



**ADMINISTRATIVE
SERVICES
BULLETIN**

NUMBER: 2006-11

SUBJECT:

REASONABLE ACCOMMODATION

FROM:

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7/13/06
DATE

DISTRIBUTION:

All Employees

THIS BULLETIN SUPERSEDES: ADMINISTRATIVE SERVICES BULLETIN 98-17 AND
REASONABLE ACCOMMODATION PROCEDURE 100-0-12; AND SUPPLEMENTS
EXECUTIVE BULLETIN 98-4.

Policy

It is the policy of the New York State Thruway Authority and the Canal Corporation (Authority/Corporation) to provide reasonable accommodations to qualified individuals with known physical or mental disabilities. The right to a reasonable accommodation is established under the Americans with Disabilities Act (ADA) of 1990 as amended, the New York State Human Rights Law and other federal law and state executive orders and memoranda.

The Authority/Corporation is committed to assuring equal employment opportunity and equal access to services, programs and activities for employees and applicants with disabilities. This policy applies to all employment practices and actions including but not limited to, recruitment, the job application process, examination and testing, hiring, training, disciplinary action, pay or other compensation, advancement, classification, transfer, reassignment and promotion.

Reasonable accommodations are modifications or adjustments to the work environment that allow a qualified individual with a temporary or permanent disability to perform their job in a reasonable manner. A qualified individual with a disability is an individual who, with or without a reasonable accommodation, can perform the essential functions of the position that such individual holds or desires. A reasonable accommodation is limited to the disability of the employee or applicant. It does not extend to caring for family members, child care issues or special aid devices such as hearing aids, wheel chairs, eyeglasses, etc.

A reasonable accommodation may include, but is not limited to, making facilities more accessible, modifying work or shift schedules, acquiring or modifying equipment, providing readers or interpreters or providing assistive technologies such as voice recognition software.

The Authority/Corporation may not deny any employment opportunity to a qualified employee or applicant with a disability if the sole basis for the denial is the need to accommodate the physical or mental limitation of the employee; however, accommodations which create an undue hardship on the Authority/Corporation are not mandated. Undue hardship means significant difficulty or expense to the Authority/Corporation. Supervisors should consult with the Equal Opportunity Unit (EOU) for guidance.

Processing a Request for Reasonable Accommodation

Whenever a supervisor receives a reasonable accommodation request from an employee (including light duty), whether it is verbal, written or implied, the supervisor should contact EOU at (518) 436-2718 and consult with their supervisor, Program Manager or Administrative Officer. The supervisor should ensure that the request is documented on the REQUEST FOR REASONABLE ACCOMMODATION (TA-N1061-9) form (Form). This Form is available on the Intranet, from Administrative Officers or EOU.

- The employee completes page one of the Form and submits it to the supervisor. Employees needing a reasonable accommodation to return to work must submit a request for reasonable accommodation for review and determination prior to returning. While an employee may request a specific accommodation, the Authority/Corporation may provide any accommodation that will enable the employee to perform the essential functions of the position.
- The supervisor completes page two of the Form and sends the Form to EOU with supporting medical documentation, if any. Requests for reasonable accommodations and supporting medical documentation must not be copied. Any medical documentation relating to a reasonable accommodation is retained in EOU and kept confidential. The only documentation a supervisor may retain is a copy of the determination letter sent by EOU to the employee.
- When an employee sends the Form directly to EOU without supervisory input, EOU will contact the supervisor to obtain a response to the request.
- EOU may discuss the accommodation with the employee, and when necessary, the supervisor.
- EOU will notify the supervisor once a determination is made.
- Upon notification by EOU, the supervisor can advise the employee that the accommodation has either been approved or disapproved.
- EOU will send a letter to the employee, with a copy to the supervisor, notifying them of the determination.
- Supervisors are responsible for implementation of the accommodation.
- Supervisors must **not** implement a request for reasonable accommodation without approval from EOU.

For light duty requests, the supervisor's recommendation should take into consideration the length of restriction, and the impact on the work unit including staffing levels, current work projects, seasonal demands, and safety. All requests for light duty must have an end date.

If a job applicant requests a reasonable accommodation for an interview with Authority/Corporation personnel, please contact EOU. These requests do not need to be documented on the Form.

Appeal

Employees have the right to appeal the denial of a requested reasonable accommodation request to the Director of Human Resource Management.

Additional Assistance

For immediate assistance or questions concerning the reasonable accommodation process or policy contact the Equal Opportunity Unit at (518) 436-2718. For Authority/Corporation employees who do not have access to an inside telephone line, questions can be directed to the Human Resources toll-free number at 1-800-525-3586 or TDD/TTY 1-800-253-6244.