

NYCHA STANDARD PROCEDURE MANUAL

SP 007:01:1, REASONABLE ACCOMMODATION FOR EMPLOYEES AND JOB APPLICANTS

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SUBJECT	PROCEDURE OWNER	APPROVED DATE	APPROVED BY	INDEX NO.
REASONABLE ACCOMMODATION FOR EMPLOYEES AND JOB APPLICANTS	HUMAN RESOURCES	Issued October 29, 2001 Revised April 30, 2002 Revised May 27, 2015 Date: <u>7/6/18</u>	 Kerri Jew Executive Vice-President and Chief Administrative Officer  Vito Mustaciuolo General Manager & Chief Operating Officer	007:01:1

I. PURPOSE

The purpose of this procedure is to establish processes for New York City Housing Authority (NYCHA) staff who administer reasonable accommodation requests for employees and job applicants.

Pursuant to the federal, state and city regulations, NYCHA is obligated to provide reasonable accommodation to employees and job applicants, in accordance with the following laws and their implementing regulations: *Americans with Disabilities Act of 1990, as Amended, 42 U.S.C. §§12101 et seq.*; *New York State Human Rights Law §§292 et seq.* and *New York City Administrative Code 8-107 et seq.*

II. POLICY

It is NYCHA's policy to provide a reasonable accommodation to qualified employees or job applicants for a disability, for pregnancy, childbirth or related medical condition, for religious needs, and to victims of domestic violence, except when such accommodation would be extensive, substantial, disruptive, or cause undue burden on NYCHA finances or operations.

III. APPLICABILITY

This procedure applies to all NYCHA employees who administer reasonable accommodation requests for employees and job applicants.

IV. DEFINITIONS

A. Disability

A physical, medical, mental, or psychological impairment.

B. Qualified Individual with a Disability

An employee or job applicant who:

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1. Has a physical, medical, mental, or psychological impairment.
2. Satisfies the requisite skill, experience, education, and other job-related requirements of a position.
3. Can perform the essential functions of that position with or without a reasonable accommodation.

C. Reasonable Accommodations

May include, but are not limited to, the following:

1. Making facilities physically accessible to, and usable by, an individual with a disability, e.g., providing ramps, rest room grab bars, or signage.
2. Reallocating non-essential duties of a position.
3. Modifying work schedules.
4. Providing or modifying equipment, devices, or materials, e.g., raising a desk on boards for an employee who uses a wheelchair; providing flashing lights and volume controls on intercoms and telephones; installing text telephones (TTYs); providing large print computer display programs or materials in alternative formats, including Braille, audio tape, or enlarged print.
5. Providing readers or interpreters for the hearing-impaired or other similar support services during the application and testing process.
6. Modifying work locations, if appropriate.
7. Providing appropriate accommodations for pregnancy, childbirth and related medical conditions. Such reasonable accommodations may include, but are not limited to the following:
 - a. Bathroom breaks
 - b. Breaks to facilitate increased food and/ or water intake
 - c. Periodic rest for those who stand for long periods of time
 - d. Medical leave (paid or unpaid depending on Annual Leave balances)
 - e. Assistance with manual labor

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- f. A private, clean space and breaks for expressing breast milk
- g. All other accommodations that enable the employee to perform the essential functions of their job as long as they do not result in undue hardship to NYCHA

V. REVIEW CYCLE

The Human Resources Department shall review this Standard Procedure once every three (3) years and make amendments as required by federal, state, or city regulations. The Human Resources Department shall advise the Department of Procedures Development and Administration via e-mail if no changes are needed, or submit its revisions to the procedure by submitting NYCHA Form 022:00:8, *Procedure Development Request*.

VI. RESPONSIBILITIES

A. Human Resources Department

1. The director of the Human Resources Department shall:
 - a. Review and render decisions for specific reasonable accommodation request cases requiring Human Resources Department actions.
 - b. Issue a determination on employee appeals.
2. The employee reasonable accommodation coordinator shall review, monitor, document, and maintain reasonable accommodation requests for employees.
3. The placement coordinator shall:
 - a. Interview job applicants with reasonable accommodation requests.
 - b. Assist job applicants with completing NYCHA form 015.208, *Reasonable Accommodation Request – Human Resources*, and forward the request form to the director of the Human Resources Department for review.

B. NYCHA Department Participants

1. The director of the participating department shall review and render decisions for reasonable accommodation requests requiring department actions.
2. The supervisor of the participating department shall acknowledge, review, and forward reasonable accommodation requests, as required.

C. The Executive Vice-President and Chief Administrative Officer

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The executive vice-president and chief administrative officer shall:

1. Review employee appeals of decisions of the director of the Human Resources Department that involve a personnel action.
2. Issue a final determination on these employee appeals.

VII. PROCEDURE

A. Confidentiality

Separate, confidential personnel files shall hold the documents and information concerning the medical condition or history of an employee requesting an accommodation. This information is treated as confidential medical records, except to the extent that:

1. Supervisors shall be informed about work restrictions or reasonable accommodations.
2. First-aid and safety personnel need to be informed if the disability may require emergency treatment.

B. Requesting Reasonable Accommodation

1. For Job Applicants

An applicant for employment who seeks an accommodation (either with respect to the completion of the application process or with respect to the position that the applicant is seeking) completes NYCHA form 015.208, *Reasonable Accommodation Request – Human Resources*, and submits it to the Human Resources Department placement coordinator who is interviewing the applicant.

If the applicant requires assistance with the completion of NYCHA form 015.208, *Reasonable Accommodation Request – Human Resources*, the Human Resources Department placement coordinator shall provide such assistance to the extent it is reasonable.

a. The Human Resources Department placement coordinator shall:

- (1) Offer NYCHA form 015.208, *Reasonable Accommodation Request – Human Resources*, to the applicant during the application process.
- (2) Acknowledge receipt of the reasonable accommodation request confirming that sections I through IV have been completed by signing and dating NYCHA form 015.208, *Reasonable Accommodation Request – Human Resources*, in the space provided.

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(3) Provide copies to the applicant and the employee reasonable accommodation coordinator, and retain a copy in a separate confidential file.

(4) Forward the original to the director of the Human Resources Department.

b. The director of the Human Resources Department shall:

(1) Consult with the applicant, the director of the department with the vacancy for which the applicant has applied, and other appropriate individuals.

In some instances, medical examination(s) or more detailed medical documentation may be required.

(2) Review the reasonable accommodation request and either grant it, deny it, or propose an alternative accommodation.

The decision is rendered within thirty (30) calendar days of receipt of the request unless circumstances warrant additional time, and noted in the appropriate space provided on NYCHA form 015.208, *Reasonable Accommodation Request – Human Resources*.

(3) Forward a copy of the reasonable accommodation request containing the decision to the applicant, and forward the original to the employee reasonable accommodation coordinator.

(4) Provide and arrange for an accommodation for the job applicant to facilitate the application process where the decision grants it.

2. For Employees

To request an accommodation, a NYCHA employee shall complete NYCHA form 015.208, *Reasonable Accommodation Request – Human Resources*, and submit it to his or her supervisor or, if the employee prefers, to that supervisor's immediate supervisor.

If the employee requires assistance completing NYCHA form 015.208, *Reasonable Accommodation Request – Human Resources*, the employee's supervisor shall provide such assistance to the extent it is reasonable.

a. The employee's supervisor shall:

(1) Acknowledge receipt of the request by signing and dating the reasonable accommodation request in the space provided.

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If an employee requests a reasonable accommodation for a disability, for pregnancy, childbirth or related medical condition, for religious needs, and to victims of domestic violence orally or through an informal means (e.g., email), the employee's supervisor shall request that the employee complete NYCHA form 015.208, *Reasonable Accommodation Request – Human Resources*.

If the employee refuses to or does not complete NYCHA form 015.208, *Reasonable Accommodation Request – Human Resources*, the employee's supervisor shall document the request on the form, indicating that the employee made a reasonable accommodation request, making sure to include the manner in which the employee made such a request.

- (2) Provide copies to the employee and the employee reasonable accommodation coordinator, and retain a copy in a separate confidential file.
- (3) Forward the original to the department director for a decision.

NOTE The department director shall issue a written decision by completing Section V of NYCHA form 015.208, *Reasonable Accommodation Request – Human Resources*, and forward a copy of the written decision to the employee reasonable accommodation coordinator for filing purposes or any other necessary action.

b. The employee reasonable accommodation coordinator shall:

- (1) Review all employee reasonable accommodation requests.
- (2) Document all contacts made with the employee, or their physician or advocate, in connection with the reasonable accommodation request.

In some instances, medical examination(s) or more detailed medical documentation is required to facilitate the request.

c. The participating department director shall:

- (1) Consult with the employee reasonable accommodation coordinator, the employee (if applicable), the employee's supervisor, and other appropriate individuals.
- (2) Review the reasonable accommodation request and either grant it, deny it, or propose an alternative recommendation, unless it involves a personnel action that requires the approval of the director of the Human Resources Department, such as a transfer to another department (refer to section VII.B.2.c.(3).) The written decision is rendered within thirty (30) calendar days of receipt of the request unless circumstances warrant additional time, and noted in the

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appropriate space provided on NYCHA form 015.208, *Reasonable Accommodation Request – Human Resources*.

- (3) Submit his/her recommendation to the director of the Human Resources Department for a decision within five (5) business days if the accommodation requested by the employee or proposed by the department director involves a personnel action requiring the approval of the director of the Human Resources Department.

The director of the Human Resources Department shall render a written decision within thirty (30) calendar days from the date the employee's supervisor submitted NYCHA form 015.208, *Reasonable Accommodation Request – Human Resources*.

- (4) Forward copies of the reasonable accommodation request with the written decision to the employee, the employee's immediate supervisor, and, if applicable, the director of the Human Resources Department, and forward the original to the employee reasonable accommodation coordinator.

The director of the Human Resources Department shall cause provision of the accommodation within ninety (90) days where the decision grants it.

C. Employee Appeals

1. For decisions rendered by a department director, an employee may file a written appeal of the of the department director's written decision with the employee reasonable accommodation coordinator within ten (10) calendar days of receipt of such decision.

The employee reasonable accommodation coordinator shall forward the appeal to the director of the Human Resources Department.

The director of the Human Resources Department shall:

- a. Review relevant documents and consult with the employee reasonable accommodation coordinator and other appropriate individuals, as necessary.
 - b. Issue a final written determination within thirty (30) calendar days of receipt of the appeal described above unless circumstances warrant additional time.
2. An employee may file a written appeal of a decision of the director of the Human Resources Department that involves a personnel action with the employee reasonable accommodation coordinator within ten (10) calendar days of receipt of such decision.

The employee reasonable accommodation coordinator shall forward the appeal to the executive vice-president and chief administrative officer.

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The executive vice-president and chief administrative officer shall:

- a. Review all relevant documents and consult with appropriate individuals.
 - b. Issue a final written determination within thirty (30) calendar days of receipt of the appeal (unless circumstances warrant additional time), and promptly forward a copy to the director of the Human Resources Department.
3. The director of the Human Resources Department shall forward the determination to the employee, and send copies to the employee reasonable accommodation coordinator and the department director.
 4. The employee reasonable accommodation coordinator shall:
 - a. Maintain records of the final written determinations in response to requests for reasonable accommodation by an employee or a job applicant.
 - b. Monitor the implementation of reasonable accommodations.

Employees may file a complaint of disability discrimination with the Department of Equal Opportunity within three hundred sixty-five (365) calendar days of the alleged act of discrimination.

Such a complaint does not halt the reasonable accommodation request process. If an employee files a complaint with the Department of Equal Opportunity while a reasonable accommodation request is pending, the director of the Human Resources Department, or the department director who is evaluating that request, shall process the matter as in the absence of a complaint.

VIII. **OUTPUTS, REPORTS, AND RECORDKEEPING**

A. Outputs

1. Completed and signed NYCHA form 015.208, *Reasonable Accommodation Request-Human Resources*, with decision, whether accepted, denied, or modified.
2. NYCHA employee(s) with proven disabilities accommodated to remove barriers in the workplace, enabling them to perform the essential functions of their job.

B. Reports

The employee reasonable accommodation coordinator shall generate a monthly report detailing the status of pending reasonable accommodation request cases and decisions rendered including, but not limited to, the following data:

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1. The number of consultations held, the number of appointments kept, and the number of unscheduled walk-in meetings held with reasonable accommodation requestors.
2. The number of reasonable accommodation request forms received.

C. Recordkeeping

The reasonable accommodation coordinator shall maintain all reasonable accommodation request records and documents permanently as required by the retention schedule.

IX. TRAINING REQUIREMENTS

The director of the Human Resources Department and the employee reasonable accommodation coordinator shall attend ongoing training to maintain compliance with updated federal, state, and city laws and regulations.

X. PERFORMANCE METRICS

The number of reasonable accommodation requests received versus the number of those reasonable accommodation requests with processed decisions. Additionally, the number of those reasonable accommodation requests that resulted in implementation of an accommodation.

XI. NON-COMPLIANCE

Failure to comply with the requirements of this Standard Procedure may result in disciplinary actions.

XII. FORMS

NYCHA form 015.208, *Reasonable Accommodation Request – Human Resources*

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XIV. REVIEW/REVISION HISTORY PAGE

REASONABLE ACCOMMODATION FOR EMPLOYEES AND JOB APPLICANTS

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Review/ Revision	Review/ Revision Date	Sections Amended
1.	5/27/2015	Added Table of Contents
2.	5/27/2015	Banner
3.	5/27/2015	Added Section I, Purpose
4.	5/27/2015	Section II, Policy
5.	5/27/2015	Added Section III, Applicability
6.	5/27/2015	Added Section IV, Definitions
7.	5/27/2015	Added Section V, Review Cycle
8.	5/27/2015	Added Section VI, Responsibilities
9.	5/27/2015	Section VII, Procedure
10.	5/27/2015	Added Section VIII, Outputs, Reports, and Recordkeeping
11.	5/27/2015	Added Section IX, Training Requirements
12.	5/27/2015	Added Section X, Performance Metrics
13.	5/27/2015	Added Section XI, Non-Compliance
14.	5/27/2015	Added Section XII, Forms
15.	5/27/2015	Added Section XIII, Workflow
16.	5/27/2015	Added Section XIV, Review/Revision History Page
17.	5/27/2015	Added Section XV, Appendices
18.		Reformatted Section XIV, Review/Revision History Page
19.	7/6/2018	Banner
20.	7/6/2018	Section I, Purpose
21.	7/6/2018	Section II, Policy
22.	7/6/2018	Section IV, Definitions
23.	7/6/2018	Section VII, Procedure

XVI. APPENDICES

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