

NEW YORK STATE DEPARTMENT OF CIVIL SERVICE
OFFICE OF DIVERSITY AND INCLUSION MANAGEMENT
GENERAL INFORMATION BULLETIN No. 21-03

TO: Deputy Commissioners for Administration, Department and Agency Directors of Human Resources, Personnel and Affirmative Action Officers, Equal Opportunity Specialists, Diversity and Inclusion Specialists

FROM: Michael Washington, Director of the Office of Diversity and Inclusion Management

SUBJECT: Reasonable Accommodation Appeals Review Committee

DATE: April 1, 2021

GIB 21-03 supersedes GIB 19-01, which was issued on January 3, 2019.

The State of New York is committed to ensuring that all New Yorkers are free from discrimination and are granted equitable access to programs and services both at the enterprise and agency level. In a strategic effort to increase diversity in the workforce, foster respectful and inclusive work environments, and create pathways for incorporating equal opportunity principles into the State's policies and practices, the Department of Civil Service (DCS) Office of Diversity and Inclusion Management (ODIM) has established the Reasonable Accommodation Appeals Review Committee (the "ARC") to ensure the equitable implementation of the [Uniform State Policy and Procedures for Handling Requests for Reasonable Accommodation in New York State Agencies](#). An employee who believes they have been wrongly denied a reasonable accommodation may file an appeal in accordance with the procedures set forth in the aforementioned Uniform State Policy.

The ARC will be responsible for reviewing all Reasonable Accommodation appeals filed by employees/applicants of affected state entities. The appeal process is distinct from both internal and external discrimination complaint procedures. The ARC is an impartial review panel and ARC determinations will either uphold the agency's original decision, or it will render an independent determination consistent with applicable policies and statutes, which the accommodating agency will be required to implement. All determinations will be provided, in writing, to both the requestor and the DRA at the accommodating agency.

[Section II\(B\)2.d](#) of the *Uniform State Policy and Procedures for Handling Requests for Reasonable Accommodation in New York State Agencies* has been updated to reflect the statewide procedures regarding the "Appeal of Agency Denial or Modification of Reasonable Accommodation." This update also includes modifications to [Section D: Notification of Agency Determination](#), which will now be used to reflect agency approvals and modifications. [Section E: Notification of Agency Denial of Reasonable Accommodation](#) will now be used when an agency denies a reasonable accommodation request, and [Section F: Request to Appeal a Reasonable Accommodation Determination](#) will be used when an individual wishes to file a request for an appeal. The Request to Appeal form (Section F) must be provided to employees when an agency notifies an employee that their request for Reasonable Accommodation has been modified or denied.

For questions please contact the Office of Diversity and Inclusion Management at (518) 473-2288, or send an email to diversityandinclusion@cs.ny.gov.