

ESSEX COUNTY COLLEGE
REASONABLE ACCOMMODATION FOR RETURN TO WORK POLICY
REVISION EFFECTIVE: September 17, 2021

As a part of Essex County College's reopening and return to campus for the 2021-2022 academic year, the process for granting accommodations to employees to complete essential job functions has been updated.

The Accommodation for Return to Work Arrangement Policy is in accordance with the Americans with Disabilities Act (ADA), which makes it unlawful to discriminate in employment against a qualified individual with a disability, and sets forth guidance on workplace accommodations for qualified employees with a disability.

This policy is applicable to the employees of Essex County College, shall be overseen by the Human Resources Department, and is subject to change at any time as warranted.

SCOPE

This policy applies to all employees, including regular confidential and non-confidential, administrative, professional, support staff, police, security, faculty, temporary, part-time, and adjunct faculty employees.

DEFINITIONS

Disability: The ADA defines disability as a person who has a physical or mental impairment that substantially limits one or more major life activity, a person who has a history or record of such an impairment, or a person who is perceived by others as having such an impairment. This includes people who have a record of such an impairment, even if they do not currently have a disability.

Reasonable Accommodation: Reasonable accommodation is any change or adjustment to a job or work environment that permits a qualified applicant or employee with a disability to participate in the job application process, to perform the essential functions of a job, and to enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities.

Interactive Process: Communications and discussions between a qualified employee and Human Resources and/or the employee's Department, about the employee's disability, where the employee can share information about the nature of the disability and the limitations that may affect their ability to perform the essential job duties of the position. During this process, Human Resources will ask the employee to provide appropriate documentation from the employee's health care provider regarding the nature of the impairment, its severity, the duration, the activities limited by the impairment(s) and the extent to which the impairment(s) limits the employee's ability to perform the job's essential duties/functions. Human Resources may also request the employee to provide a written medical release or consent to communicate directly with the employee's health care provider.

RETURN TO WORK

All essential and non-essential employees are expected to return to work on-campus and perform their assigned job duties and responsibilities. Employees requiring accommodations to return to campus and perform their job functions have the responsibility to initiate a request for reasonable accommodation for a disability directly with the Department Head and Human Resources Department. Human Resources shall work with the Department Head and engage the employee in an interactive process to determine the feasibility for granting the accommodation requested, as established by department and in accordance with the Americans with Disability Act.

Unable to Return to Work: The following are options available to an employee unable to return to work with accommodations. The employee has the responsibility to initiate a leave of absence request directly with the Human Resources Department. The request shall be processed and approved as per College procedure, collective bargaining agreements, and/or legislative mandates. Human Resources shall communicate the status of the request with the employee and their supervisor, in accordance with applicable State and Federal laws.

Leave of Absence (via Accrued Time or FMLA): An employee who is unable to return to work with accommodations due to a medically certifiable reason may have the option to utilize their accrued time (i.e., sick, personal, vacation) as per collective bargaining agreements or in conjunction with the Family and Medical Leave Act (FMLA).

Other Leave of Absence (With or Without Pay or via Accrued Time): An employee who is unable to return to work with accommodations, not due to a medically certifiable reason may have the option to request a leave of absence. Any leave of absence granted would be subject to the terms of the respective collective bargaining agreement and/or applicable law.

Refusal to Return to Work: An employee who either refuses to return to work on campus or to work the schedule, duties or responsibilities as assigned by the Supervisor, Department or Area Head, will have the option to voluntarily separate from employment with the College. It is the employee's responsibility to inform the Department Head, Area Head and Human Resources Department in writing of the decision to voluntarily separate (i.e., resign) from the College. The Supervisor, Department Head and Area Head have the responsibility to immediately notify Human Resources of an employee's refusal to return to work on campus as assigned or the decision to voluntarily separate (i.e., resign) from the College. An employee who is absent without an approved leave or has failed to voluntarily separate may be subject to disciplinary measures, including and up to termination of employment.

COVID-19 RELATED CIRCUMSTANCES

The following are different COVID-19 related circumstances cross referenced to the applicable return to work options identified above. Use of accrued time must be in accordance with the College's standard leave rules and existing policies, procedures, collective bargaining and/or contractual agreements, as well as any applicable Federal and State laws.

CIRCUMSTANCE

POTENTIAL RETURN TO WORK OPTION

Employee's own diagnosis of COVID-19.

Medical certification required.

- Leave via Accrued Time.
- Leave of Absence in accordance with Federal or State guidelines, if applicable.

Employee's own personal illness or injury unrelated to COVID-19 or resulted in a leave of absence which commenced prior to the COVID-19 pandemic.

Medical certification required.

- Leave via Accrued Time.
- Leave of Absence in accordance with Federal or State Guidelines, if applicable.

Employee, not diagnosed with COVID-19, subject to a government or healthcare provider's quarantine or isolation order related to COVID-19.

Supporting documentation required.

- Time Off using Accrued Time

Employee responsible for the care of his/her own dependent child(ren) whose school or childcare provider is closed or unavailable due to COVID-19.

Supporting documentation required.

- Time Off using Accrued Time

Employee responsible for the care of his/her own dependent child(ren) whose school or childcare provider is closed or unavailable not due to COVID-19.

Supporting documentation required.

- Time Off using Accrued Time.

Employee responsible for the care of an immediate family member who is quarantined, under isolation, sick or displaced due to COVID-19.

Supporting documentation required.

- Time Off using Accrued Time.
- Leave of Absence in accordance with Federal or State Guidelines, if applicable.

Employee, not diagnosed with COVID-19, voluntarily self-quarantine or self-isolate with no COVID-19 symptoms and is able to work.

- Time Off using Accrued Time.

Employee who may be at a higher risk of severe illness from COVID-19 and not diagnosed with COVID-19, voluntarily self-quarantine or self-isolate with no COVID-19 symptoms and is able to work.

- Medical certification required.
- Time Off using Accrued Time.

Employee's job or work environment is under reduced operations due to COVID-19 with not enough or no work available.

- Temporary Job Reassignment, if available