

NYCHA STANDARD PROCEDURE MANUAL

III. Key Terms

A. Disability

A disability is a physical, medical, mental or psychological impairment.

B. Qualified Individual with a Disability

A qualified individual with a disability is an employee or applicant who has a disability; satisfies the requisite skill, experience, education and other job-related requirements of a position and can perform the *essential* functions of that position with or without a reasonable accommodation.

C. Reasonable Accommodations

The reasonableness of a given accommodation will depend upon the circumstances of each case. Accommodations that are reasonable may include, but are not limited to, those listed below:

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; or
5. providing readers, interpreters for hearing-impaired or other similar support services during the application and testing process.

IV. Confidentiality

Documents and information concerning the medical condition or history of an employee requesting an accommodation will be maintained in separate confidential personnel files. The information will be treated as confidential medical records, except to the extent that:

- supervisors must be informed about work restrictions or reasonable accommodations, and

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- first-aid and safety personnel need to be informed if the disability may require emergency treatment.

V. Procedure for Requesting Reasonable Accommodation

A. Applicants

1. 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 the form, Reasonable Accommodation Request (*RAR Form*), NYCHA 015.208, and submits it to the Human Resources Placement and Certification Coordinator who is interviewing the applicant. The *RAR Form* shall be made available to the applicant by the interviewer during the application process.
2. When the interviewer receives the completed Reasonable Accommodation Request requesting an accommodation, the interviewer shall acknowledge such receipt by signing and dating the *RAR Form* in the space provided.

The interviewer:

- a. retains a copy in a separate confidential file,
 - b. provides copies to the applicant and the ERAC, and
 - c. forwards the original to the Director of Human Resources or his or her designee.
3. Upon review of the Reasonable Accommodation Request and after seeking additional information as deemed appropriate, the Director of Human Resources shall grant or deny the request, or propose an alternative accommodation, noting the decision in the appropriate space provided on the *RAR FORM*.
 - a. In reaching this decision, the Director of Human Resources may consult with the applicant, the Director of the Department with the vacancy for which the applicant has applied, and other appropriate individuals.
 - b. In some instances, medical examination(s) or more detailed medical documentation may be required.
 4. The Director of Human Resources should render a determination within thirty calendar days of receipt of the Reasonable Accommodation Request unless circumstances warrant additional time.

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5. The Director of Human Resources shall forward a copy of the *Reasonable Accommodation Request* containing the decision to the applicant and forward the original to the ERAC.
6. Where the decision grants an accommodation with respect to the application process, the Director of Human Resources shall provide such accommodation within a reasonable time.
7. Where the decision grants an accommodation with respect to the position for which the applicant is applying and the applicant is subsequently appointed to such position, the Director of Human Resources in consultation with the Director of the Department and other appropriate individuals shall arrange for such accommodation to be provided within a reasonable time after such appointment.

B. Employees

1. To request an accommodation, an Authority employee completes a *Reasonable Accommodation Request* and submits it to his or her supervisor or, if the employee prefers, to that supervisor's supervisor.
2. The supervisor shall acknowledge the request by signing and dating the *Reasonable Accommodation Request* in the space provided.

The supervisor:

- a. retains a copy in a separate confidential file,
 - b. provides copies to the employee and the ERAC, and
 - c. forwards the original to the Department Director or his or her designee.
3. Upon review of the Reasonable Accommodation Request and after seeking additional information as deemed appropriate, the Department Director shall grant or deny the request, or propose an alternative accommodation, unless it involves a personnel action that would require the approval of the Director of Human Resources, such as a transfer to another department (*see paragraph 5 below*), and note the decision in the appropriate space on the *RAR Form*.
 - a. In reaching this decision, the Department Director must consult with the ERAC, and may consult with the employee, the employee's supervisor and other appropriate individuals.
 - b. In some circumstances, medical examination(s) or more detailed medical documentation may be required.

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4. The Department Director should render a decision within thirty calendar days of receipt of the Reasonable Accommodation Request unless circumstances warrant additional time.
5. If the accommodation requested by the employee or proposed by the Department Director involves a personnel action that requires the approval of the Director of Human Resources, then the Department Director, within five (5) business days, shall submit his/her recommendation to the Director of Human Resources for a decision. The Department Director shall note his/her recommendation in the appropriate space on the *RAR Form*. The Director of Human Resources shall render a decision within thirty days from the date the *RAR Form* was submitted to the employee's supervisor.
6. The Department Director (or the Director of Human Resources in the case of a personnel action covered by paragraph 5 above) shall forward copies of the Reasonable Accommodation Request containing the decision to the employee, the employee's supervisor and (*to the extent applicable*) the Director of Human Resources, and forward the original to the ERAC.
7. Where the decision grants an accommodation, the accommodation shall be provided within a reasonable time.

VI. Employee Appeals

- A. Except as otherwise provided in Section V. B. paragraph 5 above, an employee may file a written appeal of the decision of the Department Director with the ERAC within ten calendar days of receipt of such decision; the ERAC shall forward the appeal to the Director of Human Resources.
 1. In deciding the appeal, described above, the Director of Human Resources should review relevant documents and may consult with appropriate individuals.
 2. The Director of Human Resources will issue a final written determination within thirty calendar days of receipt of the appeal described above unless circumstances warrant additional time.
- B. An employee may file a written appeal of a decision of the Director of Human Resources that involves a personnel action with the ERAC within ten calendar days of receipt of such decision; the ERAC shall forward the appeal to the Deputy General Manager for Administration.
 1. In deciding the appeal, the Deputy General Manager for Administration should review relevant documents and may consult with appropriate individuals.

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2. The Deputy General Manager for Administration will issue a final written determination within thirty calendar days of receipt of the appeal unless circumstances warrant additional time, and promptly forward a copy to the Director of Human Resources.
- C. The Director of Human Resources forwards the determination to the employee, with copies, to the ERAC and the Department Director.