



## **e-Alert – NYC Amends Human Rights Law to Require Cooperative Dialogue**

### **Background**

Under the New York City Human Rights Law, as well as the federal Americans with Disabilities Act (ADA), employers are obligated to engage in “cooperative dialogue,” or an “interactive process” with employees who request a reasonable job accommodation. These laws require that employers make reasonable accommodations for victims of domestic violence; individuals with pregnancy, childbirth, and related medical conditions; religious needs; and disabilities, unless they would impose an undue hardship on the employer.

The New York City Human Rights Law is one of the country’s most comprehensive antidiscrimination laws, and recent amendments further clarify what “cooperative dialogue” is and what documentation is required. These amendments take effect on October 15, 2018.

### **What employers need to know**

Until now, there has been no particular process expressly written in the law for employers to follow, should an employee request an accommodation.

However, the new amendments to the Human Rights Law explicitly require such dialogues. Under the amended law, it will be considered an unlawful discriminatory practice if employers do not engage in good faith, through written or oral dialogue, with an employee who may be entitled to an accommodation. This “cooperative dialogue” should concern the employee’s accommodation needs; potential accommodations that may address these needs, including alternatives; and any difficulties the potential accommodations may pose for the employer.

The amendments also require the employer to provide the individual requesting the accommodation with a written final determination, outlining what accommodation(s) was granted or denied. This differs from the federal ADA employer responsibilities, since the ADA does not elaborate on the steps employers must take regarding the interactive process; instead, this process has been upheld by best practice.

### **Employer next steps**

New York City employers should already be familiar with the federal ADA interactive process, but they should consider the legal impact of these Human Rights Law amendments and review their practices and policies to ensure compliance. Contact HR Knowledge today to learn how you can support these employer responsibilities and stay on the right side of compliance.

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