

Americans with Disabilities Act (ADA) of 1990 and the ADA Amendments Act of 2008

The Americans with Disabilities Act of 1990 (ADA) is a law that was enacted by the U.S. Congress in 1990. The first version of the Americans with Disabilities Act bill was drafted by The National Council on Disability in 1986, and later introduced in the House and Senate in 1988. Senator Tom Harkin wrote what became the final bill and was its chief sponsor in the Senate. Senator Harkin delivered part of his introduction speech in sign language so his brother could understand. It was signed into law on July 26, 1990, by President George H. W. Bush. On September 25, 2008, the ADA Amendments Act of 2008 (ADAAA) was enacted, and went into effect on January 1, 2009. The law expanded the definition of “disability” under the ADA. It also directed the U.S. Equal Employment Opportunity Commission (EEOC) to amend its ADA regulations to reflect the changes made by the ADAAA. On September 23, 2009, the EEOC issued a Notice of Proposed Rulemaking (NPRM). The final regulations were approved by a bipartisan vote and were published in the Federal Register on March 25, 2011.



To discuss EEO related concerns or learn about resources available through this office, contact the EEO Office at (718) 595-3400 or EEOOffice@dep.nyc.gov

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CELEBRATING 25 YEARS

1990-2015



**AMERICANS WITH
DISABILITIES ACT**
DEPARTMENT OF ENVIRONMENTAL PROTECTION

CELEBRATING THE 25TH ANNIVERSARY OF THE AMERICANS WITH DISABILITIES ACT (ADA)



The Equal Employment Opportunity (EEO) Office ensures that the workplace is free of illegal discrimination and harassment based on an individual's actual or perceived religion, race, creed, color, national origin (including alienage and citizenship status), age, gender (including pregnancy, gender identity and expression), disability, status as a victim of domestic violence, retaliation, genetic predisposition, marital status

(including partnership status), military status, and sexual orientation, and supports the principles of equality and diversity. It also recognizes that educating employees about anti-discrimination laws is an important component of maintaining and achieving an equal, safe, productive, and healthy working environment.

According to the White House, approximately 54 million people in the United States have some type of disability. Disabilities limit what a person can do or impose special conditions or needs that must be met to allow a person to function to his or her full capacity. Disabilities can be mental, physical, psychological, or a combination of all three. Many people prefer to refer to anyone who has a disability as "differently abled," to stress that disability does not mean inability, and that everyone can contribute in their own way to community development.

The EEO Office initiated several events to honor the 25th anniversary of the Americans Disabilities Act, which was on July 26, 2015. July 26th honors the Americans with Disabilities Act which guarantees civil rights protections and equal opportunity for individuals with disabilities in public accommodations, employment, transportation, state and local government services, and telecommunications.

In honor of the Americans with Disabilities Act, DEP's EEO Office participated in several events such as the Disabilities Pride Walk on Sunday, July 12th, launched the the DEP Brown Bag: "Living Life Differently Abled" on Tuesday, July 21st, giving employees the opportunity to learn about the personal challenges and successes of those who are differently abled. There were interactive activities, including working with service animals and using devices for the visually impaired. Dr. Sharon McLennon from the NYS Commission for the Blind as well as Dorcas Conde and Curt Keely from the Guide Dog Foundation for the Blind/America's Vet Dogs also participated in this event. DEP celebrated the ADA's 25th anniversary on July 27th for all employees that were interested in participating in interactive events and listening to keynote speakers.

Procedural Guidelines

City of New York

2015



REASONABLE ACCOMMODATION PROCEDURAL GUIDELINES 2015

The Equal Employment Opportunity Policy (2015), hereafter known as the "Policy," supersedes the previous Equal Employment Opportunity Policy (2014) of the City of New York. This Policy, any addenda to this Policy, and the EEO Policy Handbook will be published, and are to be distributed to each agency head, EEO Officer, General Counsel, Agency Personnel Officer (APO), manager, and supervisor. These guidelines are intended to provide a clear and consistent framework for the implementation of New York City's (the "City") reasonable accommodation policy and procedures as memorialized in the City's EEO Policy and its amendments, (and the "About EEO: *What You May Not Know*" Handbook (the "Handbook"). The Policy and Handbook should be referred to and/or provided to persons who inquire about reasonable accommodations. For more information use the following link:
<http://depresources/eoo>

MEET THE EEO INTERNS FOR SUMMER 2015



Gloria Rodriguez
CUNY John Jay
College
Master's in Public
Policy and Public
Administration

"I enjoyed being part of the EEO team and taking part in the process of an investigation. It expanded my knowledge in how to proceed with a reasonable accommodation and complaint. I hope to pursue a Master's Degree in Human Resources and Labor Relations."



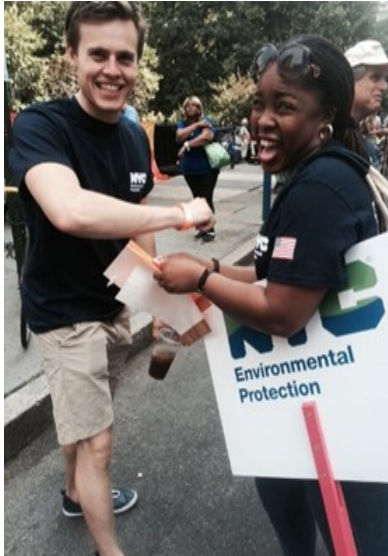
Julissa Lora
Fordham University
Master's in Urban
Studies

"I learned about the laws and regulations of the U.S. Equal Employment Opportunity Commission (EEOC), especially about how employers are required to post the federal laws against job discrimination."



Yousef Hassan
Bernard M. Baruch
College
BBA in Marketing
Management

"I came to the EEO Office not knowing which career path I wanted to pursue. However, after working with an amazing team and getting familiar with EEO policies, which has helped in preparing the soil and deciding what I'm going to plant in my given plot, I have decided to continue my education and obtain a MPA in Inspection and Oversight."



Timothy O'Grady & Tanika Thomas Celebrating the Annual Disabilities Pride Walk



DEP Participants in the Annual Disabilities Pride Walk

DEP PARTICIPATES IN THE FIRST ANNUAL DISABILITIES PRIDE WALK

DEP successfully participated in the First Annual Disability Pride Walk on Sunday, July 12th. 32 DEP employees, friends and family members walked on a very warm day honoring those with disabilities. The event drew over 3,000 participants, including Mayor Bill de Blasio, former Iowa Senator Tom Harkin, who authored the final draft of the ADA, and Commissioner for the Mayor's Office for People with Disabilities (MOPD), Victor Calise. This walk was a component of the Disability Pride Month which coincided with the 25th anniversary of the Americans with Disabilities Act (ADA). This bill was signed into law on July 26, 1990 by President George H. W. Bush and grants widespread civil rights protections for the disabled community. DEP values the diversity of their workforce and the invaluable contributions that employees provide to fulfill our agency's mission. Twenty-five years after its inception, the ADA continues to guide DEP in the continued improvement of our facilities, programs, and processes to ensure that all employees have equal access and opportunities to succeed.

"The ADA Walk was truly an historic moment, to see so many people being supportive, embracing each other and recognizing the great contributions that persons with disabilities bring to the table. As one of our colleagues, Ella Smith from BEDC, said, "From the east to the west, NYC water is the best."

*- Grace Pigott
Planning and Recruitment Director,
Organizational Development
& Human Resources*



"What an honor to participate with my fellow DEP colleagues in this inaugural event commemorating the fight for equitable treatment of all workers and the anniversary of such a significant advancement in American history."

*-Mikael Amar
Policy Analyst, Energy Office*

JUNE: LESBIAN, GAY, BISEXUAL, TRANSGENDER (LGBT) PRIDE MONTH

In NYC, the Lesbian, Gay, Bisexual, Transgender (LGBT) civil rights and the rise of awareness is relatively important in recent years. An important day in history is June 26, 2015. On this day the Supreme Court ruled by a 5-to-4 vote that the Constitution guarantees a right for same-sex couples to marry in all fifty states. NYC celebrated its Gay Pride, commonly known as the Pride Parade, on June 28, 2015. Many people came to join the celebration of the passing of marriage equality law. NYC has always been known as an exciting place to discover lesbian, gay, bisexual and transgender culture any time of year. But every June, the five boroughs come alive with parades, festivals and parties that bring this community's heritage to the forefront of public attention. Thus, the theme for this year's Pride Month: "Complete the Dream." Let's celebrate and raise awareness of the LGBT community and LGBT civil rights movement. In the past two decades people who are LGBT have made incredible progress towards securing equal rights in marriage equality and protections against discrimination. Following are six milestones for the LGBT community in the business world, from the private sector companies who were the early adopters of pro-LGBT policies.

- In 1982, the New York City based Village Voice newspaper was the first private company to offer same sex benefits.
- American Airlines is the first major American air carrier to implement LGBT anti-discrimination protections for its employees and customers. In 1999, American Airlines began offering partner benefits which other airlines including United Airlines, Continental Airlines, and US Airways, followed.
- Chevron was the first American oil company to offer same-sex benefits.
- In 2014, Apple CEO Tim Cook stated he was proud to be gay in an essay for the Bloomberg Business Week and acknowledged that he wouldn't have been able to do so a few decades before. He spoke of how America is moving toward marriage equality and how the public figures who have bravely come out helped change perceptions and made our culture more tolerant.
- Rick Welts, who was the third-highest ranking executive for the NBA for a time, and served as President and CEO of the Phoenix Suns, announced his sexual orientation publicly in an interview with the New York Times. He is the first major American sports executive to publicly come out.
- Jason Collins became one of the first openly gay NFL players. In 2011, the National Football League, National Basketball Association, and Major League Baseball all added a special sexual orientation non-discrimination clause to their policies.

Americans with Disabilities Act and The Pregnant Workers Fairness Act

In 1978, the U.S. Congress passed the Pregnancy Discrimination Act. The 2008 amendment of the Americans with Disabilities Acts protects temporarily disabled workers. Even though pregnancy itself is not a disability, some pregnancy-related impairments are disabilities covered under this amendment. Employers are required to make the same accommodations for limitations arising out of pregnancy that they would provide to workers with similar limits arising out of disability. Some of the reasonable accommodations for pregnant workers might be modified work schedules; modified workplace policies; reassignment to a vacant position; providing or modifying equipment; job restructuring and light duty.

Recently, a complaint was settled with the U.S. Equal Employment Opportunity Commission. The City added pregnancy and childbirth to list of conditions under which applicants can ask for a special test date that includes all open competitive and promotional exams the agency oversees. The spokeswoman for the Department of Citywide Administrative Services (DCAS) said, "We are pleased that we were able to resolve this matter and that going forward all applicants will be accorded their full rights under the law." Therefore, it is evident that there is no excuse for denying pregnant women reasonable accommodations to enable them to work on an equal basis with everyone else.

"Pregnancy, Childbirth Now basis for City's Giving Makeup Tests." The Chief, 14 Aug. 2015.

"The Pregnancy Discrimination Act and the Amended Americans with Disabilities Act: Working Together to Protect Pregnant Workers." National Women's Law Center, 1 Nov. 2014.

Lactation Program

This program supports working mothers returning from maternity leave. Two Lactation Rooms have been designated at Lefrak Headquarters and one at the Kingston Offices. Information and Program Registration forms can be accessed on Pipeline using the following link: pipeline/subsections/equal_employment-opportunity/downloads.php.

CAREER COUNSELING



DEP's Career Counseling service is focused to prepare valued employees to meet future agency needs and provide employees with career growth and development tools in a civil service environment. The Career Counselor provides clear direction on civil service career opportunities and paths, identifies advancement opportunities within the Agency and provides information on civil service titles, salaries, upcoming examinations, current vacancies, job specifications and requirements, and training. Employees seeking career counseling are encouraged to first contact their respective bureau administrator and if further information is needed, we encourage employees to contact the Agency's Career Counselor, Herb Roth, Deputy Director of Human Resources at (718) 595-3377 or by email at herbr@dep.nyc.gov.



MEDIATION

The Office of Administrative Trials and Hearings (OATH) has launched an initiative to encourage change in the way workplace conflicts are addressed. OATH is aimed at assisting employees by providing an alternative, neutral, private and safe forum to address difficult situations before matters escalate. Services are free and participation is voluntary. If interested in participating in mediation, please contact the EEO Officer.