

## New York City Council Passes Bill Requiring Employers to Engage Employees in Accommodations Dialogue

The New York City Council has passed a bill requiring entities covered by the New York City Human Rights Law (HRL) to engage in cooperative dialogue with individuals who may be entitled to reasonable accommodations under the Law. Passed on December 19, 2017, Int. 804-A applies to employers, providers of public accommodations, and providers of housing accommodations.

The bill makes it “an unlawful discriminatory practice for an employer, labor organization, or employment agency or an employee or agent thereof to refuse or otherwise fail to engage in a cooperative dialogue” required under Int. 804-A. The Mayor is expected to sign Int. 804-A into law.

The HRL requires the entities it covers to make reasonable accommodations for the following:

- Victims of domestic violence;
- Individuals with pregnancy and related conditions;
- Religious needs; and
- Disabilities.

Int. 804-A clarifies HRL’s reasonable accommodation requirement by expressly

requiring covered entities to engage in or seek to engage in a cooperative dialogue with individuals who may be entitled to such accommodation. The purpose of the dialogue is to identify what reasonable accommodations are available to assist the individuals.

The bill requires the covered entity to provide the person requesting an accommodation a written final determination identifying any accommodation granted or denied.

Significantly, the bill states:

The determination that no reasonable accommodation would enable the person requesting an accommodation to satisfy the essential requisites of a job or enjoy the right or rights in question may only be made after the parties have engaged, or the covered entity has attempted to engage, in a cooperative dialogue.

Int. 804-A will become effective six months after the date of enactment.

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