



New York City Employers Will Soon Be Obligated To Talk Out Reasonable Accommodations With Employees

Insights

1.30.18

The New York City legislature just enacted an amendment to the New York City Human Rights Law (NYCHRL) which codifies an employer's obligation to engage in a cooperative dialogue with any employee who may be entitled to a reasonable accommodation. Although the amendments do not take effect until October 15, 2018, you should start the process of adjusting to this new reality right away.

Existing Laws Define Reasonable Accommodation; New Law Sets Process For Discussion

As long established under the NYCHRL, employers must make reasonable accommodations for victims of domestic violence, sex offenses or stalking, individuals with pregnancy and related conditions, religious needs, and disabilities. However, the amendment, signed into law on January 19, codifies the process you must use in determining whether an accommodation can be granted to an employee.

Specifically, you will need to engage in a good faith written or oral "cooperative dialogue" with the employee, addressing:

- the employee's accommodation needs;
- potential accommodations that may address the needs, including alternatives to an employee's requested accommodation; and
- the difficulties that such potential accommodations may pose for your business.

After a final determination is made at the conclusion of the "cooperative dialogue," you must provide the employee requesting the accommodation with a final written determination as to whether or not the accommodation is granted.

Participation In Cooperative Dialogue Is Not Optional

Failure to engage in the cooperative dialogue will have consequences. The amendment makes it an unlawful discriminatory practice under the NYCHRL for an employer to refuse or fail to timely engage in a cooperative dialogue when the employee requests an accommodation, or the employer has notice that the employee may need accommodation. For these reasons, it is imperative that you adapt your policies and practices to comply with the new law.

Employers Should Prepare Now

Although the cooperative dialogue law does not take effect until October 15, 2018, you should review your policies and practices now, and ensure that your HR professionals and managers are trained on the cooperative dialogue process.

For more information about how this legislation could affect your workplace, contact any attorney in our [New York City office](#) at 212.899.9960, or your regular Fisher Phillips attorney.

This Legal Alert provides an overview of specific city legislation. It is not intended to be, and should not be construed as, legal advice for any particular fact situation.

Related People



Melissa Camire
Partner
212.899.9965
[Email](#)

Service Focus

Employment Discrimination and Harassment
Counseling and Advice

Related Offices

New York