

Buffalo & Erie County Public Library

PERSONNEL POLICIES AND PROCEDURES MANUAL

SUBJECT: Reasonable Accommodation

CHAPTER: VIII

SECTION: 3

EFFECTIVE DATE: 2/1/12

REVISION DATE: 7/23/18

I. STATEMENT OF POLICY

The Buffalo & Erie County Public Library is committed to ensuring equal employment opportunity and equal access to services, programs, and activities for all persons, including those with disabilities. It is the B&ECPL's policy to provide reasonable accommodation to a qualified person with a disability to enable such person to perform the essential functions of the position for which he or she is applying or in which he or she is employed. This policy is based on the New York State Human Rights Law, Federal Rehabilitation Act of 1973, as amended, and the American with Disabilities Act (ADA), as amended by the Americans with Disabilities Act Amendments Act of 2008 (ADAAA).

Reasonable accommodations will be made on a case-by-case basis. Libraries and departments are expected to have the flexibility and capacity to provide reasonable accommodations when needs arise. Qualified individuals with documented disabilities are eligible to request reasonable accommodations. A qualified individual is a person who satisfies the requisite skills, experience,

education, licenses, and other job-related requirements of the position such individual holds or desires, and who, with or without reasonable accommodation, can perform the essential functions of such position.

Human Resources (HR) will be responsible for implementing this policy. A designated contact person in Human Resources shall follow the policy and procedures for employee requests for accommodations and shall be available to assist staff in gaining a greater understanding of the law and clarify institutional obligations under the law to provide reasonable accommodations.

II. GUIDELINES

A. Requests for Reasonable Accommodation

The following procedure has been developed to ensure that employee/applicant requests for reasonable accommodations are treated in as consistent and equitable a fashion as possible:

1. Employees/applicants seeking a reasonable accommodation should contact the designated Human Resources contact.
2. The responsibility for requesting or initiating a request for accommodation lies with the employee/applicant with a disability.
3. If a supervisor receives a request for an accommodation from an employee or becomes aware of the need for an accommodation, the supervisor should notify HR.

4. HR will provide a "Request for Reasonable Accommodation" form to employee/applicant.
5. Upon receiving a request for an accommodation, HR will send a confidential letter to the employee/applicant confirming the request and seeking additional information.
6. Verification of a disability and need for accommodation is required. A certification form will be provided by HR which must be completed by the employee's/applicant's Health Care Provider in a reasonable amount of time.
7. Failure by employee/ applicant to provide documentation in support of her/ his request may result in denial of an accommodation.
8. Documentation should clearly indicate:
 - a. The existence of a disability (as defined by state and federal regulations);
 - b. That the disability substantially limits a major life activity, including a statement of the nature and extent of the limitations; and
 - c. A statement of what accommodation(s) is/are recommended/ requested.
9. Once a qualified individual with a disability has requested an accommodation, HR will take steps to determine an appropriate accommodation. The appropriateness of an accommodation is often determined through a flexible, interactive process that involves the

individual with a disability, the appropriate department(s)/ supervisor, and HR.

10. Final responsibility for selection of the most appropriate accommodation rests with HR.

B. Obligation to Provide Accommodation

1. An employer is not obligated to provide an accommodation that would result in undue hardship to the employer.
2. According to EEOC guidelines, “undue hardship” must be based on an individualized assessment of current circumstances that show that a specific reasonable accommodation would cause significant difficulty or expense.
3. A determination of undue hardship should be based on several factors, including:
 - a. The nature and cost of the accommodation needed;
 - b. The overall financial resources of the facility making the reasonable accommodation;
 - c. The number of persons employed at this facility;
 - d. The effect on expenses and resources of the facility;
 - e. The overall financial resources, size, number of employees, and type and location of facilities of the employer (if the facility involved in the reasonable accommodation is part of a larger entity);
 - f. The type of operation of the employer, including the structure and functions of the workforce, the geographic

separateness, and the administrative or fiscal relationship of the facility involved in making the accommodation to the employer; and

- g. The impact of the accommodation on the operation of the facility.

C. Employee/Applicant Rights And Responsibilities

1. The responsibility for initiating a request for accommodations lies with the individual with a disability.
2. Every individual making a request for reasonable accommodations must provide sufficient documentation to support his/her request.
3. Submitted documentation must be from an appropriate, qualified professional.
 - a. The appropriate professional in any particular situation will depend on the disability and the type of functional limitation it imposes.
 - b. Appropriate professionals include, but are not limited to, doctors (including psychiatrists), psychologists, nurses, physical therapists, occupational therapists, speech therapists, vocational rehabilitation specialists, and licensed mental health professionals.
4. In accordance with federal and state regulations, B&ECPL will treat disability-related information in a confidential manner.

D. Appeals

1. Employees have an opportunity to appeal a decision regarding an accommodation.
2. Appeals may be handled informally in a case review involving the person seeking accommodation(s), the designated contact from Human Resources, and the appropriate supervisor or department head.
3. If a mutually acceptable accommodation cannot be determined with these individuals, an internal complaint may be filed with the Office of the Director.

E. Complaints of Discrimination

1. B&ECPL has adopted an internal complaint procedure for the provision of prompt and equitable resolution of complaints alleging discrimination.
2. Individuals with a disability at B&ECPL, who consider themselves victims of discrimination based on a disability, may file a complaint with the designated contact from Human Resources.
3. The employee/applicant may also contact the Office of the Director to file a complaint, if preferred.
4. Either Human Resources or the Director shall receive any complaint of alleged discrimination, and shall investigate the complaint in a prompt and thorough manner.

5. Employee/applicant may also contact the U.S. Equal Employment Opportunity Commission (EEOC) or the New York State Division of Human Rights.

F. Applicability

This policy applies to all employment practices and actions. It includes, but is not limited to, recruitment, the job application process, skills assessment, hiring, training, disciplinary actions, rates of pay or other compensation, advancement, classification, transfer and reassignment, and promotions.

G. Designated Contact Person

Questions or concerns regarding policy, services, and accommodations should be directed to:

Judy Fachko, Human Resources Manager

1 Lafayette Square

Buffalo, New York 14203

Phone: (716) 858-6103

E-mail: fachkoj@buffalolib.org