

Introduced by: Presiding Officer Nicoletto, Deputy Presiding Officer Kopel, Alternate Deputy Presiding Officer Ford, Minority Leader Abrahams, and Legislators Bynoe, Solages, Mule, Gaylor, Muscarella, Birnbaum, DeRiggi-Whitton, Kennedy, McKeivitt, Schaefer, Ferretti, Drucker, Walker, Lafazan, and Rhoads

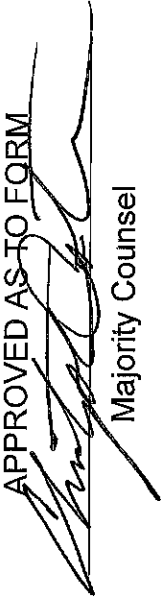
LOCAL LAW NO. 24 -2019

A LOCAL LAW TO AMEND THE NASSAU COUNTY HUMAN RIGHTS LAW IN RELATION TO REASONABLE ACCOMODATIONS

Passed by the Nassau County Legislature on September 23, 2019

Voting: ayes: 18, naves: 0, abstained: 0

Became a law on October 16, 2019 with the approval of the County Executive

APPROVED AS TO FORM

Majority Counsel

WHEREAS, the National Institute on Deafness and Other Communication Disorders (NIDCD) estimates that "About 2 to 3 out of every 1,000 children in the United States are born with a detectable level of hearing loss in one or both ears"; and

WHEREAS, hearing loss is a pervasive issue on a national level, with the NIDCD reporting that "One in eight people in the United States aged 12 years or older has hearing loss in both ears"; and

WHEREAS, a 2005 MarkeTrak VII report projected that the number of Americans with hearing loss will increase to forty million by the year 2025 and fifty-three million by the year 2050; and

WHEREAS, according to statistics generated by the Hearing Industries Association, over three million hearing aid units were dispensed in the United States in 2016 alone; and

WHEREAS, according to the World Health Organization, an estimated 1.3 billion people live with vision impairment throughout the world; and

WHEREAS, 26.9 million adult Americans, or about 10% of all adult Americans, report that they have difficulty seeing even when wearing glasses or contact lenses, or that they are blind or unable to see at all; and

WHEREAS, the Nassau County Commission on Human Rights is empowered under the Nassau County Administrative Code to encourage equality of treatment and prevent discrimination based upon disability; and

WHEREAS, a minimal standard of hearing acuity and sight are a bona fide occupational qualification for many jobs in Nassau County; and

WHEREAS, this Legislature believes that the reasonable accommodation provisions of the Americans with Disabilities Act, the New York State Human Rights Law, the Nassau County Human Rights Law and any other applicable anti-discrimination laws should be liberally construed to accomplish their remedial purposes; and

WHEREAS, an unintended consequence of unnecessarily inflexible rules for standardized employment qualification testing is that they may potentially discriminate against individuals with disabilities; and

WHEREAS, this Legislature finds that, in appropriate circumstances, hearing aids, interpreters, service animals, glasses, and other aids can mitigate a hearing or vision disability to allow an employee or prospective employee with a hearing or vision impairment to potentially achieve minimal hearing standards to qualify for employment; and

WHEREAS, this Legislature has taken strides towards becoming inclusive for people who are deaf or hard of hearing; and

WHEREAS, this Legislature finds that the permitted use of auxiliary aids, such as hearing aids, interpreters, service animals, glasses, and other aids are necessary to support effective communication in the workplace and help remove barriers that prevent individuals with a hearing or vision impairment from enjoying the same opportunities as those who are not hearing impaired; and

WHEREAS, this Legislature believes that it is necessary to amend the County Human Rights Law to clarify that permitting the use of hearing aids, interpreters, service animals, glasses, and other aids can be a reasonable accommodation to permit individuals with disabilities to effectually perform as public or private employees; and

WHEREAS, the Americans with Disabilities Act places no constraint on what qualifies as a reasonable accommodation, and the examples set forth by this local law shall place no limitation thereon; now, therefore,

BE IT ENACTED by the County Legislature of the County of Nassau as follows:

Section 1. Title C., subdivision 1 of Section 21-9.2 of the Nassau County Administrative Code, as amended by Local Law Nos. 9-2006 and 6-2019, is amended to read as follows:

§ 21-902. Definitions. For the purposes of titles C, C-1 and C-2 of this chapter the following terms shall have the following meanings unless otherwise defined in Titles C-1 or C-2:

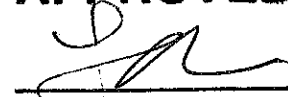
1. "Reasonable accommodation" means actions taken that permit an employee, prospective employee or member with a disability to perform in a reasonable manner the activities involved in the job or occupation sought or held. Reasonable accommodation includes, but is not limited to, provision of an accessible worksite, acquisition or modification of equipment, support services for persons with impaired hearing or vision, permitting persons with impaired hearing to use hearing aids and other such auxiliary aids, interpreters, teletypewriters (TTYs), telecommunications devices for the deaf (FFDs), text telephones (TTs), video phones, modified exams and training materials, and/or indicator lights to effectively make aurally delivered information available to such persons, and permitting persons with impaired vision to use eyeglasses, readers or interpreters, modified exams and training materials, computer screen magnifiers, braille printers, equipment with tactile markings or raised print, canes, screen reading software, and light probes to detect light to make visually delivered information available to such persons, job restructuring and modified work schedules, provided, however, that such actions do not impose an undue hardship on the business, program or enterprise of the entity from which action is requested. Additionally, the following shall be examples of reasonable accommodations: desks that accommodate wheelchair bound individuals, anti-glare screens, telephone headsets, speaker phones, adaptive light switches, keyboard armrests and finger guides mounted on keyboards to keep persons with motor control impairments from striking keys in error, and clipboards for employees with manual impairments.

Section 2. Severability. If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder hereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 3. SEQRA Determination. It is hereby determined, pursuant to the provisions of the State Environmental Quality Review Act, 8.N.Y.E.C.L. section 0101 et. seq. and its implementing regulations, Part 617 of 6 N.Y.C.R.R., and Section 1611 of the County Government Law of Nassau County, that the adoption of this local law is a "Type II" Action within the meaning of Section 617.5(c)(20) and (27) of 6 N.Y.C.R.R., and, accordingly, is of a class of actions which do not have a significant effect on the environment; and no further review is required.

Section 4. Effective Date. This law shall take effect immediately upon its filing in the Office of the Secretary of State.

APPROVED



County Executive

DATE 10-16-19