Reasonable Accommodations for Employees with Disabilities

• Required by federal ADA and NYS Human Rights Law
• Employee still must be able to perform primary job functions
• Law not changed by COVID-19 Pandemic, but certainly has added complexity to it
• Definition of disability under each statute very broad
• Reasonableness of accommodation often comes down to its cost
• Resentment or jealousy of co-workers regarding accommodation may not be considered
• Unpaid time off often a required reasonable accommodation
Assisting Employees with Child Care Issues

• Most of the time, not a legal issue (same with transportation, general schedule issues)
• However, being a parent is a protective class so care must be taken not to discriminate
• Also, for an ill child, NY Paid Family Leave of up to 10 weeks at 60% of salary (to a cap of $840/week) may be available and it increases to 12 weeks/67%/$971.61 in 2021
• Finally, for schools or daycare facilities closed for COVID-19 related reasons, many employees will be entitled to 12 weeks of leave at 67% pay under the federal COVID-19 Law (“FFCRA”)