

NYSIF Policy on Reasonable Accommodation in Programs and Services for Individuals with Disabilities

The State of New York and NYSIF are committed to the proposition that every individual in the State has an equal opportunity to enjoy a full and productive life. This commitment to equal opportunity extends to all state-owned or operated programs and services. To this end, it is NYSIF's policy to provide reasonable accommodation in all its accommodations, programs and services. This policy is based on the federal Americans with Disabilities Act, Title II, and all applicable federal regulations thereunder. This duty of reasonable accommodation applies to:

- physical accessibility at government facilities, programs, and events;
- policy changes necessary to ensure that all people with disabilities can take part in, and benefit from, all state-owned or operated programs and services;
- the provision of necessary auxiliary aids and services to ensure effective communication with persons with disabilities.

Americans with Disabilities Act

NYSIF must comply with the provisions of the Americans with Disabilities Act (ADA), Title II. Title II (42 USCA §§ 12131-12134) applies to State and local government entities. State entities are covered by Title II regardless of whether they receive federal funding.

Access to civic life by people with disabilities is a fundamental goal of the ADA. To ensure that this goal is met, Title II of the ADA requires State and local governments to make their programs and services accessible to persons with disabilities. This requirement extends not only to physical access at government facilities, programs, and events – but also to policy changes that governmental entities must make to ensure that all people with disabilities can take part in, and benefit from, the programs and services of State and local governments. In addition, governmental entities must ensure effective communication – including the provision of necessary auxiliary aids and services – so that individuals with disabilities can participate in civic life.

New York State Human Rights Law

The New York State Human Rights Law (Executive Law, article 15) requires non-discrimination on the basis of disability in public accommodations, including those owned by state and local governmental entities. Therefore, public buildings, parks, libraries, museums, etc., and any attendant services that constitute public accommodations, such as food service, campgrounds, and other accommodations open to the public, must not deny service to an individual because of disability, pursuant to Human Rights Law § 296.2, and must provide accommodation and accessibility as set forth in § 296.2, subsections (c), (d) and (e). Complaints may be filed with the NYS Division of Human Rights for claims falling within the scope of § 296.2.

Attached to this policy is NYSIF's Notice under the American with Disabilities Act and NYSIF's Grievance Procedures under the Americans with Disabilities Act.

NYSIF has designated **Carrell Clarke-Europe** as the agency's Designee for Reasonable Accommodation (DRA). NYSIF's DRA is also NYSIF's Designated Americans with Disabilities Act Coordinator. Contact Carrell Clarke-Europe at: 199 Church St., New York, NY 10007; 212-312-0089, ra@nysif.com or cclarkee@nysif.com.

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"), NYSIF will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

Employment: NYSIF does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under title I of the ADA.

Effective Communication: NYSIF will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in NYSIF's programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

Modifications to Policies and Procedures: NYSIF will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in NYSIF offices, even where pets are generally prohibited.

Carrell Clarke-Europe is NYSIF's Designee for Reasonable Accommodation (DRA) and ADA Coordinator.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of NYSIF, should contact Carrell Clarke-Europe as soon as possible, but no later than 48 hours before the scheduled event.

The ADA does not require NYSIF to take any action that would fundamentally alter the nature of its programs or services or impose an undue financial or administrative burden.

Complaints that a program, service, or activity of NYSIF is not accessible to persons with disabilities should be directed to **Carrell Clarke-Europe**, 199 Church Street, New York, NY 10007; 212-312-0089 or cclarkee@nysif.com.

NYSIF will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/ services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

GRIEVANCE PROCEDURE UNDER THE AMERICANS WITH DISABILITIES ACT

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA"). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by NYSIF. Employment-related complaints of disability discrimination are covered elsewhere, in policies available from the human resources office of NYSIF.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. No particular format of the complaint is required. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request.

The complaint should be submitted by the grievant and/or their designee as soon as possible but no later than 60 calendar days after the alleged violation to:

Carrell Clarke-Europe

Designee for Reasonable Accommodations and ADA Coordinator
199 Church St.
New York, NY 10007
Email Address: RA@nysif.com
Telephone Number: 212-312-0089

Within 15 calendar days after receipt of the complaint, the ADA Coordinator or their designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, the ADA Coordinator or their designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of NYSIF and offer options for substantive resolution of the complaint.

If the response by the ADA Coordinator or their designee does not satisfactorily resolve the issue, the complainant and/or their designee may appeal the decision within 15 calendar days after receipt of the response to NYSIF's head or their designee.

Within 15 calendar days after receipt of the appeal, NYSIF's head or their designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with the agency's final resolution of the complaint, or indicating that the matter has been returned to the ADA Coordinator for further action. If further action is indicated, the complainant will be contacted within 15 days from the written response.

All written complaints received by the ADA Coordinator or their designee, appeals to NYSIF's head or their designee, and responses from these two offices will be retained by NYSIF for at least three years.



AMERICANS WITH DISABILITIES ACT COMPLAINT FORM

Please use this form to file a complaint based on disability in the provision of services, activities, programs or benefits. If you have questions about this form, please contact NYSIF's Office for Reasonable Accommodations RA@nysif.com or by telephone at 212-312-0089.

Please submit this form to: **Carrell Clarke-Europe, ADA Coordinator**
NYSIF, 199 Church Street, New York, NY 10007

Name:	<input type="text"/>	Home Phone:	<input type="text"/>
Home Address:	<input type="text"/>	Email:	<input type="text"/>

1. Your claim is made against: **NYS AGENCY:**

Name:	<input type="text"/>	Title:	<input type="text"/>
Address:	<input type="text"/>	Phone:	<input type="text"/>

2. Location(s) and date(s) of the circumstances giving rise to your complaint:

Are the circumstances of your complaint continuing? Yes ☐ No ☐

3. Please describe the alleged denial of services, activities, programs or benefits and your reason(s) for concluding that the conduct was discriminatory. Please include the name(s) of witnesses, if any, and attach supporting data, if available.

4. Have you filed a claim regarding this complaint with a federal, state or local government agency? _____ YES _____ NO

Have you hired an attorney with respect to the allegations in the complaint? _____ YES _____ NO

Have you instituted a legal suit or court action regarding this complaint? _____ YES _____ NO

5. This complaint form was completed by:

ADA Coordinator ☐ Complainant ☐ Other (explain) ☐

SIGNATURE : _____ **DATE:** _____