



New York State Archives

**New York State Department of Civil Service Division
of Diversity Planning and Management Reasonable
Accommodation Compliance Review Board Appeal Files
19830**

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Overview of the Records

Repository:	New York State Archives
Summary:	The series consists of files pertaining to employee requests for review, by the Compliance Review Board, of denied requests for "reasonable accommodation." Files include all relevant documentation held by the agency on the employee's disability and request for workplace accommodation (including medical documentation); records documenting the agency's decision to deny the request; comments and drafts; the decision of the Review Board; and copies of the letter transmitting that advisory decision to the agency that denied the request.
Creator:	New York (State). Department of Civil Service. Division of Diversity Planning and Management
Title:	Reasonable Accommodation Compliance Review Board appeal files
Quantity:	5 cubic feet
Inclusive Date:	1990-1995
Series:	19830

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Arrangement

Chronological by year, then alphabetical by name.

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Administrative History

The Reasonable Accommodations Unit (RAU) assists state agencies to ensure that "reasonable accommodations" are provided to employees with disabilities. New York's policy is based upon federal and state law and regulation, including the federal Americans with Disabilities Act (ADA); Sections 503 and 504 of the federal Rehabilitation Act; the New York State Human Rights Law; Executive Order No. 6 of 1983; and similar requirements.

State policy is that agencies must make reasonable accommodations in the work environment to enable qualified persons with disabilities to perform their work duties. Reasonable accommodations include modifying work sites, providing assistive devices, making facilities accessible, adjusting work schedules, restructuring jobs, providing readers and interpreters, and making similar work site and schedule adaptations to meet employee needs.

Rather than requiring the employee to prove that the requested accommodation is reasonable, the state agency must instead demonstrate that the requested accommodation will place an undue burden on the agency in order to deny it. The RAU anticipates that most state agencies will resolve "reasonable accommodation" issues through formal or informal means, often at the program unit level. However, there are situations in which agencies and disabled employees cannot agree on what constitutes a "reasonable" accommodation and the employee's request is therefore denied.

In such situations, the employee can accept the agency denial, initiate a discrimination complaint through the agency equal employment opportunity office, file a complaint against the agency under the state's Human Rights Law, the federal Rehabilitation Act, or the ADA, or even bring a private action for alleged discriminatory practice. However, the state has also established a compliance review process as an alternative means for reviewing such disputes.

Since 1993, a disabled state employee who believes that he/she has been denied a reasonable accommodation by their agency can ask the Compliance Review Board to review the agency denial. That 3-member board consists of the heads of the Department of Civil Service, the Office of the Advocate for Persons with Disabilities, and the Governor's Office of Employee Relations. When an appeal is filed, the RAU acts on behalf of the board to gather relevant documentation from the agency on the denial and to develop a recommendation for board consideration. The board's decision is advisory; it is presented to the state agency head for consideration, with the final decision remaining with the agency head.

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Scope and Content Note

The series consists of files pertaining to employee requests for review, by the Compliance Review Board, of denied requests for "reasonable accommodation." Files include: all relevant documentation held by the agency on the employee's disability and request for workplace accommodation (including medical documentation); records documenting the agency's decision to deny the request; the draft recommendation prepared by unit staff; comments on the draft recommendation by Counsel's Office of the Department of Civil Service; the decision of the Review Board; and copies of the letter transmitting that advisory decision to the agency that denied the request. Files include medical and other documents that are regarded as confidential.

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Use of Records

Access Restrictions

Medical records are restricted pursuant to the Personal Privacy Protection Law. Use under supervision of archivist.

Access Terms

- Work environment--Barrier-free design
- Administering industrial relations
- People with disabilities--Employment
- Employee-management relations in government
- Decisions
- Reviewing
- Affirmative action programs--New York (State)
- New York (State)
- Memorandums
- Managing personnel