

Nassau Community College



Procedures for Reasonable Accommodations for Employees

The goal of these procedures is to create a more inclusive environment where all employees can readily and efficiently request reasonable accommodations necessary to reach their full potential at work. These procedures also comply with the College's obligations under the Americans with Disabilities Act, the Rehabilitation Act and other applicable state and local disability related laws and regulations.

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

The process for providing reasonable accommodations requires the cooperation of employees, their supervisors, and the Affirmative Action Office. 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 in their jobs. 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.

Reasonable accommodations do not include requests that would impose an undue hardship or fundamentally change the essential functions of a job.

Leave time, remote work and/or reassignment to another vacant position are accommodations of last resort.

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

- Is the employee the only employee who can execute the assigned 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.

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 Affirmative Action Office (aao@ncc.edu) if the supervisor or department/unit head is not available.

- Requests made to a supervisor – An employee may verbally or in writing request reasonable accommodations to their supervisor. The Request for Reasonable Accommodation form must then be filled out, signed by the supervisor and employee, and submitted to the Affirmative Action Office by the supervisor for review and approval. Upon receipt of the request, if necessary, the Vice President, Equity, Inclusion, Affirmative Action, Title IX Coordinator (ADA Officer) shall convene an interactive process, which will include meeting with the employee and supervisor(s). The employee may have union representation or internal advocate present for the interactive meeting.
- Requests made to the Affirmative Action Office – If an employee requests reasonable accommodation directly to the Affirmative Action Office, the ADA Officer shall have them complete the Request for Reasonable Accommodation form and contact the employee's supervisor(s) for their signature to acknowledge the request and ascertain if she/he/they believes that they can or cannot grant the request. If it is determined that a request cannot be granted, the ADA Officer will convene an interactive process meeting.
- If a supervisor believes that their employee may benefit from a reasonable accommodation but has not requested an accommodation, the supervisor should discreetly ask the employee if they need to/want to request a reasonable accommodation, notify the ADA Officer in writing of the details of the discrete conversation, and/or refer the employee to the ADA Officer.

- Interactive Process –The purpose of the interactive process is to identify an accommodation that is reasonable and effective, and does not impose an undue hardship on the College.
- The employee may be asked to obtain sufficient medical documentation of the need for an accommodation. If sufficient medical information is not provided by the employee, the ADA Officer may ask the employee requesting an accommodation to sign a limited release form permitting the College to contact the provider for additional information.

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

Timeline & Review

The timeline for considering a request is 30 business days. This includes convening the interactive process and deciding, thereafter. If the ADA Officer must request medical information or documentation from an employee's health care provider, the time frame will stop on the day that the ADA Officer makes the request to obtain the medical information or sends out a request for information/documentation, and will resume on the day that the information/documentation is received by the ADA Officer. It is therefore recommended that the employee work closely with their health care provider to expedite their response to the College's inquiry.

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 Officer who will follow up with the employee and Labor Relations. Failure to comply may result in personnel action(s).

Documentation

Medical information will be disclosed only on an "as need to know basis". Accommodations may be provided without informing the employee's supervisor or without disclosing the employee's diagnosis or disability. All documentation regarding approved reasonable accommodations shall be held in ADA Office and HR, in a file separate from an individual's personnel file. At no time shall a supervisor receive or retain medical records or copies of the request forms in their office.