



Office of Addiction Services and Supports

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 appeal with the Reasonable Accommodation Appeal Review Committee in accordance with procedures established in the "Procedures for Implementing Reasonable Accommodation for Applicants and Employees with Disabilities and Pregnancy-related Conditions in New York State Agencies." To file an appeal, employee/application should submit Section F, "Request to Appeal a Reasonable Accommodation Determination" to the Reasonable Accommodation Appeals Review Committee at **ARC@cs.ny.gov** or by mail at **Department of Civil Service Empire State Plaza Swan Street Building – Core 1 Empire State Plaza, Albany, NY 12239 Attn: ODIM – ARC.**
3. Employee/Applicant may choose to file an internal discrimination complaint with the Office of Employee Relations (OER) Anti-Discrimination Investigation Division (ADID) if they believe that the Office of Addiction Services and Support's determination is unlawful.
4. In addition to the options stated above, other alternatives may also be available. These include, but are not limited to:
 - o filing a complaint with any compliance agency designated under Sections 503/504 of the Rehabilitation Act of 1973, if applicable;
 - o filing a complaint with the New York State Division of Human Rights;
 - o filing a complaint with the Equal Employment Opportunity Commission or any appropriate federal oversight agency under the American with Disabilities Act; and
 - o 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.