

| Subject | Classification | Issued | Number |
|--|--------------------------|----------|--------|
| POLICY/INSTRUCTION FOR REASONABLE ACCOMMODATIONS | Executive Vice-President | 06/05/96 | 4.16.2 |

1.0 POLICY

1.1 It is the policy of the New York City Transit Authority to provide reasonable accommodations to qualified applicants and employees with disabilities to enable them to participate fully in all the terms, conditions and privileges of employment. The Americans with Disabilities Act of 1990 and the New York State Human Rights Law mandate the provision of reasonable accommodations based on an individual assessment of the individual's abilities.

If an accommodation is determined to be unreasonable or would result in an undue hardship to the Authority, it will not be provided. Where more than one type of reasonable accommodation is possible, the individual with a disability will be consulted as to preference. The final decision will remain with the Authority.

2.0 PURPOSE

2.1 The purpose of the Policy/Instruction is to establish Authority policy and procedures to ensure compliance with those provisions of Title I of the ADA that mandate reasonable accommodation of individuals with disabilities in all terms, conditions and privileges of employment.

3.0 SCOPE

3.1 The ADA requires the Authority to make reasonable accommodations for individuals with disabilities in all aspects of employment, including application procedures, testing, hiring, promotion, compensation, assignment, training, leave benefits and all other terms, conditions and privileges of employment.

4.0 DEFINITIONS

4.1 Qualified Individual with a Disability: Relevant to this Policy/Instruction, a qualified individual with a disability is an individual with a physical or mental impairment who meets the minimum knowledge, skills, experience and other job-related requirements of the position as defined by civil service, applicable collective bargaining agreements and/or Authority policy, and who, with reasonable accommodation, can perform the essential functions of the job.

4.2 Essential Functions: The essential functions of a job are those fundamental duties and responsibilities the performance or outcome of which is required for the adequate performance of the job.

| | | | |
|--|--|--------------------------|----------------|
| Issued by Lawrence G. Reuter President | | Supersedes 6.38.2 | Page 1 of 9 |
|--|--|--------------------------|----------------|

| Subject | Classification | Issued | Number |
|--|--------------------------|----------|--------|
| POLICY/INSTRUCTION FOR REASONABLE ACCOMMODATIONS | Executive Vice-President | 06/05/96 | 4.16.2 |

4.0 DEFINITIONS (Cont.)

4.3 Reasonable Accommodation: A reasonable accommodation is any reasonable change in the work environment or conditions of employment that enables an otherwise qualified individual with a disability to perform the essential functions of a job, to apply for a job, to participate in training or to participate in other terms, conditions and privileges of employment. Depending on the circumstances, making a work site accessible, modifying work schedules, providing special equipment, provision of qualified readers or interpreters, and job restructuring are typical examples of the types of accommodations that may be determined to be reasonable.

4.4 Undue Hardship: A undue hardship is the result or impact of an accommodation that is unduly costly, extensive or disruptive, or that fundamentally alters operations. The Authority is not required to provide an accommodation for an individual with a disability if such accommodation will cause undue hardship. The degree of hardship will be determined on a case-by-case basis. An accommodation may be determined to be an undue hardship in one case but not in another.

5.0 RESPONSIBILITIES

5.1 Office of Equal Employment Opportunity, Department of Human Resources is responsible for the following:

5.1.1 To ensure that anti-discrimination laws and relevant Authority policies are enforced, including the provisions and requirements of this Policy/Instruction.

5.2 Employee Resources Division, Department of Human Resources is responsible for the following:

5.2.1 To ensure through periodic job analyses or other means that current and accurate job descriptions and job announcements are maintained which identify the essential functions of all jobs.

5.2.2 To post notices in appropriate and accessible locations concerning the provisions of ADA legislation and the Authority's reasonable accommodation policy.

| | | | |
|--|--|----------------------|----------------|
| Issued by Lawrence G. Reuter President | | Supersedes 6.38.2 | Page 2 of 9 |
|--|--|----------------------|----------------|

| Subject | Classification | Issued | Number |
|--|--------------------------|----------|--------|
| POLICY/INSTRUCTION FOR REASONABLE ACCOMMODATIONS | Executive Vice-President | 06/05/96 | 4.16.2 |

5.0 RESPONSIBILITIES (Cont.)

5.2.3 To provide reasonable accommodations where appropriate to ensure equal access and opportunity for job applicants and employees with disabilities in all terms and conditions of employment. A Job Accommodation Coordinator with technical expertise shall be appointed to serve in the Employment Center and coordinate all employment-related activities for applicants/employees with disabilities on a case-by-case basis.

5.3 Employee Development and Training Division, Department of Human Resources is responsible for the following:

5.3.1 To ensure that all aspects of employee training (such as training locations, materials and equipment used, means of delivery) are accessible to all employees.

5.3.2 To provide reasonable accommodation where appropriate to allow employees with disabilities equal access and participation in training.

5.3.3 To provide training and communication concerning ADA requirements for reasonable accommodation and applicable Authority policies to Department of Human Resources staff, Departmental Human Resources Representatives and all Authority employees who deal with employees and applicants with disabilities or other aspects of ADA legislation and requirements encountered in the conduct of their jobs.

5.4 Medical Services Division, Department of Human Resources is responsible for the following:

5.4.1 To ensure that each applicant and employee subject to a job-related medical examination is assessed individually and objectively based on his or her ability to perform the essential functions of a specific job with or without accommodation, and without posing a direct threat to himself/herself or "other".

5.5 The Operating Departments are responsible for the following:

5.5.1 To assist the Department of Human Resources in identifying the essential functions of jobs for inclusion in job descriptions and job announcements.

5.5.2 To promptly coordinate with the Department of Human Resources in providing an assessment of an employee who becomes disabled to determine the employee's ability to perform the essential job functions.

| | | | |
|--|--|----------------------|----------------|
| Issued by Lawrence G. Reuter President | | Supersedes 6.38.2 | Page 3 of 9 |
|--|--|----------------------|----------------|

| Subject | Classification | Issued | Number |
|--|--------------------------|----------|--------|
| POLICY/INSTRUCTION FOR REASONABLE ACCOMMODATIONS | Executive Vice-President | 06/05/96 | 4.16.2 |

5.0 RESPONSIBILITIES (Cont.)

- 5.5.3 To promptly confer with the Assistant Vice President of Employment and the ADA Compliance Officer in identifying potential accommodations for job applicants and employees and determining their reasonableness.
- 5.5.4 To provide and maintain an accommodation that has been determined to be reasonable.
- 5.5.5 To review periodically, not less than every 12 months, reasonable accommodations provided employees. The review should include evaluation of accommodations approved to ensure that the accommodation is effective, whether changes are necessary and continues to be reasonable.

5.6 Department of Labor Relations is responsible for the following:

- 5.6.1 To provide guidance to Authority management in avoiding and/or resolving conflicts between the duty to provide reasonable accommodations and the requirements of collective bargaining agreements, past practices and standing policy.
- 5.6.2 Where conflicts arise, to negotiate acceptable job accommodations with concerned unions (which also are obligated to comply with ADA requirements).
- 5.6.3 To represent the Authority in any grievance relating to the issue of whether or not the Authority complied procedurally with the Policy/Instruction.

Substantive issues are not subject to the grievance procedure.

5.7 Department of Law is responsible for the following:

- 5.7.1 To provide general legal guidance concerning the application of ADA requirements and this Policy/Instruction in connection with the Authority's obligations to provide reasonable accommodations.

5.8 ADA Compliance Officer is responsible for the following:

- 5.8.1 To ensure Transit Authority compliance with and implementation of ADA requirements, including those for reasonable accommodations.

| | | | |
|--|--|----------------------|----------------|
| Issued by Lawrence G. Reuter President | | Supersedes 6.38.2 | Page 4 of 9 |
|--|--|----------------------|----------------|

| Subject | Classification | Issued | Number |
|--|--------------------------|----------|--------|
| POLICY/INSTRUCTION FOR REASONABLE ACCOMMODATIONS | Executive Vice-President | 06/05/96 | 4.16.2 |

5.0 RESPONSIBILITIES (Cont.)

- 5.8.2 To ensure that internal complaints of discrimination based on failure to provide reasonable accommodations are investigated and resolved in accordance with established grievance policy and procedures.
- 5.8.3 To develop a resource directory for identifying potential accommodations and suppliers and to provide other consultative services to management to assist in making timely determinations about a reasonable job accommodation and monitor requisitions to ensure the timely provision of reasonable job accommodation. The ADA Compliance Officer shall review all job accommodation decisions for concurrence.
- 5.8.4 To establish and maintain current administrative records pertaining to reasonable accommodations and to provide management reports covering number, type of accommodation, costs, dates and related information needed to evaluate compliance and implementation of this policy. The ADA Compliance Officer shall issue an annual compliance report to the President of the Authority.
- 5.8.5 To monitor compliance with the requirement of departments to review periodically, not less than every 12 months, reasonable accommodation granted to employees.

5.9 ADA Compliance Committee is responsible for the following:

- 5.9.1 To provide leadership, guidance and coordination of the implementation of ADA and uniform compliance throughout the Transit Authority in the provision of its services, programs and activities, including reasonable accommodations.

5.10 Job Accommodations Committee is responsible for the following:

- 5.10.1 To determine the Authority's obligation to provide a reasonable accommodation in those cases where there is a disagreement between or among the Assistant Vice President of Employment, Departmental Human Resources Representative and/or the ADA Compliance Officer.

6.0 PROCEDURES FOR MAKING A REASONABLE ACCOMMODATION

6.1 Identification of Individual Requiring Accommodation

- 6.1.1 Each department will notify applicants and employees of its obligations to provide employment-related accommodations by posting notices in all major work locations and in all locations where human resources business is conducted.

| | | | |
|--|--|--------------------------|----------------|
| Issued by Lawrence G. Reuter President | | Supersedes 6.38.2 | Page 5 of 9 |
|--|--|--------------------------|----------------|

| Subject | Classification | Issued | Number |
|--|--------------------------|----------|--------|
| POLICY/INSTRUCTION FOR REASONABLE ACCOMMODATIONS | Executive Vice-President | 06/05/96 | 4.16.2 |

6.0 PROCEDURES FOR MAKING A REASONABLE ACCOMMODATION (Cont.)

- 6.1.2 It is the responsibility of the applicant or employee with a disability to inform the Human Resources Representative that an accommodation is needed to participate in the application process, to perform essential job functions, or to receive equal benefits and privileges of employment.
- 6.1.3 The Responsibility Center Manager is responsible for making a job accommodation only to the known limitations of an otherwise qualified individual with a disability upon request. The individual's immediate supervisor shall request the Departmental Human Resources Representative to review a proposed accommodation and shall also request concurrence of the ADA Compliance Officer. When there are unresolved questions about undue hardship, excess cost, labor relations impact or precedence of a proposed accommodation, the matter will be referred to the Assistant Vice President of Employment for review by the Job Accommodations Committee.
- 6.1.4 The Employment Interviewer may request job applicants/employees to describe or demonstrate how they would perform the essential functions of a job with or without accommodation. In the case of civil service list appointments, the Job Accommodation Coordinator will interview the applicant and confer with the hiring department to ensure an informed personnel selection decision.
- 6.1.5 If an employee who appears to have a disability is not performing well or having difficulty in performing a job, the employee's immediate supervisor or manager should meet with the employee and determine whether this is due to a disability. Such cases must be brought to the attention of the Departmental Human Resources Representative. The immediate supervisor/manager may inquire at any time whether an employee needs an accommodation.
- 6.1.6 Wherever an applicant/employee seeks a reasonable accommodation, the medical reason must be kept confidential. Disclosure of any medical information shall be limited as provided in the statute.

6.2 Determination of Potential Accommodations

- 6.2.1 The Assistant Vice President of Employment will review all accommodation requests from job applicants from Civil Service lists and make a decision on the accommodation request. In the case of non-list hires, the prospective supervisor/manager shall review the job accommodation request, make a recommendation and refer the request to the Assistant Vice President of Employment and ADA Compliance Officer for their review and concurrence.

| | | | |
|--|--|--------------------------|----------------|
| Issued by Lawrence G. Reuter President | | Supersedes 6.38.2 | Page 6 of 9 |
|--|--|--------------------------|----------------|

| Subject | Classification | Issued | Number |
|--|--------------------------|----------|--------|
| POLICY/INSTRUCTION FOR REASONABLE ACCOMMODATIONS | Executive Vice-President | 06/05/96 | 4.16.2 |

6.0 PROCEDURES FOR MAKING A REASONABLE ACCOMMODATION (Cont.)

6.2.2 The Assistant Vice President of Employment or the immediate supervisor/manager of the individual shall consult with the ADA Compliance Officer for assistance in identifying job accommodation sources and/or assessing the effectiveness of potential accommodations.

6.3 Determination of Reasonableness of Potential Accommodations

6.3.1 The Assistant Vice President of Employment, the ADA Compliance Officer, and the Departmental Human Resources Representative will assess the identified potential accommodations to determine which are reasonable and which present an undue hardship to the Authority. The criteria for determining the impact or hardship of a potential accommodation may include: type of proposed accommodation; cost of proposed accommodation; impact of the accommodation on other employees; impact of the accommodation on departmental operations; existence of any laws, collective bargaining agreements or Authority policy that would preclude the accommodation.

6.3.2 When a proposed accommodation is reasonable and does not cause an undue hardship to the Authority, the accommodation will be provided by the employee's department with the concurrence of the ADA Compliance Officer.

6.3.3 If it is determined that the cost of a proposed accommodation constitutes an undue hardship, the applicant or employee must be afforded an opportunity to pay for the accommodation.

6.3.4 Where there is a disagreement among any of the parties responsible for assessing a potential accommodation, the matter will be referred promptly to the Job Accommodations Committee. The Assistant Vice President of Employment shall convene the Job Accommodations Committee to make a determination about the reasonableness of the proposed accommodation and decide whether to provide or deny the accommodation.

6.3.5 The Job Accommodations Committee will be convened as required. The composition of the Committee shall consist of the Assistant Vice President of Employment, the Job Accommodation Coordinator of Employment, the ADA Compliance Officer, the Law Department Special Counsel on ADA, the Labor Relations Department representative, the Medical Director, a Departmental Representative knowledgeable about the essential functions of the job, and a representative of the Office of System Safety, when applicable.

| | | | |
|--|--|----------------------|----------------|
| Issued by Lawrence G. Reuter President | | Supersedes 6.38.2 | Page 7 of 9 |
|--|--|----------------------|----------------|

| Subject | Classification | Issued | Number |
|--|-----------------------|----------|--------|
| POLICY/INSTRUCTION FOR REASONABLE ACCOMMODATIONS | HUMAN RESOURCES & EEO | 06/05/96 | 4.16.2 |

6.0 PROCEDURES FOR MAKING A REASONABLE ACCOMMODATION (Cont.)

6.3.6 In such exceptional cases, final approval must be obtained from the Executive Vice President before the proposed accommodation may be made. The decision of the Job Accommodations Committee or, when applicable, the Executive Vice President is final.

7.0 PROCUREMENT OF EQUIPMENT, ASSISTIVE DEVICES OR SPECIAL SERVICES FOR JOB ACCOMMODATIONS

- 7.1 Requests for equipment, assistive devices or special services for Approved Job Accommodations shall be met in the most cost effective manner utilizing but not limited to petty cash, inventory and/or in-house services.
- 7.2 If the equipment, assistive device or special service for approved Job Accommodations cannot be met by petty cash, inventory and/or in-house services, the Departmental Materiel Liaison shall submit a formal Purchase Requisition (i.e., U-Req) to the Control Desk in the Division of Materiel within 10 days following the decision that an equipment purchase is a reasonable accommodation. The U-Req shall be marked "EXPEDITE -- REASONABLE JOB ACCOMMODATION REQUIREMENT" in the "Justification for Procurement/Comments:" section on the formal Purchase Requisition.
- 7.3 Department Heads shall ensure that these requisitions have a complete and detailed description, an estimate of cost and if available a list with suggested vendors. If the estimated cost is over \$10,000, it must be reviewed by the Job Accommodations Committee to determine if the accommodation would be an unreasonable expense.
- 7.4 Upon receipt of the Formal Purchase Requisition by the Control Desk, Procurement will make every effort to process requirements for \$5,000 or less within 10 business days, between \$5,001 and \$10,000 within 15 business days, and \$10,000 or more within 70 business days. If the recommended products are not of domestic origin and a Buy America waiver is required, 15 business days must be added to the above processing times. Those processing times are exclusive of the vendor's delivery times for the equipment, assistive devices or special services.

| | | | |
|--|--|--------------------------|-----------------|
| Issued by Lawrence G. Reuter President | | Supersedes 6.38.2 | Page 8. of 9 |
|--|--|--------------------------|-----------------|

| Subject | Classification | Issued | Number |
|--|--------------------------|----------|--------|
| POLICY/INSTRUCTION FOR REASONABLE ACCOMMODATIONS | Executive Vice-President | 06/05/96 | 4.16.2 |

8.0 NOTIFICATION AND RECORDKEEPING

- 8.1 Each applicant and employee for whom a reasonable accommodation is considered will be notified in writing by the Assistant Vice President of Employment about the final determination. Where an accommodation will not be offered to the individual, the notice will include an explanation as to why such a determination was made.
- 8.2 Where the safety of the disabled individual or other workers is potentially involved, supervisors and managers may be informed of restrictions on the work and duties of employees with disabilities and of any accommodations needed for such employees. They may not, however, be given privileged medical information.
- 8.3 A confidential Accommodation Record shall be completed by the Job Accommodation Coordinator. Employment for each job applicant/candidate for appointment from a civil service list for whom a job accommodation was considered. The Accommodations Record shall be sent to and maintained by the ADA Compliance Officer, with a copy to the applicant's employing department if the applicant is hired and an accommodation is provided. In addition to identifying information on the individual, the record will contain information about the individual's disability; the essential functions of the job; types of accommodation considered; accommodation make; expense and impact of the accommodation. Where accommodations are provided, the benefits and savings achieved shall be determine by the ADA Compliance Officer and reported on the Accommodation Record. In cases where an accommodation is not made because of its cost, the record shall indicate that the individual was offered an opportunity to pay for the accommodation and the response of the individual to such offer.
- 8.4 A confidential Accommodation Record shall be completed by the Department's Human Resources Representative for each non-list job applicant and/or employee for whom a job accommodation was considered. The Accommodation Record shall be sent to and maintained by the ADA Compliance Officer with a copy to the Job Accommodation Coordinator, Employment.
- 8.5 Periodic review of reasonable accommodation shall be reported on the Update page of the Accommodation Record to the ADA Compliance Officer with a copy to the Job Accommodation Coordinator, Employment.

Approved:



 Lawrence G. Reuter, President

6-5-96

 Date

| | | | |
|--|--|----------------------|----------------|
| Issued by Lawrence G. Reuter President | | Supersedes 6.38.2 | Page 9 of 9 |
|--|--|----------------------|----------------|

ACCOMMODATION RECORD

(To be completed by Departmental HR Representative or the Job Accommodation Coordinator and sent to the ADA Compliance Officer with a copy to Job Accommodation Coordinator, Employment)

Date Submitted _____

Name (Last, First, M.I.): _____

Address _____

Social Security No: _____ Pass Number _____

Job Title Sought/Held: _____

Department/Division: _____ Location _____

Please Check One:

Incumbent employee seeking new position? _____

Incumbent employee seeking accommodation in current title? _____

Applicant for new hire from certified list? _____

Applicant for new hire: non-list? _____

Disability Data (Please circle all that apply. If the appropriate item is not listed, specify under Other.)

- | | | | |
|---|----------------------------|--------|--------------------|
| H | Hearing | D | Diabetes |
| V | Vision | K | Multiple Sclerosis |
| S | Speech | F | Muscular dystrophy |
| M | Mental impairment | L | Leukemia |
| P | Paralysis - ambulatory | Z | Emphysema |
| Q | Paralysis - non ambulatory | C | Cancer |
| A | Amputee - ambulatory | E | Epilepsy |
| B | Amputee - non ambulatory | X | Cerebral palsy |
| O | Orthopedic | G | HIV infection |
| T | Tuberculosis | Other: | specify _____ |

Briefly describe individual's impairment in reference to essential functions of job:

Briefly describe potential accommodations considered, if any (including those requested by individual)

Was a reasonable accommodation identified and made? Yes _____ No _____

If "Yes" describe the reasonable accommodation made: (Date and description of action)

To be completed by the ADA Compliance Officer

How much did the accommodation cost? \$ _____

Which, if any, of the following benefits were realized?

- Eliminated the cost of training a new employee
- Saved worker's compensation and/or other insurance costs
- Increased worker's productivity
- Other. Please specify: _____

If quantifiable, estimate the value of the savings or other benefit derived. \$ _____

If a reasonable accommodation was not made because of the cost of the accommodation, what was the individual's response to an offer from NYCT to allow the individual to pay for the accommodation?

ACCOMMODATION RECORD

THIS PAGE IS NOT TO BE RETAINED BY DEPARTMENTS

The Following Information is to be Recorded for Statistical Purposes Only

Name (Last, First, M.I.): _____

Social Security No: _____ Pass Number _____

Please Circle One

Gender

- M Male
- F Female

Race

- A White
- B Black
- C Hispanic
- D Asian
- E American Indian

Veteran Status

V Veteran

Is the incumbent a veteran of the Viet Nam era? (Did any part of the incumbent's military service fall during the period January 1, 1963 through May 7, 1975?) Yes No

NV Non-veteran

CONFIDENTIAL

ACCOMMODATION RECORD - UPDATE

(To be completed every 12 months by Departmental HR Representative and sent to the ADA Compliance Officer with a copy to Job Accommodation Coordinator, Employment)

Date Submitted _____

Name (Last, First, M.I.): _____

Address _____

Social Security No: _____ Pass Number _____

Job Title Held: _____

Department/Division: _____ Location _____

Date original Accommodation Record submitted _____

Does it allow the employee to do the essential functions of the job? Yes ___ No ___

Comments: _____

Have changes been made or do you anticipate the need to make changes regarding the accommodation? Yes ___ No ___

Please describe if yes: _____

Does the accommodation continue to be reasonable? Yes ___ No ___

If no, explain why, what actions were taken and when.

| | |
|--|-------|
| (To be completed by the ADA Compliance Officer) | |
| Any additional cost? \$ | _____ |
| Savings to date) \$ | _____ |

Submitted . _____

Name

Title

Telephone number

