



November 11, 2025

The Honorable Michelle Lujan Grisham

Governor of New Mexico

490 Old Santa Fe Trail · Room 400

Santa Fe, NM 87501

**CWA 7076 Call for Action
on Treatment of State Employees with Disabilities**

Dear Governor Lujan Grisham,

As the Communication Workers of America (CWA) Local 7076 Disability Justice Committee, we are writing to demand you take action to remedy the ongoing failure of the State to accommodate employees with disabilities in accordance with their civil rights outlined under the Americans with Disabilities Act (ADA).

Over the last year, State employees and Union members from multiple agencies documented patterns of potential ADA violations, unnecessary barriers, and inappropriate treatment that employees faced from ADA Coordinators, HR staff, and management across state agencies when trying to receive workplace accommodations.

Across executive agencies, the following key issues were identified:

- Delays of up to ten months in the accommodations process resulting in lost productivity, intense distress, and the departure of valuable employees.
 - *"My accommodation took six months the first time and six months the second time. The second time was when I was forced to renegotiate my accommodation at my one year anniversary. That's when they pushed me into FMLA when I didn't need FMLA. Ultimately I found out that my accommodations were never formally met, only informally. I am afraid if I lose my supervisor, I will lose my job security."*
 - *"I submitted my ADA request in October 2022 and did not hear back from HR until August 2023."*
- Management and HR, including ADA coordinators, discouraged employees from initiating the accommodations process by implying or stating that it will be denied or will be too hard.
- Employees were directed to take unpaid time off work through the Family and Medical Leave Act (FMLA) rather than be provided accommodations that would allow them to work effectively. Reliance on paid and unpaid FMLA only serves to

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keep employees from doing their jobs, creates financial strain, and wastes taxpayer dollars. We are surprised that the State seems to prefer to send employees home rather than have productive employees do their jobs with accommodations.

- Supervisors and HR pressured employees to accept “off the book” accommodations, leaving employees unprotected.
- Denial of reasonable accommodations without engaging in the interactive process.
 - “[ADA Coordinator] did not follow up on any of my ADA requests except to deny them. I had several requests and since telework was one of them she completely shut down any of the other requests. When I asked for her to follow up on my other requests, I was ignored.”
 - “[There was] No interactive process at all - declination via email conversation only. No clarifying questions, requests for further documentation, etc. Not offered a meeting.”
 - “Denial by no response. Offered a telephone/video meeting, declined due to my disabilities and proposed an in-person meeting in ABQ, no reply.”
- Pattern of inappropriate, discriminatory, and unprofessional comments by those involved in the ADA process. Including:
 - “[I] was asked ‘How do you run errands?’ ‘Aren’t you afraid to go out in public?’ ‘How do you fly on planes?’”
 - “Disabilities were dismissed as, ‘..oh, i have that too, no big deal right?’”
 - “My supervisor said ‘I know you have autism, but you should know better than this.’”
- Comparing other employees’ disabilities as a metric of denials and sharing personal medical details of other employees.
 - “I was told that my disability was legitimate. The HR person then referenced another employee asking for accommodation for migraines and how that wasn’t a legitimate disability.”
- Inappropriate requirements for documentation of disability once accommodations are granted instead of assessing if the accommodations are still effective.
- Lack of safety procedures to protect workers and the public during emergencies.

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- *"DOH leadership told me that the only workers at risk during a chemical exposure were those with health conditions like asthma when justifying their failure to protect workers."*
- Inaccessible facilities without operational automatic doors, preventing workers with disabilities from accessing their worksite or restroom.

Following an information request, we found an alarming lack of training provided to agency staff who are tasked with implementing ADA laws and evaluating accommodations for disabled employees. Since 2020, only two trainings have been conducted for ADA coordinators, both in 2024, per an August 2025 information request. Only about half of the State agencies we represent participated in one of these training sessions. We also found ADA policies were either non-existent or hadn't been updated in more than 20 years at some Agencies. Larger Agencies, such as DOH, only have one ADA coordinator tasked with processing ADA requests for more than 3,000 employees. The inconsistencies across Agencies leads to inequitable treatment of disabled employees and open the State up to further liability.

We are interested in supporting the stated goals of the State Personnel Office (SPO) of employee retention, a healthy workforce and being a good employer. Eighty percent of the disabled employees our Committee surveyed responded that they have considered quitting due to difficulty receiving adequate accommodations. The State is pushing qualified, passionate people out of a workforce with a vacancy of at least 20% over the last five years.

CWA 7076 has met with SPO Director, Dylan Lange, repeatedly over the past year, providing specific cases and detailed information about discriminatory practices against workers with disabilities. We believe a more proactive response is required to limit the burden on affected employees and limit tax dollars spent on unnecessary litigation and liability. Director Lange stated that SPO could not direct agencies to correct their behavior and that employees and unions could pursue legal action against the State to correct the issue. Director Lange advised our union that the best remedy is for workers to begin the process to take legal action against the State by filing EEOC and NM HRB complaints. If the SPO Director is unable to direct executive agencies to comply with federal law, who can?

The Disability Justice Committee recommends the following actions as a starting point to address the issues outlined in this letter:

- Develop clear policies and guidance on training standards for HR professionals involved in the ADA accommodations process.
- Complete an audit of ADA policies, practices, and procedures through an external party.

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- Update or implement ADA accommodation policies to include the following:
 - Any denial of an ADA accommodation will be accompanied by an email to the employee outlining reasons for denial.
 - Within 20 business days of an accommodation request, an employee shall receive: an accommodation through the interactive process, a temporary accommodation, denial with reasons documented.
 - An appeals process for any employee denied an accommodation.

Governor Lujan Grisham, this is an important opportunity to lead transformational change within your own Agencies. This is a matter of civil rights, employee retention, and liability to the State and concerned constituents across the state. We look forward to your leadership on this important issue.

Sincerely,

CWA Local 7076 Disability Justice Committee

Megan Green, CWA Local 7076 President

Linsey Hurst, CWA Local 7076 Executive Vice President

Sunny Gonzales, CWA Local 7076 Steward and Disability Justice Committee Chair

CWA Local 7076 Executive Board

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