

# Nassau Community College



## Procedures for Reasonable Accommodations

### **American with Disabilities Act (ADA)**

The Americans with Disabilities Act (ADA) became law in 1990. The purpose of the law is to protect people with disabilities from discrimination in employment.

In 2008, Congress passed the ADA Amendment Act (ADAAA) to broaden the definition of “disability” that had been narrowed by Supreme Court decisions. These decisions limited the protection of persons with disabilities that had been provided in the 1990 law.

The term disability means:

- A physical or mental impairment that substantially limits one or more of a person’s major life activities such as: breathing, seeing, hearing, walking, sitting, standing, sleeping, caring for yourself, lifting, or learning.
- Having a record of an impairment
- Being regarded as having an impairment

Reasonable Accommodation is a provision protected and regulated under the Rehabilitation Act of 1973, 29 U.S.C. § 794, to ensure that employees with physical/mental disabilities are given reasonable accommodations.

The process for providing reasonable accommodations requires the cooperation of employees, their supervisors, and the ADA/504 Officer (AAO Affirmative Action Officer). The purpose of reasonable accommodations is to provide employment opportunities for persons with disabilities who otherwise would not be able to perform the essential functions of their job, and to allow employees with disabilities to perform or be more productive. Reasonable accommodations may include, but are not limited to (a) making existing facilities readily accessible to individuals with disabilities; (b) job restructuring,

modification of work schedules or place of work, extended leave, telecommuting (working remotely), reassignment to a vacant position; and (c) acquisition or modification of equipment or devices, including computer software and hardware, appropriate adjustments or modifications of examinations, training materials or policies, the provision of qualified readers and/or interpreters and other similar accommodations.

### Request for Reasonable Accommodations

An employee may request reasonable accommodation to their immediate supervisor (Director, Chair, Dean, AVP, VP or President, etc.) or can make the request directly to the ADA/504 Officer ([aa0@ncc.edu](mailto:aa0@ncc.edu)) if the supervisor or department/unit head is not available.

- Requests made to a supervisor – An employee may verbally request reasonable accommodations to their supervisor. The supervisor may determine that the requested accommodation will not disrupt the overall budget and/or the operation of the department and grant the accommodation. The Request for Reasonable Accommodation form must be filled out, signed by the supervisor and employee, and submitted to the ADA/504 Officer. If the supervisor does not approve the request, she/he/they must forward the request to the ADA/504 Officer and advise the employee of their action. The ADA/504 Officer shall convene an interactive process meeting with the employee/requestor and supervisor(s). The employee/requestor may have union representation or internal advocate present for the interactive meeting.
- Requests made to the ADA/504 Officer – If an employee requests reasonable accommodation directly to the ADA/504 Officer, the ADA/504 Officer shall have them complete the Request for Reasonable Accommodation form and contact the requestor's supervisor for their signature to acknowledge the request and ascertain if she/he believes that they can or cannot grant the request. If it is determined that a request cannot be granted, the ADA/504 Officer will convene an interactive process meeting.
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- If a supervisor believes that their employee may benefit from a reasonable accommodation but has not requested accommodation, the supervisor should discreetly ask the employee if they need to/want to request a reasonable accommodation, and/or refer the employee to the ADA/504 Officer, or notify the ADA/504 Officer of his/her beliefs.
- Interactive Process – The purpose of the meeting is to allow the employee/requestor and their supervisor(s) to discuss the impact the department would have granting the accommodation and to explore possible amicable solution(s). The ADA/504 Officer shall make a final determination for the interest of the College.

It is unlawful to consider one case (request) based on a similar case or a personal experience. It is the College's desire to encourage personnel to realize their optimum

health when possible. Therefore, we urge staff to take the appropriate and necessary time off to allow themselves to recover or get well if possible. On the occasion, an employee's absence proves to be a disruption to the department's ability to function because the employee is the Subject Matter Expert (SME) and has knowledge or responsibilities that cannot be temporarily shared, reassigned, or neglected; the supervisor may request on behalf of the employee that he/she/they be able to telecommute. The employee may also request to telecommute.

The factors to determine such requests shall include, but not limited to the following:

- Is the employee the only SME who can execute the duties?
- Will the absence of the employee create a serious hardship for the department or College?
- Is there substantial work for the employee to do remotely (full-time or part-time)?

In accordance with ADA, accommodations cannot be granted if doing so violates a collective bargaining agreement, such as seniority teaching assignments for remote classes.

The ADA/504 Officer will review the request in consultation with the area VP, supervisor, and employee and will decide on the request. After a determination has been made the employee and supervisor will be notified.

In most instances, the ADA/504 Officer will require medical documentation attached to the request form. If the accommodation is granted the employee must submit the attached daily log sheet along with his/her/their timesheets for their supervisor's approval.

### Timeline & Review

The timeline for considering a request is 30 business days. This includes convening the interactive process and deciding, thereafter.

Requests for reasonable accommodation must provide a time period for the accommodation. It is incumbent upon the employee to understand her/his accommodation period and to request an extension if necessary. Supervisors must also monitor their employee's accommodation period. Should an employee continue their accommodation beyond the approved period, the supervisor must contact the ADA/504 Officer who will follow up with the employee and Labor Relations. Failure to comply may result in personnel action(s).

### Documentation

All documentation regarding approved reasonable accommodations shall be held in ADA/504 Office and HR. At no time shall a supervisor receive or retain medical records or copies of the request forms in their office.