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**The Council of the City of New York**

# COMMITTEE REPORT OF THE LEGISLATIVE Division

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**COMMITTEE ON MENTAL HEALTH, DISABILITIES AND ADDICTION**

*Hon. Linda Lee, Chair*

#### September 28, 2022

**Oversight: Making NYC More Accessible for**

**Individuals and Employees with Disabilities**

**Int. No. 0681-2022:** By Council Members Lee, Powers, Gennaro, Louis, Riley, Hudson, Brewer, Ung, Sanchez and Hanif

**Title:** A Local Law to amend the administrative code of the city of New York, in relation to workforce development for persons with disabilities

**Int. No 0682-2022:** By Council Members Lee, Louis, Riley, Hanif, Hudson and Sanchez

**Title:** A Local Law in relation to requiring the mayor’s office for people with disabilities to collect from each New York city office, department or agency a comprehensive five-year accessibility plan

1. **Introduction**

 On September 28, 2022, the Committee on Mental Health, Disabilities, and Addiction, chaired by Council Member Linda Lee, will hold a hearing entitled, “Oversight – Making NYC More Accessible for Individuals and Employees with Disabilities.” The Committee will also hear Introduction Number 0681-2022 (Int. No. 681), sponsored by Council Member Lee, in relation to workforce development for persons with disabilities; and Introduction Number 0682-2022 (Int. No. 682), sponsored by Council Member Lee, in relation to requiring the Mayor’s Office for People with Disabilities (MOPD) to collect from each New York city office, department or agency a comprehensive five-year accessibility plan. Among those invited to testify are representatives from MOPD, community-based providers, advocates, and other interested parties.

1. **Background**

About 15 percent of the global population experiences some form of disability,[[1]](#footnote-1) and by 2050, the United Nations projects that approximately 68 percent of the world will reside in urban areas.[[2]](#footnote-2) Cities such as New York thus must continue to work on increasing access for people with disabilities to ensure their “full and effective participation”[[3]](#footnote-3) in city life.[[4]](#footnote-4) Federal, state, and local laws provide protections for individuals with disabilities to remove barriers to their participation in society. New York City (NYC), which is home to almost 1 million residents with self-identified disabilities,[[5]](#footnote-5) faces challenges with accessibility in several areas, including accessibility barriers in NYC subway’s system;[[6]](#footnote-6) enforcing compliance from businesses and housing providers with federal, state, and local disability discrimination laws;[[7]](#footnote-7) building inclusive architecture and construction,[[8]](#footnote-8) and more.[[9]](#footnote-9) Investments must continue to be made successful disability-specific City programs and services such as Empowered NYC,[[10]](#footnote-10) NYC Parks’ accessible recreation centers, or “adaptive hubs,”[[11]](#footnote-11) and job placement programs such as NYC: ATWORK.[[12]](#footnote-12)

Investing in access for individuals with disabilities, especially in job training and placement, has a real-world impact: at the state level, the New York State Industries for the Disabled, Inc. (NYSID) and the NY Alliance for Inclusion & Innovation commissioned the Rockefeller Institute of Government to study the economic impact of creating workforce training and integrated employment opportunities for people with disabilities.[[13]](#footnote-13) NYSID employed 5,293 workers with a disability by facilitating a $250 million contract portfolio, and through these contracts over $400 million was generated in economic output in New York State, with $108 generated for every hour worked by a person with a disability.[[14]](#footnote-14) Notably, the report states that the economic impacts were realized across the state, and that New York City, the largest region in the state, is home to 30 percent of the state’s disability service providers. This is notable, as the report states that such organizations generate the largest impact of all regions, accounting for a $5.6 billion in economic impact.[[15]](#footnote-15) Thus, addressing the accessibility barriers – and particularly in the employment context – has the potential to not only benefit individuals with disabilities directly, but the city as a whole.

**Federal, State, and Local Anti-Discrimination Disability Laws**

Historically, society has isolated and segregated those with disabilities, and this continues to be a serious and pervasive social problem today.[[16]](#footnote-16) Individuals with disabilities encounter various forms of discrimination, such as communication barriers, failure of entities to modify existing facilities and practices, and being relegated to lesser services, programs, jobs, or other opportunities.[[17]](#footnote-17) By passing the Americans with Disabilities Act (ADA) in 1990, Congress recognized that many individuals with physical or mental disabilities were precluded from fully participating in society.[[18]](#footnote-18)

The purpose of the ADA is to deliver a clear, comprehensive - albeit unfunded - national mandate on the elimination of such discrimination and to provide consistent and enforceable standards to address it.[[19]](#footnote-19) At the state and local level, both the New York State (NYS) and NYC Human Rights Laws also prohibit discrimination because of disability. The NYS Human Rights Law prohibits discrimination based on disability in employment and access to public accommodations.[[20]](#footnote-20) The NYC Human Rights Law (NYCHRL) prohibits discrimination in NYC, specifically in employment, housing, and public accommodation.[[21]](#footnote-21) The NYCHRL is referred to as “the most powerful anti-discrimination laws in the country” and is “far stronger” than both the federal and state law.[[22]](#footnote-22)

***Legal Protections for Individuals with Disabilities in Employment***

Title I of the ADA prohibits discrimination against a qualified individual with a disability by public and private employers, State and local governments, employment agencies, and labor unions.[[23]](#footnote-23) Employers are prohibited from discriminating in job application procedures, hiring, firing, advancement, compensation, training, and other conditions and privileges of employment.[[24]](#footnote-24) When referring to “discrimination,” employers may not limit, segregate, or classify persons based on a disability “that adversely affects their opportunities or status.”[[25]](#footnote-25)

Job applicants and employees are both protected.[[26]](#footnote-26) Thus, applicants and employees have a right to request a “reasonable accommodation” for both the hiring process and on the job.[[27]](#footnote-27) “Reasonable accommodations” are broadly defined as “any change in usual workplace procedures, be it a physical or policy change, that allows a disabled individual to enjoy equal employment opportunities.”[[28]](#footnote-28) They can range from providing a flexible work schedule to raising a desk and installing a ramp.[[29]](#footnote-29) Other accommodations include acquiring or modifying equipment or devices; adjusting or modifying examinations, training materials, or company policies; providing readers and interpreters; and simply making the workplace readily accessible to and usable by people with disabilities as a whole.[[30]](#footnote-30) Importantly, reasonable accommodations must also be made to the application process.[[31]](#footnote-31) Under the ADA, an employer is not required to provide a reasonable accommodation that would cause them “undue hardship,”[[32]](#footnote-32) which is based on several factors, including the nature and cost of the accommodation needed.[[33]](#footnote-33) Once an employee demonstrates that a requested accommodation is “reasonable,” the employer challenging the accommodation must provide specific evidence proving it would cause “undue hardship.”[[34]](#footnote-34)

As previously stated, the NYCHRL offers greater protections than the ADA and the NYS Human Rights Law. For example, the NYCHRL imposes a higher burden on employers regarding the provision of workplace accommodations for individuals with disabilities.[[35]](#footnote-35) This means that when challenging an employee or job applicant’s request for a reasonable accommodation, the accommodation is deemed “reasonable” at the outset, and the onus is on the employer to demonstrate that the accommodation would cause undue hardship.[[36]](#footnote-36) But each interaction between employers and employees regarding reasonable accommodations must be considered on a case-by-case basis given the needs of the individual and unique circumstances of the covered entity, in what is sometimes referred to as “cooperative dialogue.”[[37]](#footnote-37)

In April 2019, the NYC Commission on Human Rights published the “Legal Enforcement Guidance on Discrimination on the Basis of Disability.”[[38]](#footnote-38) The guide goes into intricate detail of what is required of employers to comply with the NYCHRL. For example, it is unlawful for an employer to “declare, print, or circulate” any statement, advertisement, or publication which “expresses, directly or indirectly, any limitation . . . or discrimination” against individuals with disabilities.[[39]](#footnote-39) Further, advertisements or job postings that relate physical requirements or specifications that are unrelated to essential requirements of the job may violate the NYCHRL.[[40]](#footnote-40) Application forms that have questions about an applicant’s disability may violate the NYCHRL as well, although there are certain circumstances in which an employer may inquire about disability status.[[41]](#footnote-41) The guide discusses all aspects of employment, from interviewing, to the selection process, to procedures related to current employees.[[42]](#footnote-42)

**Efforts to Support Individuals with Disabilities in NYC**

The stated goal of the MOPD is to make “NYC the most accessible city in the world.”[[43]](#footnote-43) Since 1973, the MOPD has been operating as a liaison between New York City government and the disability community by partnering with City offices and agencies, advocating in areas of “transportation, employment, healthcare, housing, education, access to City services, and financial empowerment and more.”[[44]](#footnote-44) For example, as part of the NYC Financial Empowerment Centers, the City provides a program called EmpoweredNYC, which offers financial counseling for individuals with disabilities in conjunction with MOPD and the Department of Consumer and Worker Protection Office of Financial Empowerment.[[45]](#footnote-45)

The City’s efforts to increase disability access across all facets of city life is detailed in the comprehensive MOPD report, “AccessibleNYC: 2021 Edition.”[[46]](#footnote-46) The reports detail the progress made and work that still needs to be done in areas such as transportation, employment and financial empowerment, housing, health, digital accessibility, arts, tourism, dining, and entertainment, and more.[[47]](#footnote-47) For instance, the report states that here are “many more” accessible subway stations, pedestrian signals, and ramps compared to “when the first edition of this report was published in 2016,”[[48]](#footnote-48) while recognizing the extensive work that is still needed to be done.[[49]](#footnote-49)

***Employment Opportunities for Individuals with Disabilities***

Individuals with disabilities have long faced entrenched inaccessibility within the employment landscape, despite the federal, state, and local laws that protect them from discrimination.[[50]](#footnote-50) Empowering individuals with disabilities in this context can have far reaching benefits for the city. According to the Center for an Urban Future (CUF), if the City can lower the rate of unemployment for working-age New Yorkers with disabilities, it may lead to increase of $3.4 billion in annual wages.[[51]](#footnote-51)

The MOPD’s employment program, NYC: ATWORK, has connected more than 500 job applicants with disabilities to jobs and internships.[[52]](#footnote-52) Since 2018, the NYC: ATWORK employment program has worked to recruit, pre-screen, and connect New Yorkers with disabilities to jobs and internships with “established business partners in both the public and private sectors.[[53]](#footnote-53) According to a March 2022 report from the CUF, ATWORK has connected 500 workers to jobs earning, on average, an annual salary of about $51,000, and “these outcomes are all the more impressive because investment has been minimal.”[[54]](#footnote-54) According to the report, “a new investment of approximately $2.5 million could supercharge NYC: ATWORK by expanding business development capacity, sparking new career training programs like the IT Academy, and tripling the number of New Yorkers served annually.”[[55]](#footnote-55) But the MOPD’s annual budget - $820,000 – is significantly less than the per capita funding for similar agencies in Washington D.C., Chicago, Los Angeles, Boston, and Houston.[[56]](#footnote-56)

The COVID-19 pandemic also reshaped how all individuals approach their work, and has had an impact on disability access to employment.Remote and hybrid work became normalized during the pandemic, and has resulted in a greater than ever window of opportunity for the inclusion of individuals with disabilities to serve within the workplace.[[57]](#footnote-57) Despite this, there is still much more work to be done. According to a March 2022 comprehensive report from CUF on employment access for individuals with disabilities, there are still pervasive challenges to boosting inclusion of individuals with disabilities into the city’s workforce.[[58]](#footnote-58)

For one, the CUF asserts that current government initiatives are too limited in scope and underfunded to be widely successful, as evidenced by an 82 percent decline since 2002 in NYC’s budget allocations to provide services to persons with intellectual and developmental disabilities.[[59]](#footnote-59) Further, government contracts for workforce development for individuals with disabilities are “not designed to promote accessibility” and thus few direct service providers can actually access the public funding for job training and career services.[[60]](#footnote-60) Significantly, the CUF found that employment service providers for New Yorkers with disabilities consistently report difficulties in securing city contracts for their workforce programs.[[61]](#footnote-61) This is often due to the fact that the contracts do not consider specific timelines, outcomes metrics, and wraparound supports that are necessary for these disability programs to be successful.[[62]](#footnote-62)

Other suggestions for improving accessibility include establishing a 7 percent hiring target in city jobs and through city contracts for people with disabilities; directing the Department of Small Business Services to work with MOPD to create “mobile small business accessibility teams” with the goal of aiding 2,500 small and medium-sized workplaces become fully accessible; and launching a “Accessibility Training Challenge” – a $10 million competitive grant program that is designed to enable workforces and disability service providers to partner on integrating accessibility through existing programs.[[63]](#footnote-63) Suggested by CUF’s Melissa Lent and Eli Dvorkin, the challenge would require the mayor to direct every city agency that is responsible for issuing workforce development contracts to integrate “accessibility goals” into proposal requests and to fund more disability-serving organizations.[[64]](#footnote-64)

In sum, the City’s workforce development community needs more support to integrate disability access into their programs and services, but lacks funding and the capacity to learn how to do so. Not only are many employers unaware of how to connect with the vast array of qualified people with disabilities who are ready to work, they may also not have the specific knowledge or financial ability to create a work environment that would integrate accessibility best practices into their workplaces.[[65]](#footnote-65) For individuals actively seeking employment, the opportunity to participate in economic recovery by way of inclusion into the workplace affords “a path to meaningful work and financial independence,”[[66]](#footnote-66) and as discussed previously, has great potential to benefit the city and its residents as a whole.

1. **Conclusion**

At today’s hearing, the Committee looks forward to hearing from the Administration, specifically, MOPD, as well as service providers and advocates on what the City can do to support individuals with disabilities. The Committee also looks forward to receiving testimony on Int. No. 681 and Int. 682.

1. **Legislation**

**Int. No. 681**

 This legislation would codify NYC:ATWORK, a MOPD program that provides resources and direct support to job seekers and employers for the purpose of promoting employment of persons with disabilities in all employment sectors. Additionally, this bill would require the Department of Small Business Services to collaborate with the MOPD to deploy a public awareness campaign for the purpose of increasing employer awareness of the resources and support available to facilitate employment of persons with disabilities.

This bill would take effect immediately.

**Int. No. 682**

 This legislation would require the MOPD to collect a comprehensive five-year accessibility plan from each office, department or agency of the city of New York. MOPD would be required to submit such plans online no later than July 21, 2023. Such accessibility plans would be required to cover plans to address accessibility for people with disabilities in each entity’s workplace, services, programs and activities.

This bill would take effect immediately and would be deemed repealed 180 days after the accessibility plans are posted online.

Int. No. 681

By Council Members Lee, Powers, Gennaro, Louis, Riley, Hudson, Brewer, Ung, Sanchez and Hanif

..Title

A Local Law to amend the administrative code of the city of New York, in relation to workforce development for persons with disabilities

..Body

Be it enacted by the Council as follows:

Section 1. Title 22 of the administrative code of the city of New York is amended by adding a new chapter 13 to read as follows:

CHAPTER 13

WORKFORCE DEVELOPMENT FOR PERSONS WITH DISABILITIES

 § 22-1301 Definitions. For purposes of this chapter, the following terms have the following meanings:

 Commissioner. The term “commissioner” means the commissioner of small business services.

 Department. The term “department” means the department of small business services.

 Mayor’s office for persons with disabilities. The term “mayor’s office for persons with disabilities” means the office established under executive order number 17 for the year 1990 or any successor office or agency that carries out the same or substantially similar functions.

 § 22-1302 Workforce development program. a. The department and the mayor’s office for persons with disabilities shall collaborate to administer a workforce development program for persons with disabilities.

b. Such program shall be designed to facilitate employment for persons with disabilities in all sectors of employment.

c. In administering such program, the department and the mayor’s office for persons with disabilities shall:

1. Maintain an online portal accessible to persons with disabilities who seek employment and employers for the purpose of connecting such persons with employment opportunities;

2. Create and make publicly available a list of employers participating in the program described by this chapter;

3. Create and make publicly available resources for persons with disabilities to support such persons throughout the job search process and after they have obtained employment, including guidance on writing resumes and cover letters, doing interviews, making disclosures and communicating with prospective employers about the terms and conditions of employment;

4. Work individually with persons with disabilities to offer tailored guidance and support before and after such persons obtain employment;

5. Coordinate with other programs and services that offer support to persons with disabilities who seek employment and educate such persons about such other programs and services;

6. Create and make publicly available resources for employers to facilitate employment of persons with disabilities, including guidance on making accommodations and material support;

7. At the request of employers, conduct informational sessions on accommodating persons with disabilities in the workplace;

8. Provide direct support to employers who seek information and resources on making accommodations for persons with disabilities in the workplace; and

9. Perform any other function or offer any other service within the power of the department or the mayor’s office for persons with disabilities that in the determination of the commissioner will advance the purpose of this chapter.

 § 22-1303 Public awareness campaign. a. The department and the mayor’s office for persons with disabilities shall collaborate to carry out a public awareness campaign designed to target potential employers of persons with disabilities, make such employers aware of the opportunity to employ persons with disabilities and educate such employers on the resources available to facilitate employment of persons with disabilities, including the program required in section 22-1302.

 b. Such campaign shall begin no later than six months after the effective date of the local law that added this chapter, and shall continue for no less than one year or for such longer duration as the commissioner determines will further the goals of the campaign and promote employment of persons with disabilities in all sectors of employment.

§ 2. This local law takes effect immediately.

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Int. No. 682

By Council Members Lee, Louis, Riley, Hanif, Hudson and Sanchez

..Title

A Local Law in relation to requiring the mayor’s office for people with disabilities to collect from each New York city office, department or agency a comprehensive five-year accessibility plan

..Body

Be it enacted by the Council as follows:

Section 1. a. Five-year accessibility plan. The mayor’s office for people with disabilities, or another agency or office designated by the mayor, shall collect a five-year accessibility plan from each department, office and agency of the city of New York. Such plan shall include, at a minimum:

1. The steps the department, office or agency is currently taking and will be taking over the next five years to ensure that the office, department or agency’s workplace, services, programs and activities are accessible to and accommodating of persons with disabilities; and

2. Budgetary allocations, prioritizations and timelines for implementation over the next five years of capital projects that are related to improving access for persons with disabilities, including, but not limited to: any alterations or structural changes to facilities or premises that are owned and operated by the office, department or agency or contracted for use by the office, department or agency or otherwise under the office, department or agency’s jurisdiction; any planned upgrades or investments in technology or tools that will improve accessibility within the office, department or agency or access to such office, department or agency’s services and programs; and any other steps the office, department or agency is taking or plans to take to improve compliance with federal, state and local disability laws.

b. Input from stakeholders. In collecting five-year accessibility plans from each office, department or agency, the mayor’s office for people with disabilities, or another agency or office designated by the mayor, shall ensure that stakeholders, community-based organizations, providers and all other appropriate individuals or entities have an adequate opportunity to provide input on the content to be included in each five-year accessibility plan.

c. Website. No later than July 31, 2023, the mayor’s office for people with disabilities shall post online and submit to the mayor and the speaker of the council all collected five-year accessibility plans from each office, department or agency. If any office, department or agency fails to create a plan, the mayor’s office for people with disabilities shall create and submit a plan on the office, department or agency’s behalf.

§ 2. Effective date. This local law takes effect immediately and is deemed repealed 180 days after the accessibility plans described by this local law are posted online.

SS

LS #1663

5:00 PM 8/30/2022

1. Sarah Kim, *New York: What is the megacity like for people with disabilities?*, Aljazeera (Mar. 30, 2022), <https://www.aljazeera.com/features/2022/3/30/new-york-what-is-the-megacity-like-for-people-with-disabilities>. [↑](#footnote-ref-1)
2. *Id*.; *68% of the world population projected to live in urban areas by 2050, says UN*, United Nations: Dep’t of Economic and Social Affairs, <https://www.un.org/development/desa/en/news/population/2018-revision-of-world-urbanization-prospects.html>. [↑](#footnote-ref-2)
3. *Supra* note 1. [↑](#footnote-ref-3)
4. *Id*. [↑](#footnote-ref-4)
5. Melissa Lent & Eli Dvorkin, *Opinion: Make New York City a National Leader in Employment for People with Disabilities*, CityLimits (Apr. 5, 2022), <https://citylimits.org/2022/04/05/opinion-make-new-york-city-a-national-leader-in-employment-for-people-with-disabilities>. According to data from the U.S. Census Bureau, there were 930,100 people with disabilities living in New York City in 2017, representing 11 percent of the total population. Thomas P. DiNapoli, State Comptroller, *Employment Trends for People with Disabilities in New York City* (July 2020), <https://www.osc.state.ny.us/files/reports/osdc/pdf/report-7-2020.pdf>. [↑](#footnote-ref-5)
6. *See* Michael Gold, *M.T.A. Vows to Make Subways 95% Accessible. It Will Take 33 Years.*, NY Times (June 22, 2022), <https://www.nytimes.com/2022/06/22/nyregion/nyc-subway-accessibility-disabilities-elevators.html>; Stephanie Lai, *Transportation Dept. Opens Program to Make Public Transit Accessible*, NY Times (July 26, 2022), <https://www.nytimes.com/2022/07/26/us/politics/dot-public-transit-program.html>. [↑](#footnote-ref-6)
7. *See* Project Equal Access and Disability Rights, <https://www1.nyc.gov/site/cchr/community/equal-access.page>; Small Business Guidance on the ADA and NYC Disability Laws, <https://www1.nyc.gov/assets/mopd/downloads/pdf/mopd-ada-small-business-guide-2019.pdf>; Chapter 11: Accessibility, NYC Building Code; and NYC Buildings: Accessibility in Residential Buildings (2020), <https://www1.nyc.gov/assets/buildings/pdf/Accessibility_in_Residential_Buildings.pdf>. [↑](#footnote-ref-7)
8. Inclusive Design Guidelines: Second Edition, NYC Mayor’s Office for People with Disabilities, <https://www1.nyc.gov/site/mopd/initiatives/inclusive-design-guidelines.page>. [↑](#footnote-ref-8)
9. *See generally*, AccessibleNYC: 2021 Edition, NYC Mayor’s Office for People with Disabilities, <https://www1.nyc.gov/assets/mopd/downloads/pdf/AccessibleNYC2021.pdf>. [↑](#footnote-ref-9)
10. *See* EmpoweredNYC, NYC Mayor’s Office for People with Disabilities, <https://www1.nyc.gov/site/mopd/initiatives/empowerednyc.page>, [↑](#footnote-ref-10)
11. *See* Accessibility in NYC Parks, NYC Parks, <https://www.nycgovparks.org/accessibility>. [↑](#footnote-ref-11)
12. *See* NYC: ATWORK, Mayor’s Office for People with Disabilities, <https://www1.nyc.gov/site/mopd/employment/nyc-at-work.page>. [↑](#footnote-ref-12)
13. Laura Schultz, *The Role of Disability Service Providers in the New York State Economy*, Rockefeller Institute of Government (Dec. 13, 2021), <https://rockinst.org/issue-area/the-role-of-disability-service-providers-in-the-new-york-state-economy.> [↑](#footnote-ref-13)
14. *Id*. [↑](#footnote-ref-14)
15. *Id*. [↑](#footnote-ref-15)
16. *See* 42 U.S.C. § 12101(a)(2); *Olmstead v. L.C.*, 527 U.S. 581, 581 (1999) (“In the Americans with Disabilities Act of 1990 . . . Congress described the isolation and segregation of individuals with disabilities as a serious and pervasive form of discrimination”). [↑](#footnote-ref-16)
17. *See* 42 U.S.C. § 12101(a)(5). *See, e.g.*, *Brooklyn Center for Independence of Disabled v. Bloomberg*, 980 F. Supp. 2d 588 (S.D.N.Y. 2013) (alleging that the City’s emergency preparedness program did not sufficiently accommodate the needs of disabled individuals). [↑](#footnote-ref-17)
18. The Act defines “disability” as a recorded physical or mental impairment that substantially limits a major life activity and meets the requirements of ‘being regarded as having such an impairment.’” *See* 42 U.S.C. § 12101(a)(1). *See What is the Americans with Disabilities Act (ADA)?*, ADA Nat’l Network, <https://adata.org/learn-about-ada> (last updated Nov. 2018); *see also* 42 U.S.C. § 12102(1)(A)-(C). [↑](#footnote-ref-18)
19. *See* 42 U.S.C. § 12101(b)(1)-(2). *See also Doe v. Pfrommer*, 148 F.3d 73, 82 (2d Cir. 1998) (stating that the purpose of the ADA is to “eliminate discrimination on the basis of disability and to ensure evenhanded treatment between the disabled and the able-bodied”). [↑](#footnote-ref-19)
20. *State Laws*, NYC Mayor’s Office for People with Disabilities, <https://www1.nyc.gov/site/mopd/laws/state-laws.page> (last visited Sept. 26, 2022). [↑](#footnote-ref-20)
21. NYC Human Rights, <https://www1.nyc.gov/site/cchr/law/the-law.page> (last visited Sept. 26, 2022). [↑](#footnote-ref-21)
22. <http://www.antibiaslaw.com/nyc-human-rights-law>. The NYCHRL emphasizes “maximizing accountability” and “creating a real deterrent to discriminatory conduct.” *Id*. [↑](#footnote-ref-22)
23. Employment (Title I), ADA.gov, <https://www.ada.gov/ada_title_I.htm> (last visited Sept. 26, 2022). [↑](#footnote-ref-23)
24. *Id*.; *see* Iris Hentze & Rebecca Tyus, *Discrimination and Harassment in the Workplace*, NCSL (Aug. 12, 2021), <https://www.ncsl.org/research/labor-and-employment/employment-discrimination.aspx>. [↑](#footnote-ref-24)
25. *Id*. [↑](#footnote-ref-25)
26. This includes contracts with labor unions and organizations that provide employee fringe benefits, apprenticeships, or training. Joan Farrell, *Nondiscrimination Provisions of Title I and Section 504*, ADA Compliance Guide (March 2016 Supplement). [↑](#footnote-ref-26)
27. Social Security Administration, *A Guide for People with Disabilities Seeking Employment*, ADA.gov (October 2000), <https://www.ada.gov/workta.htm>. [↑](#footnote-ref-27)
28. *Reasonable Accommodations in the workplace*, ADA Nat’l Network (2018), <https://adata.org/factsheet/reasonable-accommodations-workplace>. [↑](#footnote-ref-28)
29. Joan Farrell, *Nondiscrimination Provisions of Title I and Section 504*, ADA Compliance Guide (March 2016 Supplement). [↑](#footnote-ref-29)
30. *Supra* note 28. [↑](#footnote-ref-30)
31. *Id*. [↑](#footnote-ref-31)
32. *Enforcement Guidance on Reasonable Accommodation and Undue Hardshup under the ADA*, U.S. Equal Employment Opportunity Commission (Oct. 17, 2002), <https://www.eeoc.gov/laws/guidance/enforcement-guidance-reasonable-accommodation-and-undue-hardship-under-ada#undue>. [↑](#footnote-ref-32)
33. *Id*. [↑](#footnote-ref-33)
34. *Id*. [↑](#footnote-ref-34)
35. Scott Horton, *Cooperative Dialogue For New York City Employee Accommodations*, JD Supra (July 28, 2020), <https://www.jdsupra.com/legalnews/cooperative-dialogue-for-new-york-city-86481>. [↑](#footnote-ref-35)
36. Pursuant to N.Y.C. Admin. Code. § 8-102(18), “[t]he term ‘reasonable accommodation’ means such accommodation that can be made that shall not cause undue hardship in the conduct of the covered entity’s business. **The covered entity shall have the burden** **of proving undue hardship.**” (emphasis added). [↑](#footnote-ref-36)
37. *Supra* note 35. [↑](#footnote-ref-37)
38. NYC Commission on Human Rights, *NYC Commission on Human Rights Legal Enforcement Guidance on Discrimination on the Basis of Disability* (April 2019), *available at:* <https://www1.nyc.gov/assets/cchr/downloads/pdf/NYCCHR_LegalGuide-DisabilityFinal.2.pdf>. [↑](#footnote-ref-38)
39. N.Y.C. Admin. Code § 8-107(1)(d). [↑](#footnote-ref-39)
40. *Supra* note 38. [↑](#footnote-ref-40)
41. *Id*. [↑](#footnote-ref-41)
42. *Id*. [↑](#footnote-ref-42)
43. *Initiatives*, NYC Mayor’s Office for People with Disabilities, <https://www1.nyc.gov/site/mopd/initiatives/initiatives.page>. [↑](#footnote-ref-43)
44. *What We Do*, NYC Mayor’s Office for People with Disabilities <https://www1.nyc.gov/site/mopd/about/about.page>. [↑](#footnote-ref-44)
45. *EmpoweredNYC*, NYC Mayor’s Office for People with Disabilities <https://www1.nyc.gov/site/mopd/initiatives/empowerednyc.page>. NYC Financial Empowerment Centers provide free, individualized professional financial counseling and coaching to support New Yorkers in reaching their goals. *See* <https://www1.nyc.gov/site/dca/consumers/get-free-financial-counseling.page>. [↑](#footnote-ref-45)
46. AccessibleNYC: 2021 Edition, NYC Mayor’s Office for People with Disabilities, <https://www1.nyc.gov/assets/mopd/downloads/pdf/AccessibleNYC2021.pdf>. [↑](#footnote-ref-46)
47. *Id*. [↑](#footnote-ref-47)
48. *Id*. [↑](#footnote-ref-48)
49. *Id*. [↑](#footnote-ref-49)
50. *See* **Legal Protections for Individuals with Disabilities** section above. [↑](#footnote-ref-50)
51. Melissa Lent, *Access Opportunity: Expanding Economic Opportunity for New Yorkers with Disabilities*, Center for an Urban Future (March 2022), <https://nycfuture.org/research/access-opportunity>. [↑](#footnote-ref-51)
52. *Id*. [↑](#footnote-ref-52)
53. *NYC: ATWORK*, NYC Mayor’s Office for People with Disabilities, <https://www1.nyc.gov/site/mopd/employment/nyc-at-work.page> (last visited Sept. 26, 2022). [↑](#footnote-ref-53)
54. *Supra* note 51. [↑](#footnote-ref-54)
55. *Id*. [↑](#footnote-ref-55)
56. Melissa Lent & Eli Dvorkin*, Opinion: Make New York City a National Leader in Employment for People with Disabilities*, City Limits (April 5, 2022), <https://citylimits.org/2022/04/05/opinion-make-new-york-city-a-national-leader-in-employment-for-people-with-disabilities>. [↑](#footnote-ref-56)
57. *Id*. [↑](#footnote-ref-57)
58. *Supra* note 51. [↑](#footnote-ref-58)
59. *Id*. [↑](#footnote-ref-59)
60. *Id*. [↑](#footnote-ref-60)
61. *Id*. [↑](#footnote-ref-61)
62. *Id*. [↑](#footnote-ref-62)
63. *Supra* note 56. [↑](#footnote-ref-63)
64. *Id*. [↑](#footnote-ref-64)
65. *Id*. [↑](#footnote-ref-65)
66. *Id*. [↑](#footnote-ref-66)