



**Summary of Procedures for Processing a Request for a Reasonable Accommodation:**

**Step 1**

Employee/Applicant requests an accommodation by submitting the applicable **Request for Reasonable Accommodation Application Form (HRM 76, HRM 66, or HRM 75)** to the supervisor or the Agency's Designee for Reasonable Accommodation ("DRA"). The applicant/employee need only complete, sign and date **Section A** of the applicable Application Form. If the request for accommodation is made to the supervisor, the supervisor will forward the request to the DRA for Agency review and processing.

**Step 2**

The employee/applicant receives written confirmation advising that the requested accommodation has either been approved or advising that the request is undergoing further review, via an **Initial Response to Request for Accommodation (Section B of the Application)**.

If additional information is required from the applicant/employee, the applicant/employee will receive a **Notification of Need for Additional Information (Section C of the Application)**.

**Step 3**

A comprehensive review will be conducted by the Agency's DRA, which should include consideration of and/or requests for the following:

- Additional information from the employee and/or the supervisor or other sources, as needed.
- Medical information, when necessary and appropriate.
- Input, if appropriate, from the Agency's fiscal officer, human resources manager, labor relations officer and/or counsel (possibly a committee).
- If necessary, consultation with the Reasonable Accommodation Unit of the Department of Civil Service and/or the Office of Advocate for Persons with Disabilities.

**Step 4**

The Agency's DRA informs the employee/applicant of the outcome, via a **Notification of Agency Determination (Section D of the Application)** which will entail 1) an approval of the requested reasonable accommodation or 2) an offer of an alternative reasonable accommodation or 3) a denial of a reasonable accommodation.

**-Approval of the Requested Accommodation or Offer of an Alternative Accommodation:**

In both instances, the employee/applicant must accept or reject the proposed Reasonable

Accommodation by checking *accept or reject* on Section D of the form, signing and dating Section D and then returning the original Section D of the form to the DRA.

**-Denial of a Reasonable Accommodation:**

In the case of a denial, the applicant/employee must be provided with a reason for the denial, which will be set forth in the Notification of Agency Determination – Section D.

A letter confirming the determination on the Application for Reasonable Accommodation will be sent by the DRA to the employee/applicant within the next week after the applicant/employee receives the Notification of Agency Determination. The letter will provide the employee/applicant with the options available if the employee/applicant is dissatisfied with the Agency's determination.

These options include but are not limited to:

1. Employee/Applicant may choose to accept this decision and end the process; or
2. Employee/Applicant may choose to file an internal discrimination complaint at this time if employee/applicant feels that the Agency's determination is unlawful.
3. In addition to the options stated above, other alternatives may also be available. These include, but are not limited to:
  - filing a complaint with any compliance agency designated under Sections 503/504 of the Rehabilitation Act of 1973, if applicable;
  - filing a complaint with the New York State Division of Human Rights;
  - filing a complaint with the Equal Employment Opportunity Commission or any appropriate federal oversight agency under the American with Disabilities Act; and
  - filing a private right of action to challenge the alleged discriminatory act, under the New York State Human Rights Law, or any applicable statute.

The employee/applicant may initiate any of these alternatives after the Agency's first denial of the request for an accommodation. Although the time limitations vary, the time for filing a complaint pursuant to all the alternatives begins to run when the Agency first denies the request for an accommodation. The employee/applicant should consult with the appropriate anti-discrimination agency as to the specific time limitations for initiating such actions.