



STATE OF NEW YORK
DIVISION OF MILITARY AND NAVAL AFFAIRS
330 OLD NISKAYUNA ROAD
LATHAM, NEW YORK 12110-3514

ANDREW M. CUOMO
GOVERNOR
COMMANDER IN CHIEF

PATRICK A. MURPHY
MAJOR GENERAL
THE ADJUTANT GENERAL

MNHS

17 June 2014

MEMORANDUM FOR All DMNA State Employees and Supervisors

SUBJECT: HUMAN RESOURCES BULLETIN 2014-04: *ADA Reasonable Accommodation Procedures*

1. The Division of Military and Naval Affairs (DMNA) is committed to assuring equal employment opportunity and equal access to services, programs and activities for persons with disabilities. DMNA seeks to provide reasonable accommodation to a qualified person with a disability to enable such persons to perform the essential functions of the state government position for which he or she is applying, or in which he or she is employed.
2. The following procedures are informed by the New York State Human Rights Law, Sections 502 and 504 of the Federal Rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act (ADA).
3. These procedures apply to all employment practices and actions. These procedures include but are not limited to, recruitment, the job application process, hiring, training, disciplinary actions, rates of pay or other compensation, advancement, classification, transfer and reassignment and promotions.
- ~~4. The employee requesting an accommodation obtains, completes, and forwards to his or her supervisor an *Application for Reasonable Accommodation(s)*, DMNA Form 6.~~
5. The supervisor completes the Supervisor Recommendation section of the *Application for Reasonable Accommodation* and forwards the application to the Office of State Human Resources (MNHS) for final determination.

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6. Upon review of the reasonable accommodation request MNHS will either:
 - a. Determine the employee is a qualified individual entitled to reasonable accommodation and will mail the employee a *Letter of Approval*, detailing the accommodation(s) to be provided and effective implementation date;
 - b. Determine the employee is not a qualified individual entitled to reasonable accommodation and will mail the employee a *Letter of Denial*, detailing which additional options the employee may pursue if they disagree with the decision; or
 - c. Determine additional information is necessary for making a decision about the request and will mail the employee a *Request for Additional Information*, detailing which additional documentation the employee should submit to aid in the Agency's final determination.
7. For all matters, even those where additional information is requested, MNHS will ultimately notify the individual of the final determination "approval" or "denial" of the reasonable accommodation request.
8. MNHS will notify the employee within a reasonable timeframe of the disposition of the *Application for Reasonable Accommodation* request.
9. MNHS will hold all documentation submitted in support of a reasonable accommodation request in accordance with applicable confidentiality requirements and keep such documentation separate from personnel records.
10. In matters where the supervisor submission to MNHS indicates the department concurs with the request and is able to provide the requested accommodation directly without assistance, the application process is complete and MNHS will ensure the necessary arrangement is implemented. The *Application for Reasonable Accommodation* remains on file with MNHS for record keeping purposes only.
11. While DMNA may seek technical assistance from a medical professional, State or local rehabilitation agencies or disability constituent organizations in determining how to ~~accommodate a particular individual in a specific situation, DMNA makes the ultimate~~ decision as to what is and what is not an appropriate accommodation.
12. This memorandum will be posted on the DMNA website under the "DMNA Employees" tab at www.dmna.ny.gov along with the DMNA Form 6.

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13. DMNA Form 6 may also be found on the DMNA e-library at \\ngnya7-nys-02\DMNA_E_Library\FORMS\DMNA6.pdf.

14. If you have any questions please contact State Human Resources at (518) 786-4830.

FOR THE ADJUTANT GENERAL:



MARILYN HARTLEY
Director, Human Resources
Management