAL PROCEDURES

1. An applicant or employee may appeal the denial of a reasonable accommodation request to the Commissioner's designee for this purpose, the Deputy Commissioner of Human Resources.
2. Within ten (10) business days of receipt of the appeal, the Deputy Commissioner of Human Resources shall obtain and review all documentation relating to the request for reasonable accommodation submitted to the DRC. The Deputy Commissioner of Human Resources may consult with the Disability Rights Coordinator, the Assistant Commissioner for Equal Employment Opportunity, the General Counsel, or his/her designee, and any other appropriate staff.
3. Within fifteen (15) business days of receipt of the appeal, the Deputy Commissioner of Human Resources shall issue a written determination regarding the appeal to the requestor. The Deputy Commissioner of Human Resources shall also send the Assistant Commissioner for Equal Employment Opportunity a copy of the determination.
4. If the appeal is granted, the Deputy Commissioner of Human Resources, or his or her designee, shall provide written determination specifying the accommodation that will be provided and direct the Warden or his/her designee to implement such accommodation promptly. The Warden, or designee, or DRC shall monitor implementation of the reasonable accommodation.

C. MISCELLANEOUS PROVISIONS

1. Agency personnel must respect a person's confidentiality. All documentation and information concerning the medical condition or history of an employee or applicant requesting an accommodation must be collected on forms separate from other personnel-related forms and must be maintained in separate medical files. The information shall be treated as confidential medical records. Exceptions include:

	EFFECTIVE DATE 09/16/15	SUBJECT REASONABLE ACCOMMODATIONS		
	CLASSIFICATION # 2232R-B			
	DISTRIBUTION A	APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	PAGE 7 OF 7 PAGES	

IV. PROCEDURES (Cont.)

- a. Supervisors and managers must be informed about work restrictions or reasonable accommodations;
 - b. First-aid and safety personnel need to be informed if the disability may require emergency treatment; and
 - c. Other personnel who need to assist in providing the accommodation and/or complying with the law.
2. These procedures for the consideration and implementation of reasonable accommodations are intended to ensure equal employment opportunities for applicants and employees with disabilities but shall not impede the right of an individual to file a complaint with any outside governmental agency.
 3. The Disability Rights Coordinator reports to the Assistant Commissioner for the Department of Correction Equal Employment Opportunity.
 4. Reasonable accommodations are not necessarily permanent. For instance, the individual may have a temporary disability and therefore not need a permanent accommodation.
 5. In cases of promotions or transfers to different work locations, the individual will need to reapply for any accommodation as the job duties and responsibilities may not be the same. Moreover, there may be circumstances where a particular work location is no longer able to accommodate the individual. In such cases, the Warden, or designee, will contact the DRC to discuss alternative accommodations.

V. ATTACHMENTS

- A. Reasonable Accommodations Request Form (Form # RRA-1)

VI. SUPERSEDES

- A. Directive 2232R-A, "Reasonable Accommodations," dated 10/3/14



**CORRECTION DEPARTMENT
CITY OF NEW YORK**



REQUEST FOR REASONABLE ACCOMMODATION

Form: RRA-1
Eff.: 09/14/15
Ref.: Dir. #2232R-B

SECTION I - TO BE COMPLETED BY APPLICANT / EMPLOYEE

A) Applicant / Employee's Data:

Last Name: _____ First Name: _____ Rank/Title: _____ Shield/ID #: _____
 Address: _____ Town/Borough: _____
 State/Province: _____ Postal Code: _____ Telephone #: _____

Please check one below

Job Applicant Department Employee

B) Applicant Information (complete this section only if you are applying for a job with the department or undergoing the selection process)

Position / Title Applied for: _____

Location of Position (if known): _____

Part(s) of employment process for which an accommodation is requested *(Check all that apply)*:

Job Application Interview Other: _____
(Write in description)

Department Contact Person *(if known)*: _____ Telephone #: _____

C) Complete this section only if current employee:

Civil Service Title / Office Title : _____

Work Telephone Number: _____

Work Assignment Location: _____

D) Type of Accommodation Sought (check one):

- Disability
- Religious
- Victim of: Domestic Violence / Sex Offenses / Stalking
- Pregnancy, Pregnancy Related Conditions

E) Reasonable Accommodation Request:

(Identify the situation which requires an accommodation. Be specific and attach additional sheets if necessary.)

Is the condition for which you are requesting an accommodation? *(Select one):*

- Permanent
- Temporary. If temporary, anticipated date accommodation is no longer needed _____.
- Unknown Date

SECTION-E CONTINUED ON OTHER SIDE

