
Human Resources Department Policy

Reasonable Accommodations for Employees with Disabilities

Purpose

It is the policy of Essex County College not to discriminate on the basis of disability against any qualified person, in accordance with the Americans with Disabilities Act, the Rehabilitation Act and the New Jersey Law Against Discrimination (Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, the ADA Amendments of 2008 and the New Jersey Law Against Discrimination). To this end, the College provides reasonable accommodations to qualified individuals with disabilities unless the accommodation would impose an undue hardship on the College. The purpose of this policy is to assist employees in requesting reasonable accommodations and serve as a guide in assessing all requests.

Scope

This is a College wide policy.

Definitions

1. *Essential function* - The fundamental job duties that the person who holds the position must be able to perform unaided or with the assistance of a reasonable accommodation. A job function is essential if (a) the reason the position exists is to perform that function; (b) there are a limited number of employees available among whom the performance of that job function can be distributed; and/or (c) the function is highly specialized.
2. *Qualified individual with a disability* - An individual with a disability who satisfies the requisite skill, experience, education and other job-related requirements of the position s/he holds or seeks and, with or without reasonable accommodation, can perform the essential functions of such position.
3. *Reasonable accommodation* - Modifications or adjustments to a job or the work environment that will enable a qualified individual with a disability to perform the essential functions of that position.

Policy

1. *How to Request a Reasonable Accommodation*

1.1 The responsibility for initiating a request for a reasonable accommodation rests with the employee. Any current employee, or a family member or healthcare provider acting on his/her behalf, may request a reasonable accommodation. The request may be made in person, via phone, email or fax.

1.2. Requests shall be made to the Director of Human Resources or his/her designee (for purposes of this policy, "DHR for HR" shall include the Director and his/her designee) who shall provide the employee requesting the accommodation with a "Reasonable Accommodation Form."

1.3. It is the responsibility of the employee, or family member or healthcare provider acting on his/her behalf, to complete the Reasonable Accommodation Form in full and submit it to the DHR for HR. Upon request, the DHR for HR shall assist the employee in completing the Reasonable Accommodation Form.

1.4. In addition to a completed Reasonable Accommodation Form, all requests for accommodation must provide the following:

- (a)** Verification of the limitation by the employee's health care provider.
- (b)** A release executed by the employee allowing the DHR for HR, the employee's healthcare provider and/or a healthcare provider or technical assistant selected by the College to discuss the limitation and any proposed reasonable accommodation.

1.5. Supervisors are required to notify the DHR for HR of any request for accommodation brought to their attention by any current employee, or a family member on his/her behalf, whether made in person, via phone, email or fax, and to direct the employee to the DHR for HR, if the employee has not already contacted HR. Upon notification by a supervisor, the DHR for HR shall consult with the employee and the above steps shall be followed.

2. *Review of Requests for Reasonable Accommodation*

2.1. The determination as to a reasonable accommodation is made on a case-by-case basis through an interactive process involving the employee, the supervisor and the DHR for HR.

2.2. The employee making the request is required to cooperate throughout the interactive process.

2.3. The DHR for HR shall, when reviewing and acting upon a request for an accommodation:

- (a)** Consult with the employee's supervisor concerning the substance of the request and, in conjunction with the employee's supervisor, analyze the job or activity and determine its purpose and essential functions.

(b) Consult with the employee to determine the job-related limitations that result from the disability and how those limitations could be overcome by a reasonable accommodation.

(c) Identify, in consultation with the employee and his/her supervisor, accommodation options that overcome limitations and assess the effectiveness and feasibility of the proposed accommodations.

2.4. The DHR for HR and the supervisor shall select and implement the accommodation most appropriate for both the employee and the College. The DHR for HR shall complete the Reasonable Accommodation Form and communicate the decision, in writing, to the employee.

2.5. Every effort should be made to reach a decision regarding an accommodation within twenty (20) business days from the date the DHR of HR receives completed Reasonable Accommodation and Medical Inquiry Forms containing sufficient information, as determined by the DHR for HR.

2.6. An employee dissatisfied with the resolution of a reasonable accommodation request may grieve or otherwise request the Vice President of Human Resources to review that decision. An employee must grieve or request a review, in writing, within ten (10) business days of receiving the written decision from the DHR for HR under Section 2.4 above. The Office of General Counsel is the designated responsible office for grievance purposes under this section.

3. *Refusing a Reasonable Accommodation*

An employee is not required to accept an accommodation which s/he chooses not to accept. However, if such employee rejects a reasonable accommodation and, as a result, cannot perform the essential functions of the position, the employee will not be considered qualified and may be discharged.

4. *When a Reasonable Accommodation is Not Required*

4.1. The College is not required to provide an accommodation that will impose an undue hardship on it. Undue hardship refers to any accommodation that would be unduly costly, extensive, substantial, disruptive or that would fundamentally alter the employee's job and/or the nature or operation of the College.

4.2. The College is not required to employ an individual who poses a direct threat or significant risk of substantial harm to the health or safety of him/herself or others. If an individual poses a direct threat or significant risk of substantial harm as a result of a disability, the College must determine, on a case by case basis, whether a reasonable accommodation would either eliminate the risk or reduce it to an acceptable level. If no accommodation exists that would either eliminate or reduce the risk, the employee may be discharged.

5. *Applicants*

An applicant who may need a reasonable accommodation for a disability in order to participate in the selection process should contact the DHR for HR.

6. *Other Employment-Related Benefits and Privileges*

6.1. Any current employee, or a family member or healthcare provider acting on his/her behalf, may request a reasonable accommodation in connection with benefits and privileges of employment that are enjoyed by employees without disabilities. These accommodations would cover non-work areas used by employees for other purposes such as Clinical Sites, Off Site Meetings, dining facilities and restrooms, etc.

6.2. Requests shall be made to the DHR for HR and may be made in person, via phone, email or fax. The DHR for HR shall provide the employee requesting the accommodation with a "Reasonable Accommodation Form Non-Work." It is the responsibility of the employee, or family member or healthcare provider acting on his/her behalf, to complete the Reasonable Accommodation Form Non-Work in full and submit it to the DHR for HR. Upon request, the DHR for HR shall assist the employee in completing the Reasonable Accommodation Form Non-Work.

6.3. Following receipt of a completed Reasonable Accommodation Form Non-Work, the DHR shall engage in the interactive process with the employee and the appropriate administrator, following the process set forth in Section 2 above.

7. *Confidentiality*

Reasonable efforts shall be taken to ensure the confidentiality of the request and review process, including any medical records submitted as well as any reasonable accommodation implemented, in accordance with the law. The contents of discussions and records will only be discussed or shared on a need-to-know basis.

Responsible Offices

Human Resources

Vice President for Human Resources, Regulatory, Legal Affairs & General Counsel

Approved

This policy was approved by President Gale E. Gibson on the recommendation of the Executive Cabinet.

Effective Date

Confidentiality

The College expects faculty, administrators, and staff to demonstrate sensitivity and discretion when working with employees with disabilities. At no time should employees make statements or implications that another employee is any different from the general employee population. You are encouraged to focus your conversation on the implementation of accommodations, not on the nature of the specific disability. Employees should never be asked to disclose their disability, serve as an example to other employees, or asked to provide medical documentation other than for the purpose of providing accommodations.

Frequently Asked Questions

1. Which laws cover an employee with a disability?

- a. The Americans with Disabilities Act of 1990, which was revised to the ADA Amendments Act in 2008. According to these laws, "no otherwise qualified person with a disability in the United States shall, solely by reason of disability, be denied the benefits of, be excluded from participation in, or be subjected to discrimination under any program or activity receiving federal financial assistance."

2. What is the definition of a disability?

- a. A person with a disability includes any person who: has a physical or mental impairment that substantially limits one or more major life activities; has a record of such impairment; or is regarded as having such impairment.

Types of disabilities include, but are not limited to, the following:

- Blindness or visual impairment
- Deafness or hearing impairments
- Chronic illness such as AIDS, lupus, arthritis, diabetes and Cancer (Leukemia)
- Psychiatric disabilities such as major depression, bipolar disorder, or generalized anxiety disorder
- Neurological disorders
- Specific learning disabilities

3. What is appropriate documentation?

- a. Accommodations and services will be identified based on documentation from a qualified professional. Adequate documentation should be recent and include: a description of the nature and extent of the disability; an explanation of the

functional impact of the disability, especially as it relates to the academic environment; and recommendations for reasonable accommodations.

In order to establish eligibility as an individual with a disability, it is the responsibility of the employee to submit documentation that is comprehensive, clearly specifies the presence of a disability.

Any specific recommendations for accommodations must be based on significant functional limitations and must be supported by the diagnostic assessment. Accommodations and academic adjustments cannot be implemented until the student's documentation meets these criteria. Prior history of having received an accommodation does not, in and of itself, warrant or guarantee its continued provision. An Individualized Education Plan (IEP) or 504 Plan from high school is almost never sufficient documentation of a disability in the postsecondary setting.

4. *What are reasonable accommodations?*

- a. A reasonable accommodation is always based on an individual's documented need and is intended to "level the playing field" by reducing the discriminating effects of the disability.

5. *Will the nature of my disability be shared with other employees?*

- a. No. the nature of the disability is only required so that the College understands what type of accommodations are needed.

6. *Who provides the accommodation(s) to the employee?*

- a. *The Human Resources Department is responsible for providing a reasonable accommodation.* The accommodation process is designed to be collaborative and interactive.

7. *Do I have to inform the College that I have a disability?*

- a. No. However, if you want Essex County College to provide an accommodation, you must identify yourself as having a disability. Likewise, you should let the College know about your disability if you want to ensure that you are assigned to accessible facilities. In any event, your disclosure of a disability is always voluntary.

8. *What documentation should I provide?*

- a. Essex County College requires you to provide documentation prepared by an appropriate professional, such as a medical doctor, psychologist or other qualified diagnostician. The required documentation may include one or more of the following: a diagnosis of your current disability; the date of the diagnosis; how the diagnosis was reached; the credentials of the professional; how your disability affects a major life activity; and how the disability affects your academic performance. The documentation should provide enough information for you and Disability Support Services' (DSS) staff to decide what is an appropriate academic adjustment.

9. *Who has to pay for a new evaluation?*

- a. Essex County College is not required to conduct or pay for a new evaluation to document your disability and need for an accommodation. This may mean that you have to pay or find funding to pay an appropriate professional for an evaluation.

10 *How do institutions determine what academic adjustments are appropriate for me?*

- a. Once you have identified yourself as an employee with a disability, requested an accommodation and provided appropriate documentation upon request, HR staff will discuss with you what accommodations are appropriate in light of your individual needs and the nature of the institution's program. Employees with disabilities possess unique knowledge of their individual disabilities and should be prepared to discuss the functional challenges they face and, if applicable, what has or has not worked for them in the past. HR staff is prepared to describe the barriers you may face in individual classes that may affect your full participation, as well as discuss accommodations that might enable you to overcome those barriers.

Why Is This Important?

Section 504 of Rehabilitation Act and the Americans with Disabilities Act both require Colleges to ensure that no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of the College, or be subjected to discrimination by the College.

The general prohibitions against discrimination under Section 504 and the ADA prohibit different or separate services or benefits for persons with disabilities unless necessary to provide a qualified person with a disability services or benefits that are as effective as those provided to others.



Self-Identification Form

The Human Resources Department coordinates reasonable accommodations and services for employees with documented disabilities in compliance with Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, and the Americans with Disabilities Act Amendments of 2008. Please refer to the DSS website for specific documentation requirements and complete registration instructions.

Employee Contact Information:

Name: _____ ECC ID/ SSN: _____

Email: _____ Alternate Email: _____

Cell Phone: _____ Home Phone: _____

Permanent Address: _____
#and Street City, State Zip Code

Date of Birth (MM/DD/YYYY): _____

Employment Status: Full Time Part Time Temporary Other

Current Semester/Year: _____

Campus: _____

Disability type:

- ADD/ADHD
- Neurological Disability
- Psychological Disability
- Learning Disability
- Mobility/ Physical Disability
- Visual Impairment
- Hearing Impairment
- Medical/ Chronic Health Condition
- Other: _____

Please describe the problems you encounter due to disability in an academic setting: _____

Accommodation Information:

1. **Have you received accommodations in the past? If so, please list.** _____

2. **Please list and describe the academic accommodation(s) you are currently requesting.** _____

Referral Information:

Please indicate how you learned about DSS?

- | | |
|-------------------------------------------------------|----------------------------------------------------------|
| <input type="checkbox"/> Academic Advisor / Dean | <input type="checkbox"/> Admissions |
| <input type="checkbox"/> Athletics Department | <input type="checkbox"/> Course Syllabus (ADA Statement) |
| <input type="checkbox"/> Essex County College Website | <input type="checkbox"/> Professor |
| <input type="checkbox"/> Friend of Family Member | <input type="checkbox"/> High School Counselor / Teacher |
| <input type="checkbox"/> Counseling Services | <input type="checkbox"/> Peer Mentor |
| <input type="checkbox"/> New Student Orientation | <input type="checkbox"/> Other: _____ |

Are you currently receiving services from any governmental rehabilitation agency (DVR, CBVI, DDHH) etc.?)
 Yes No

If Yes, Please list the agency and provide your counselor's contact information:

Information shared with HR will be kept confidential unless you authorize and sign a written release. It is the student's responsibility to voluntarily and confidentially disclose information regarding the nature and extent of their qualifying disability with the Human Resources Department. Completion of this form does not guarantee eligibility for disability services.

I understand that my registration with HR is not complete until I schedule and complete an intake appointment with a HR Administrator and submit the appropriate documentation. I also understand that I am responsible for understanding and adhering to all policies and procedures as explained on the HR website.

Student Signature: _____

Date: _____