STATE OF NEW YORK

9860

IN SENATE

April 9, 2026

Introduced by Sen. FAHY -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT to amend the executive law, in relation to requiring employment entities to engage in cooperative dialogue with certain persons regarding reasonable accommodations

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision 21-e of section 292 of the executive law, as amended by chapter 369 of the laws of 2015, is amended and two new subdivisions 43 and 44 are added to read as follows:

21-e. The term "reasonable accommodation" means actions taken which permit an employee, prospective employee or member with a disability, or a pregnancy-related condition, to perform in a reasonable manner the activities involved in the job or occupation sought or held and include, but are not limited to, provision of an accessible worksite, acquisition or modification of equipment, support services for persons with impaired hearing or vision, job restructuring and modified work schedules; provided, however, that such actions do not impose an undue hardship on the business, program or enterprise of the entity from which action is requested. **The entity from which the action is requested shall have the burden of proving that the proposed action or actions would impose undue hardship.**

43. The term "cooperative dialogue" means a process:

(a) by which an employment entity and an employee, prospective employee, or member seeking a reasonable accommodation pursuant to paragraph (a) of subdivision three, paragraph (a) of subdivision ten, and/or paragraph (c) of subdivision twenty-two of section two hundred ninety-six of this article, engages in good faith in a written or oral dialogue concerning:

(i) requested accommodation needs;

(ii) potential accommodations that may address requested accommodation needs, including but not limited to alternatives to a requested accommodation; and

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

LBD15465-01-6

(iii) the difficulties that such potential reasonable accommodation may pose for such employment entity;

(b) that is intended to continue until an accommodation reasonable to both parties has been reached;

(c) that is intended to be a process for integrating individuals requiring accommodations into the workplace as opposed to forcing them out; and

(d) that continues expeditiously, where the results of such process are memorialized in writing, and a copy of such results are provided to the employee.

44. The term "employment entity" means an employer, employment agency, labor organization, licensing agency or employee or agent thereof.

§ 2. Paragraph (a) of subdivision 3 of section 296 of the executive law, as amended by chapter 369 of the laws of 2015, is amended and a new paragraph (e) is added to read as follows:

(a) It shall be an unlawful discriminatory practice for an employer, licensing agency, employment agency or labor organization to refuse to provide reasonable accommodations to the known disabilities[~~,~~] or pregnancy-related conditions, or disabilities or pregnancy-related conditions that should reasonably have been known, of an employee, prospective employee or member in connection with a job or occupation sought or held or participation in a training program.

(e) It shall be an unlawful discriminatory practice for an employment entity to refuse or otherwise fail to engage in a cooperative dialogue with a person who has requested a reasonable accommodation pursuant to this subdivision or who such employment entity knew or should reasonably have known may require such a reasonable accommodation.

§ 3. Subdivision 10 of section 296 of the executive law is amended by adding a new paragraph (e) to read as follows:

(e) It shall be an unlawful discriminatory practice for an employment entity to refuse or otherwise fail to engage in a cooperative dialogue with a person who has requested a reasonable accommodation pursuant to this subdivision or who such employment entity knew or should reasonably have known may require such a reasonable accommodation.

§ 4. Paragraph (c) of subdivision 22 of section 296 of the executive law is amended by adding a new subparagraph 7 to read as follows:

(7) It shall be an unlawful discriminatory practice for an employment entity to refuse or otherwise fail to engage in a cooperative dialogue with a person who has requested a reasonable accommodation pursuant to this paragraph or who such employment entity knew or should reasonably have known may require such a reasonable accommodation.

§ 5. This act shall take effect immediately.