POLICY AND PROCEDURES FOR INDIVIDUALS WITH A DISABILITY

EQUAL EMPLOYMENT OPPORTUNITY (EEO) OFFICE

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INTRODUCTION

Federal, state and city laws, as well as Board of Education Retirement system Non Discrimination Policy, prohibits discrimination based on disability, in all employment related practices. The prohibition also applies to recruitment, advertising, and the job application process.

WHO IS AN INDIVIDUAL WITH A DISABILITY?

An individual with a disability is defined with a physical, medical, mental or psychological impairment, a history or record of such impairment, or who is regarded as having such an impairment.

WHO IS A QUALIFIED INDIVIDUAL WITH A DISABILTY?

A qualified individual with a disability is an applicant or employee who meets the skills, experience, education and other related requirements for the job and who can perform the essential functions of the job with or without a reasonable accommodation.

WHAT IS A REASONABLE ACCOMODATION?

A reasonable accommodation is any modification or adjustment to a job or work environment that allows a qualified applicant or employee with a disability to participate in the job process or to perform the essential functions of the job. Reasonable accommodation determinations will be made on a case-by-case basis.

MUST BOARD OF EDUCATION RETIREMENT SYSTEM GRANT ALL REQUESTS FOR REASONABLE ACCOMMODATION?

The Board of Education Retirement System is not required to grant every requested accommodation. BERS only has to provide an accommodation which would enable the employee to perform the essential functions of the job in a reasonable manner, absent undue hardship.

WHAT IS AN UNDUE HARDSHIP?

The Americans with Disabilities Act (ADA) defines it as a physical or mental impairment that substantially limits one or more major life activities and there is a record of such impairment; or being regarded as having such impairment as recognized by the ADA.

An accommodation presents when implementation presents an undue hardship when implementation would be unduly costly, extensive, disruptive, or would functionally alter the nature or operation of the agency. Undue hardship determination will be made on a case-by-case basis.

PROCEDURES FOR REQUESTING A REASONABLE ACCOMMODATION

HOW DOES AN INDIVIDUAL REQUEST A REASONABLE ACCOMMODATION?

The applicant or employee can request an accommodation by completing and submitting an Accommodation Request Form (Personnel Memo #4) with supporting medical documentation to the EEO Officer of BERS at 55 Water Street, 50th Floor, New York, NY 10038, (929) 305-3810.

WHAT SHOULD AN INDIVIDUAL DO IF AN ACCOMMODATION APPROVED BY BERS IS NOT IMPLEMENTED?

If an accommodation approved by the Department of Education's HR Connect Medical Office is not implemented, the individual should contact the disability counselor at the BERS Equal Employment Opportunity Office.

The Disability Rights Counselor is Michael Sohn and he is located at 55 Water Street, 50th Floor, New York, NY 10038, (929) 305-3810.

WILL DISABILITY INFORMATION BE KEPT CONFIDENTIAL?

All medical records or other information about a disability will be kept confidential, except the extent that supervisors and managers must be informed about work restrictions or reasonable accommodations. Additionally, first-aid and safety personnel must be informed if the disability may require emergency treatment.

WHAT DOES AN INDIVIDUAL DO IF HE OR SHE BELIEVES DISBILITY DISCRIMIANTION HAS OCCURRED?

Pursuant to Chancellor's Regulation A-830, the individual may file a complaint of disability discrimination, whether relating to reasonable accommodation or otherwise, through the BERS Equal Employment Opportunity Office. The individual may also file a complaint with the New York City Commission on Human Rights, New York State Department of Education of Civil Rights or the U.S Department of Labor.

For Additional Information:

Please contact Disability Information for BERS at (929) 305-3810.

A disability discrimination complaint may be filed with the State Division of Human Rights and the EEOC.

BOARD OF EDUCATION RETIREMENT SYSTEM

It is the policy of Board of Education Retirement System to provide educational and employment opportunities without regard to **ACTUAL OR PERCEIVED RACE, COLOR, NATIONAL ORIGIN, ALIENAGE OR CITIZENSHIP STATUS, RELIGION OR CREED, GENDER (INCLUDING "GENDER IDENTITY" -- WHICH REFERS TO A PERSON'S ACTUAL OR PERCEIVED SEX, AND INCLUDES SELF-IMAGE, APPEARANCE, BEHAVIOR OR EXPRESSION, WHETHER OR NOT DIFFERENT FROM THAT TRADITIONALLY ASSOCIATED WITH THE LEGAL SEX ASSIGNED TO THE PERSON AT BIRTH), DISABILITY, AGE (18 AND OVER), MILITARY STATUS, PRIOR RECORD OF ARREST OR CONVICTION, MARITAL STATUS, PARTNERSHIP STATUS, CAREGIVER STATUS, GENETIC INFORMATION OR PREDISPOSING GENETIC CHARACTERISTIC, SEXUAL ORIENTATION, STATUS AS A VICTIM OR WITNESS OF DOMESTIC VIOLENCE, SEX OFFENSES OR STALKING, AND UNEMPLOYMENT STATUS, AND CONSUMER CREDIT HISTORY.**