Policy for Reasonable Accommodation in Programs and Services for Individuals with Disabilities

The State of New York is committed to assuring equal opportunity for persons with disabilities. It is the policy of the Division of Homeland Security and Emergency Services (DHSES) to provide reasonable accommodations in all its programs and services. This policy is based on the federal Americans with Disabilities Act, Title II and all applicable federal regulations thereunder. DHSES strives to provide:

- Physical accessibility at government facilities, programs and events;
- Policies, procedures, and accommodations to ensure that all people can partake in, and benefit from, DHSES programs and services; and
- Necessary auxiliary aids and services to ensure effective communication to all people.

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Public Access to Information on Reasonable Accommodation

DHSES's *Notice Under the Americans With Disabilities Act* is posted on the DHSES website. Programs and business units should refer to the posted policy when discussing reasonable accommodation needs with members of the public. Paper copies of the policy are available by contacting the DRA. Reference to the policy may also be appropriate in solicitations, bids, training opportunities, special event information, or other programs in which members of the public may be interacting with DHSES or visiting DHSES facilities. Programs and business units shall consult with the DRA regarding meeting their individual posting requirements.

DHSES's *Grievance Procedures under the Americans With Disabilities Act* is available on the DHSES website and shall be provided to anyone inquiring or complaining about accommodations of disabilities in DHSES programs or services.

Requests for Accommodation

Whenever an individual with a disability requests reasonable accommodation with regard to programs or services, the accommodation should be provided whenever there is no issue of undue burden or direct threat posed by the individual seeking the accommodation. An *undue burden* is any action that would result in a fundamental alteration in the nature of a service, program, or activity or is an undue financial or administrative burden on the operations of DHSES. A *direct threat* is any action that would result in a direct threat to the health or safety of others that cannot be eliminated by a modification of policies, practices, or procedures, or by the provision of auxiliary aids or services for the individual requesting the accommodation.

Whenever a requested accommodation cannot be immediately granted, the matter should be referred to the DRA. The DRA shall contact the individual requesting the accommodation and shall make a bona fide effort to reach a solution consistent with applicable legal standards. The DRA shall consult with DHSES Legal and DHSES Administration and Finance when applicable. When an accommodation cannot be granted as requested, the DRA shall ensure that the individual is aware of DHSES's formal grievance procedures.

Grievance Procedures

Any individual who is unsatisfied with DHSES's response to their needs as a person with a disability, including one who is unsatisfied with the accommodation provided or had their request for an accommodation denied, is entitled to file a formal written complaint with the DRA. Alternatives to this written filing requirement may be made available when necessary.

Within 15 calendar days of the receipt of the complaint, the DRA or their designee shall meet with the individual to discuss the complaint and potential resolutions. Within 15 calendar days of the meeting with the individual, the DRA shall provide a written decision, where appropriate, in a format accessible to the requester setting forth the position of DHSES, options for substantive resolution of the complaint, and information on how to appeal any adverse decision.

If the individual wishes to appeal the decision, they shall file an appeal with the Commissioner of DHSES within 15 calendar days of the adverse decision. The Commissioner shall respond to the appeal with 15 calendar days of receipt, with the agency's final resolution of the complaint, or indicating that the matter has been returned to the DRA for further action. If further action is needed, the DRA shall contact the individual within 15 calendar days of the Commissioner's decision.

Individuals seeking a reasonable accommodation may have other recourse available to them through State or federal oversight agencies or through private actions in lieu of or in conjunction with these grievance procedures. Many such processes and procedures have a specific time limit for filing such actions. The individual should consult with a legal representative regarding their options.