

Abstract geometric lines in black on a white background, forming various overlapping polygons and triangles.

# ACCOMMODATIONS IN THE LIBRARY: EMPLOYEE EDITION

**Presentation for ESLN  
December 4, 2024 | 10:00 a.m.**

By Stephanie “Cole” Adams, Esq.  
The Law Office of Stephanie Adams, PLLC

# SESSION GOALS

This training session will walk library employees and directors through the legal considerations of accommodations in the workplace, the factors involved in considering and granting an accommodation request, and the important background considerations.

# YOUR PRESENTER: STEPHANIE (COLE) ADAMS

Stephanie "Cole" Adams is an attorney who advises libraries around the state of New York on operational and employment matters.

She got her start working with libraries as a page during high school.

Her law office in Buffalo, NY offers legal advice, services, and representation to help libraries and library workers to provide their communities with information access. She is the writer for the regional library councils' "Ask the Lawyer" service.

## YOUR PRESENTER: DAVID MACK-HARDIMAN

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David Mack-Hardiman has had a 45-year career in service to people who have disabilities. He was employed at People Inc. for 37 years, retiring as an Associate Vice-President. He arranged exhibits, events and presentations at the unique Museum of Disability History. He is a published author and renowned public speaker, specializing in disability history. He received an Award of Merit from the NYS Museum Association for the exhibit, ***In Celebration of Down Syndrome*** and a Commendation from the Niagara County Legislature for his work in the long-abandoned ***Niagara County Almshouse Cemetery***. He is currently serving as a trustee on the Board of Directors for the Museum of Disability History at the Henry Viscardi Center on Long Island.

# YOUR PRESENTER: KIRSTEN ANDERSON

Kirsten Anderson is a paralegal working in the Law Office of Stephanie Adams.

Kirsten is also a Licensed Master Social Worker with a broad base of experience in the helping professions, particularly with people living with developmental disabilities, brain injuries, and mental health issues.

# About this presentation:

“Accommodations” was created for ESLN in 2024 by Stephanie Adams, Esq. and David Mack-Hardiman

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# AN INDIVIDUAL HAS A DISABILITY IF:

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- He or she has a physical or mental impairment that substantially limits one or more of his/her major life activities;
- He or she has a record of such an impairment;  
or
- He or she is regarded as having such an impairment.

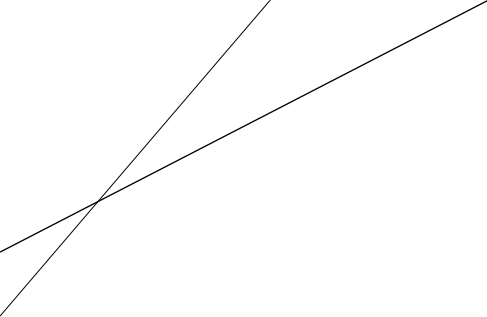
# RELEVANT LAWS

Americans with Disabilities Act

and

New York State Human Rights Law





The ADA has 5 Sections that may or may not apply,  
depending on the type of institution.

# EMPLOYMENT (TITLE I)

Title I requires covered employers to provide reasonable accommodations for applicants and employees with disabilities and prohibits discrimination on the basis of disability in all aspects of employment.

# PUBLIC SERVICES (TITLE II)

Under Title II, public services (which include state and local government agencies, the National Railroad Passenger Corporation, and other commuter authorities) cannot deny services to people with disabilities or deny participation in programs or activities that are available to people without disabilities. In addition, public transportation systems, such as public transit buses, must be accessible to individuals with disabilities.

# PUBLIC ACCOMMODATIONS (TITLE III)

Public accommodations include facilities such as restaurants, hotels, grocery stores, retail stores, etc., as well as privately owned transportation systems. Title III requires that all new construction and modifications must be accessible to individuals with disabilities. For existing facilities, barriers to services must be removed if readily achievable.

# TELECOMMUNICATIONS (TITLE IV)

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Telecommunications companies offering telephone service to the general public must have telephone relay service to individuals who use telecommunication devices for the deaf (TTYs) or similar devices.

# MISCELLANEOUS (TITLE V)

This title includes a provision prohibiting either (a) coercing or threatening or (b) retaliating against individuals with disabilities or those attempting to aid people with disabilities in asserting their rights under the ADA.

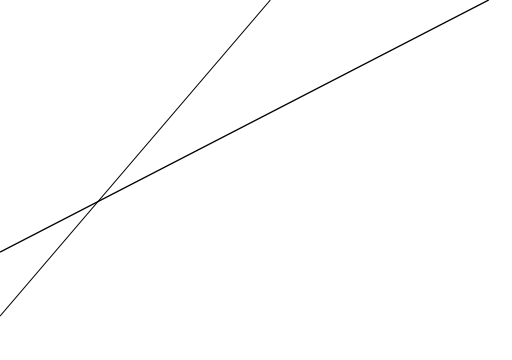


The New York Human Rights Law applies to all institutions and employers, regardless of entity type and/or size.

The bottom line: In New York, 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.



A “qualified individual” is someone who can perform the essential duties of the job, with or without accommodations.



Important take-away: This is why keeping job descriptions current is very important! If a person can perform the essential duties with or without an accommodation, they are qualified.



# Why is this important?

A series of white, thin, intersecting lines on a black background, forming an abstract geometric pattern on the left side of the slide.

# HISTORY OF PEOPLE WHO HAVE DISABILITIES

Dave Mack-Hardiman



**PATIENT # 100- WHEATER ROAD CEMATERY**



VICTOR OF AVEYRON- THE WILD CHILD



THE COURT JESTER –  
ENTERTAINMENT FOR THE NOBILITY



## FREAK SHOWS – ENTERTAINMENT FOR THE MASSES





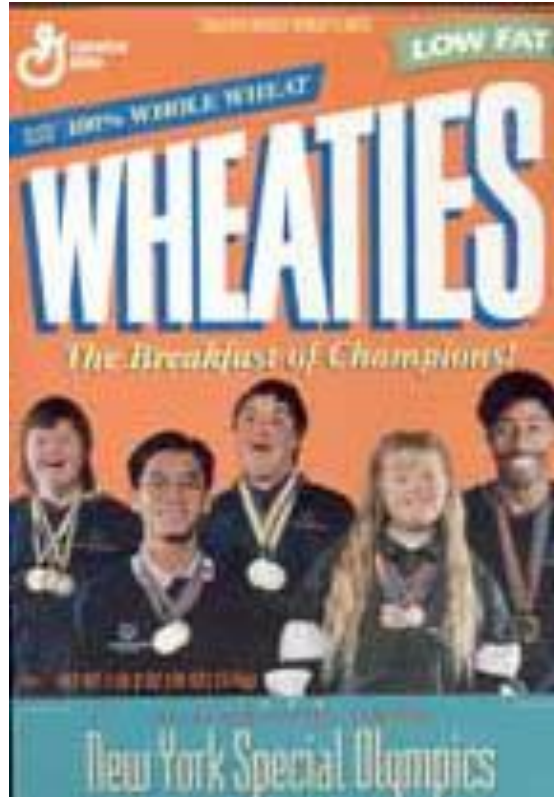
NEW YORK STATE CUSTODIAL ASYLUM FOR  
FEEBLE MINDED WOMEN AT NEWARK



CRAIG COLONY AT SONYEA



PRESIDENT FRANKLIN DELANO  
ROOSEVELT



# THE SPECIAL OLYMPICS



## JUDITH HEUMANN- THE MOTHER OF THE DISABILITY RIGHTS MOVEMENT

PHOTOS: COURTESY MUSEUM OF DISABILITY HISTORY



What does this look like?



# PEOPLE ARE PEOPLE

Kirsten Anderson, LMSW

# SOME ACCOMMODATIONS ARE OBVIOUS

- ramps
- guide dogs
- sign language interpreters
- canes and walkers
- wheelchairs





# INVISIBLE DISABILITIES

- Lupus
- Cancer
- Chronic fatigue
- Chronic pain
- Psychiatric issues

# LESS OBVIOUS DISABILITIES MAY NEED LESS COMMON ACCOMMODATIONS

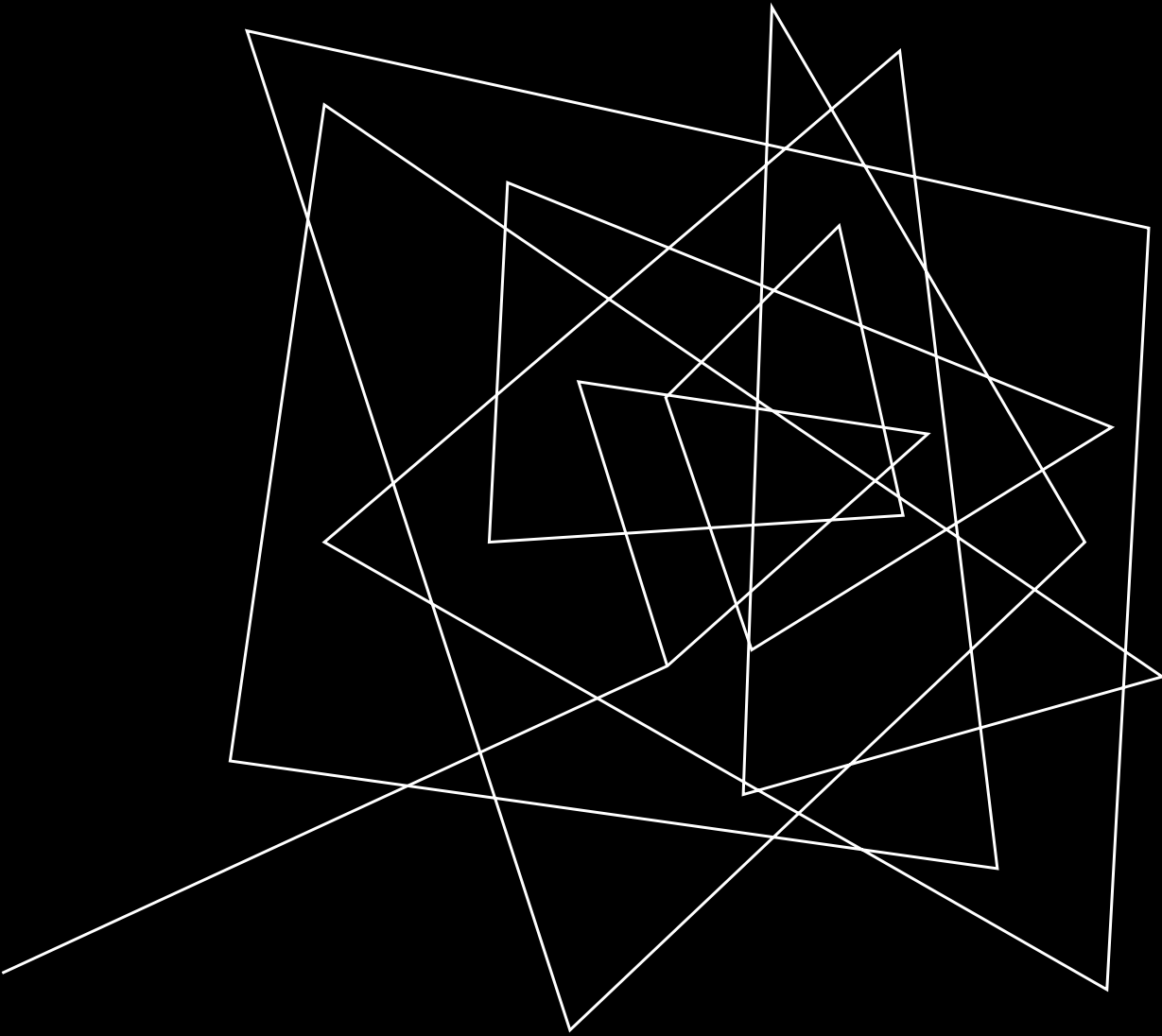
- **variable start times**
- **the ability to work from home**
- **a light therapy box on the desk**
- **days off for treatments**
- **a service dog**
- **an emotional support animal in the workplace**


# EVERYONE HAS THEIR UPS AND DOWNS...

...and people with disabilities are  
no different.

They may have “good days” and  
“bad days” that require fewer or  
more accommodations.

They may need accommodations  
to *prevent* a good day from  
*becoming* a bad day.



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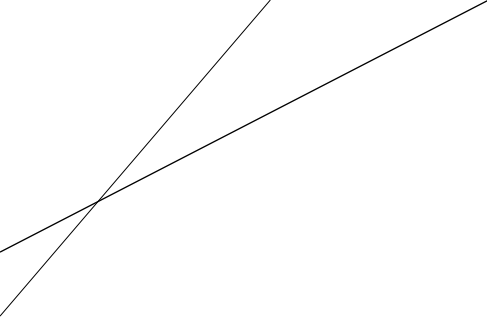
OFTEN PEOPLE ARE UNABLE TO IDENTIFY FOLKS  
WITH INVISIBLE DISABILITIES AS HAVING  
DISABILITIES JUST BY LOOKING AT THEM.

PEOPLE WITH INVISIBLE DISABILITIES OFTEN DON'T  
*LOOK* DISABLED.

# LESS OBVIOUS DISABILITIES MAY BE MISINTERPRETED

- Others may interpret fatigue or depression as laziness.
- Chronic pain and PTSD can affect mood negatively.
- Needing days off for treatments can be seen as unreliability.
- We often do not see the struggle it takes for others to appear to be as stable as we are.

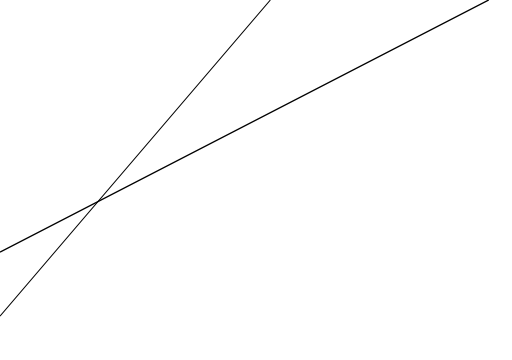
Jeff needs to lie down for ten minutes a couple times a day to rest his back. He also needs to leave early occasionally to go to physical therapy.



Rachel needs to rest on a stool when she works behind the counter. Her coworkers are required to stand when they work at that station.

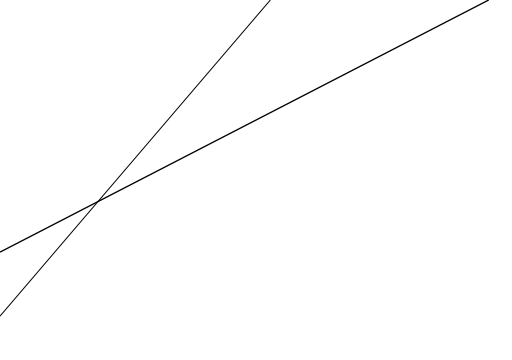
Brian needs a service animal to alert him to an impending seizure so that he can lie down on the ground to prevent falling.





Brian usually loses control of his bladder during a seizure, so he needs to always have a change of clothes with him and he's learned to go to the bathroom frequently to minimize the mess if he does have a seizure.

Margaret sometimes feels so depressed that it is a struggle to get out of bed, let alone get ready and get to work on time. So, she needs a larger window of time to punch in and out because hitting 8:00 exactly is extremely stressful and discouraging.



Dan sometimes suffers from such intense anxiety that he can't think straight, and he becomes extremely sick to his stomach, leading him to need to go home for the rest of the day. As an accommodation, his doctor prescribes for him to have an emotional support dog with him at work because interacting with the dog helps calm his anxiety before it spirals out of control.

Nell has suffered a horrifying trauma and sometimes her PTSD causes her to dissociate and lose all track of time and place. She gets a service dog that is trained to notice when she is motionless for a period of time and nudge and paw at her until she responds.

# “SHOULD” THOUGHTS

- Perhaps during those examples you reacted with a “should” thought.
- “He shouldn’t be embarrassed about having to change clothes after a seizure – he couldn’t help it.”
- He shouldn’t be made to feel embarrassed, but it’s certainly understandable if he does.

# SOME OTHER “SHOULD”

Perhaps the “should” thought is a little less tolerant, though.

“He should be able to control his anxiety with other means – he shouldn’t need a dog in the workplace.”

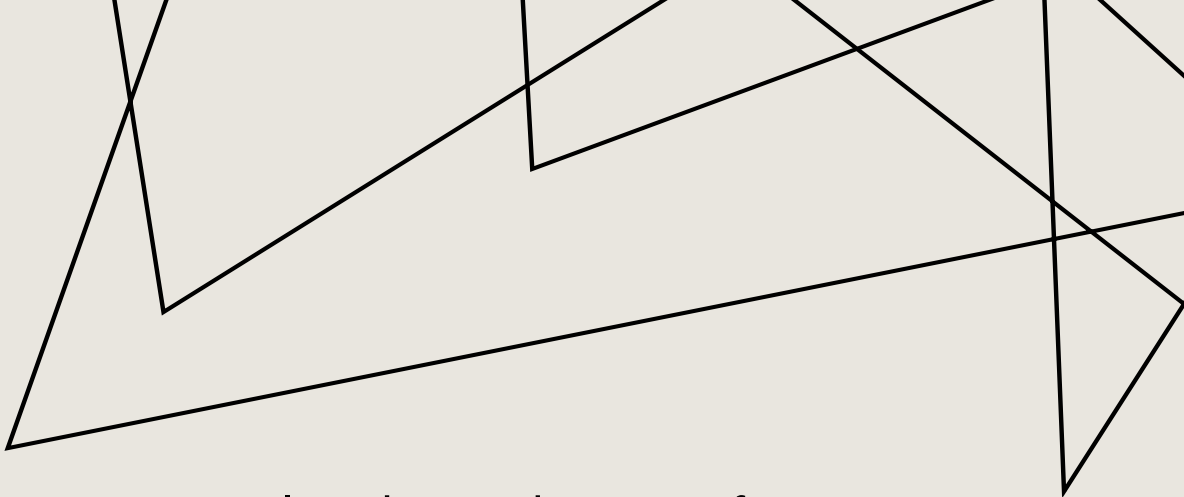
“She should set her alarm clock earlier and make it to work on time.”

When it’s not you with the disability, it’s easy to fall into the role of armchair quarterback.

# WHAT'S REALLY GOING ON?

- If a person is challenged enough to require an accommodation, that means:
  - they are under the care of a professional
  - who considers this accommodation to be an important part of their care plan,
  - and this accommodation is the best way for them to continue working in society.
- In asking for an accommodation,
  - a person is admitting that they have a severe (and often persistent) health condition, and
  - that condition limits their activities of daily living.

That's a heavy burden to bear.

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- Most people who make use of accommodations are not “faking it” or “taking advantage.”  
They sincerely need and use their accommodation strategies to cope with, and even work to recover from, their disabling conditions.
  - Many people who ask for accommodations feel shame and self-consciousness about needing the accommodation. See any “should” thoughts?
  - Many do not feel self-conscious. They are just getting on with their lives.



## WHAT CAN YOU DO?

The most important thing you can do is meet the person where they are and treat them with compassion and dignity.

If you are their direct supervisor, take their documentation at face value and work creatively with them to accommodate both your organization's needs and theirs.

If you are not their direct supervisor, accept their accommodation as necessary and work around it.



None of this should be improvised or left to chance.



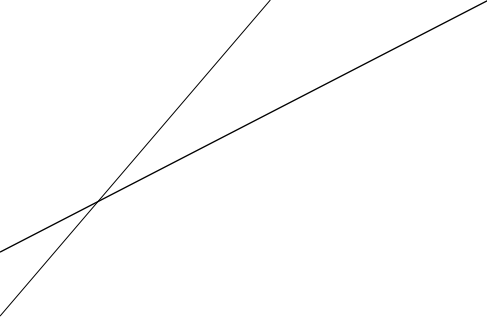
Have a written policy with a request form and sample letters.



Ensure employees are aware of the policy.

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.”

Medical documentation does not have to provide the confidential medical condition underlying the need, just the accommodation.



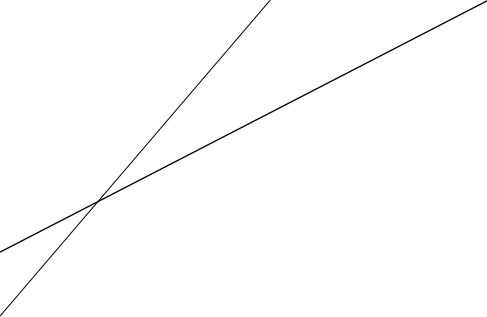
The reasoning of decisions behind a denial should be documented and confirmed with legal counsel.

Retain documentation for at least three years after the employee is no longer working at the location.



Whenever possible, factor universal access into procurement and operational decisions so access is a default priority.





AskJAN.org is a great resource for reasonable accommodations for particular needs.

Remote work granted as an accommodation should be documented as an accommodation (so if the policy changes, the accommodation remains).

# Questions?



# THANK YOU

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