

This learning checklist was created for the Empire State Library Network’s December 3, 2024, session titled “Accommodations in the Library: Employee Edition” by The Law Office of Stephanie Adams, PLLC.
 © 2024. For permission to share, contact info@losapllc.com.

#	Learning item	More information and/or Practical tip
1	<p>Per the Americans with Disabilities Act (ADA), an individual has a disability if:</p> <ol style="list-style-type: none"> 1. They have a physical or mental impairment that substantially limits one or more of their major life activities; 2. They have a record of such an impairment; or 3. They are regarded as having such an impairment. 	<p>https://askjan.org/topics/Americans-with-Disabilities-Act-Amendments-Act.cfm</p> <p>Practical tip: Start from a place of belief and respect.</p>
2	<p>“Major life activities” include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, interacting with others, and working.</p> <p>“Major bodily functions” are also a part of major life activities. Major bodily functions include functions of the immune system, special sense organs and skin; normal cell growth; and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive functions.</p>	<p>https://askjan.org/topics/Americans-with-Disabilities-Act-Amendments-Act.cfm</p> <p>Practical tip: Remember that not all disabilities are visible or present at all times.</p>
3	<p>Between the ADA and the New York State Human Rights Law (NYSHRL), all employers in New York State, regardless of size, are required not to discriminate against a “qualified employee or applicant” on the basis of disability as defined by the ADA.</p>	<p>https://www.nysenate.gov/legislation/laws/EXC/296</p> <p>Practical tip: Start with the presumption that as an employer, your organization must follow the ADA and/or NYSHRL with respect to employees with disabilities; if your organization does not believe it must follow either law, obtain assurance from a lawyer in writing.</p>
4	<p>A “qualified employee or applicant” with a disability is an individual who, with or without reasonable accommodation, can perform the essential functions of the job in question.</p>	<p>https://www.eeoc.gov/fact-sheet/facts-about-americans-disabilities-act</p> <p>Practical tip: An essential function of the job is generally related to output, not the manner in which the work is performed. For example, if a person can process customer orders using a special keyboard, they do not have to be able to use a pen and paper, even if the job description requires the ability to use a pen. If the position calls for calligraphy, however,</p>

This learning checklist was created for the Empire State Library Network’s December 3, 2024, session titled “Accommodations in the Library: Employee Edition” by The Law Office of Stephanie Adams, PLLC.
 © 2024. For permission to share, contact info@losapllc.com.

#	Learning item	More information and/or Practical tip
		using a pen may be part of the essential function.
5	The bottom line: In New York State, all private employers, state and local governments, employment agencies and labor unions from discriminating against qualified individuals with disabilities in job application procedures, hiring, firing, advancement, compensation, job training, and other terms, conditions, and privileges of employment.	https://dhr.ny.gov/system/files/documents/2024/04/nysdhr-employment-disabilities.pdf
6	Important take-away: This is why keeping job descriptions current is very important! If a person can perform the essential duties, either with accommodation or without, they are qualified.	Practical tip: Keep job descriptions up-to-date and focus on key functions of the job, not just methods of achieving them. Do not require qualifications that are not related to job functions (for example, don’t require a driver’s license if the job does not involve driving for work).
7	ADA and NYSHRL compliance considerations regarding job application procedures, hiring, firing, advancement, compensation, job training, and other terms, conditions, and privileges of employment should never be improvised or left to chance.	https://askjan.org/publications/employers/employers-guide.cfm Practical tip: <i>See the template policy.</i>
8	A written policy should govern disability considerations with respect to job application procedures, hiring, firing, advancement, compensation, job training, and other terms, conditions, and privileges of employment.	https://askjan.org/publications/employers/employers-guide.cfm Practical tip: <i>See the template policy.</i>
8	Ensure employees are aware of the policy.	https://dhr.ny.gov/system/files/documents/2024/06/poster.pdf
9	Requests do not need to be in writing, but if made verbally, should be summarized in writing by the employer to begin the “iterative process.”	https://askjan.org/publications/employers/employers-guide.cfm
10	The employer should limit the scope of medical documentation requested; when the disability or need for accommodation is not obvious, an employer may require that the employee provide medical documentation to establish that the employee has an ADA disability, to show that the employee needs the requested accommodation, and to help determine effective accommodation options.	Practical tip: <i>See the template policy.</i>

This learning checklist was created for the Empire State Library Network’s December 3, 2024, session titled “Accommodations in the Library: Employee Edition” by The Law Office of Stephanie Adams, PLLC.
 © 2024. For permission to share, contact info@losapllc.com.

#	Learning item	More information and/or Practical tip
11	The reasoning of decisions behind a denial should be documented and confirmed with legal counsel prior to being shared with the employee.	Practical tip: This is to ensure the decision is documented and that the institution has appropriate back-up and legal advice when a request must be denied.
12	Retain documentation for at least three years after the employee is no longer working at the location.	Practical tip: This is so the employer can document compliance for the period in which a claim could be brought.
13	Whenever possible, build a commitment to “universal access” into procurement and operational decisions, so access is a default priority.	https://askjan.org/topics/costs.cfm Practical tip: This is also great for access in your institution, in general.
14	AskJAN.org is a great resource for reasonable accommodations for particular needs.	www.askjan.org
15	Remote work granted as an accommodation should be documented as an accommodation (so if the policy changes, the accommodation remains).	Practical tip: <i>See the template policy.</i>
16	Start all discussions of accommodation from a place of thoughtfulness.	Practical tip: Trust the process.