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I N   A S S E M B L Y

February 14, 2014

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Introduced by M. of A. WALTER -- read once and referred to the Committee  
on Governmental Operations

AN ACT to amend the executive law, in relation to reasonable accommodation

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Subdivision 21-e of section 292 of the executive law, as  
2     added by chapter 269 of the laws of 1997, is amended and a new subdivision  
3     21-f is added to read as follows:

4     21-e. The term "reasonable accommodation" means actions taken which  
5     permit an employee, prospective employee or member with a disability, OR  
6     A PREGNANCY-RELATED CONDITION, to perform in a reasonable manner the  
7     activities involved in the job or occupation sought or held and include,  
8     but are not limited to, provision of an accessible worksite, acquisition  
9     or modification of equipment, support services for persons with impaired  
10    hearing or vision, job restructuring and modified work schedules;  
11    provided, however, that such actions do not impose an undue hardship on  
12    the business, program or enterprise of the entity from which action is  
13    requested.

14    21-F. THE TERM "PREGNANCY-RELATED CONDITION" MEANS A MEDICAL CONDITION  
15    RELATED TO PREGNANCY OR CHILDBIRTH THAT INHIBITS THE EXERCISE OF A  
16    NORMAL BODILY FUNCTION OR IS DEMONSTRABLE BY MEDICALLY ACCEPTED CLINICAL  
17    OR LABORATORY DIAGNOSTIC TECHNIQUES; PROVIDED, HOWEVER, THAT IN ALL  
18    PROVISIONS OF THIS ARTICLE DEALING WITH EMPLOYMENT, THE TERM SHALL BE  
19    LIMITED TO CONDITIONS WHICH, UPON THE PROVISION OF REASONABLE ACCOMMODATIONS,  
20    DO NOT PREVENT THE COMPLAINANT FROM PERFORMING IN A REASONABLE  
21    MANNER THE ACTIVITIES INVOLVED IN THE JOB OR OCCUPATION SOUGHT OR HELD;  
22    AND PROVIDED FURTHER, HOWEVER, THAT PREGNANCY-RELATED CONDITIONS SHALL  
23    BE TREATED AS TEMPORARY DISABILITIES FOR THE PURPOSES OF THIS ARTICLE.

24    S 2. Paragraph (a) of subdivision 3 of section 296 of the executive  
25    law, as added by chapter 269 of the laws of 1997, is amended and a new  
26    paragraph (c) is added to read as follows:

27    (a) It shall be an unlawful discriminatory practice for an employer,  
28    licensing agency, employment agency or labor organization to refuse to

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

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1 provide reasonable accommodations to the known disabilities, OR PREGNAN-  
2 CY-RELATED CONDITIONS, of an employee, prospective employee or member in  
3 connection with a job or occupation sought or held or participation in a  
4 training program.

5 (C) THE EMPLOYEE MUST COOPERATE IN PROVIDING MEDICAL OR OTHER INFORMA-  
6 TION THAT IS NECESSARY TO VERIFY THE EXISTENCE OF THE DISABILITY OR  
7 PREGNANCY-RELATED CONDITION, OR THAT IS NECESSARY FOR CONSIDERATION OF  
8 THE ACCOMMODATION. THE EMPLOYEE HAS A RIGHT TO HAVE SUCH MEDICAL INFOR-  
9 MATION KEPT CONFIDENTIAL.

10 S 3. Severability clause. If any clause, sentence, paragraph, subdivi-  
11 sion, section or part of this act shall be adjudged by a court of compe-  
12 tent jurisdiction to be invalid, such judgment shall not affect, impair  
13 or invalidate the remainder thereof, but shall be confined in its opera-  
14 tion to the clause, sentence, paragraph, subdivision, section or part  
15 thereof directly involved in the controversy in which such judgment  
16 shall have been rendered. It is hereby declared to be the intent of the  
17 legislature that this act would have been enacted even if such invalid  
18 provisions had not been included herein.

19 S 4. This act shall take effect on the sixtieth day after it shall  
20 have become a law.