



Workplace Adjustment Guide for Return to Work On-Site

Steps for Faculty to Request a Workplace Adjustment to Work Schedule, Duties or Request to Work from Home Due to a COVID-19 Concern

1. Contact your direct supervisor about your request. Your direct supervisor may be the dean who supervises your academic department or the Vice President of Student Services or Academic Affairs. Department Chairs are not supervisors.
2. Complete the form attached to this Guide for your Request for Workplace Adjustment, and submit to your direct supervisor. Ensure that all information required on the form is provided. Incomplete submissions will not be accepted.
3. Once the form is submitted, meet with your direct supervisor to discuss your request.
4. Your supervisor and/or campus administrator(s), as designated by the President, shall respond to the request, informing the employee in writing whether the temporary request will be granted in whole, in part or denied. The response shall detail the specific reasons the request was or was not granted. Alternate adjustments may be offered.
5. If your request is denied, either in whole or in part, you may appeal to the College President. The College President's written decision on appeal is considered final.

Steps for Faculty Who Choose to Use Available Leave of Absence Benefits Due to COVID-19 Related Precautions

1. As per Article 25 of the AFT 1521 Collective Bargaining Agreement, faculty members have various leaves available to them. *Covid-19 Supplemental Paid Sick Leave, CA Labor Code Section 248.2*, currently allows up to 80 hours of paid absence/illness leave.
2. Contact your direct supervisor about your situation. Your direct supervisor may be the dean who supervises your academic department or the Vice President of Student Services or Academic Affairs. Department Chairs are not supervisors.
3. Complete all attendance certification reports (ACR) for absences. ACRs must be completed and processed through your direct supervisor and home campus.
4. Absences over five (5) days must be accompanied by a formal leave of absence. Please refer to your AFT 1521 Collective Bargaining Agreement, Article 25.
5. Employees are able to use their illness and vacation quotas for this purpose.
6. **Caution:** Extended absences may result in what is called an "exhaustion of leave" status for the employee. Employees should review quota statements regularly.



Steps for Faculty to Request Reasonable Accommodation Due to Covered Disability: The B-32 Process

1. If you believe you need a disability-based accommodation to perform your job duties, whether you are on site or not, first review LACCD [Administrative Regulation B-32](#), Reasonable Accommodation for Employees with Disabilities.
2. Contact your direct supervisor about your request. Your direct supervisor may be the dean who supervises your academic department or the Vice President of Student Services or Academic Affairs. Department Chairs are not supervisors.
3. Complete the [required form](#) under B-32 provided by [your campus ADA Coordinator](#). Please contact your campus ADA Coordinator with any questions you have regarding the review process.
4. Faculty should respond promptly to all requests for information from the ADA Coordinator or their supervisor as it relates to their request for accommodation. Additional medical documentation may be required.
5. Faculty should make themselves available as needed for meetings on their request so the college can then issue its written response on the request.

FORM BEGINS ON PAGE 3



Workplace Adjustment Form For Faculty Use

LOS ANGELES COMMUNITY COLLEGE DISTRICT
Work Schedule, Duties or Work from Home Due to a COVID-19 Concern

This form is to be used only for requesting a workplace adjustment. This form should **NOT** be used to request a disability-based reasonable accommodation to perform essential job duties. Those requests should be made by contacting your direct supervisor and providing the information required on [Form B-32A](#). Refer to [B-32](#) for more information. For requesting an accommodation resulting from a qualifying disability, please contact the ADA Coordinator at your worksite. The District will not fundamentally alter the nature of its programs or services in granting workplace adjustments.

Employee Information

Name _____ Email _____

Phone: _____

Department/Discipline: _____

Department Chair: _____

If instructional faculty, please provide course name(s) and section(s):

Course Title:	Section Number:
_____	#: _____
_____	#: _____
_____	#: _____
_____	#: _____
_____	#: _____

Schedule, Work Duties or Work from Home

Please check all that apply.

- Temporary change in arrival from _____ AM PM TO _____ AM PM
 - Temporary change in departure from _____ AM PM TO _____ AM PM
 - Temporary change in building/facility.
- Please explain: _____
- Temporary change to remote work.

Please describe how this temporary adjustment will assist you:



LOS ANGELES COMMUNITY COLLEGE DISTRICT

CITY / EAST / HARBOR / MISSION / PIERCE / SOUTHWEST / TRADE-TECHNICAL / VALLEY / WEST

Please state the desired implementation date of the adjustment requested: _____

If you are not sure what kind of schedule and/or work assignment change is needed, what suggestions would you like your campus to consider? Please be specific.

Please describe the nature of your COVID-19 concern.

Have you attached documentation that supports your request? Yes No
If NO, provide estimated date as to when supporting documentation will be submitted, or indicate that supporting documentation is unavailable and why.

Faculty Signature _____ Date: _____

All private information shared with the District through this process will be maintained separately from personnel files and in accordance with all federal and state requirements.

For District/Campus Use Only - Date Received _____

Signature of Direct Supervisor _____ Date _____

Printed Name _____ Title _____
Approved Not Approved

Signature of Campus President _____ Date _____
Approved Not Approved

FOR APPEALS:

Signature of Campus President _____ Date _____
Appeal Approved Appeal Not Approved

Remember to include written rationale for the decision regardless of whether it is approved or denied, and provide to the employee.

The faculty member should be provided with the decision of this request within five (5) working days after receipt of each level of approval or appeal, unless extenuating circumstances, including the need for additional information creates the need for additional time for review.



HUMAN RESOURCES

Date: June 30, 2021

From: Mercedes Gutierrez, Ed.D.
Interim Vice Chancellor, Human Resources

To: College Presidents
ESC Senior Staff
Vice Presidents of Administrative Services
Vice Presidents of Academic Affairs
Vice Presidents of Student Services

C: Brittany Grice, Director of Diversity, Equity & Inclusion
Leo Costantino, Risk Manager
Cheryl Stephens, Administrative Analyst, Human Resources
Nicolas Crisosto, ADA Compliance Officer, ODEI

RE: **CAMPUS RE-ENGAGEMENT INSTRUCTIONS FOR WORK SITE
ADJUSTMENT**

Campus Reengagement Instructions for Work Site Adjustment Requests

As the District transitions out of the emergency operations that resulted from the COVID-19 pandemic, each College's management team must be prepared to carefully review and address employee concerns regarding evolving working conditions due to changes in the status of prior public health orders as well as shifting regulatory requirements and District operational needs.

If an employee presents a COVID-19-related concern to their College regarding performing on-site work during this period of transition, and that concern is not an actual mental or physical impairment which independently, absent the context of the pandemic, creates a functional limitation on an employee's ability to perform the essential functions of their position, **the concern should not be addressed as a disability-based request for reasonable accommodation.** This is a situational concern that may result in an employee requesting a temporary adjustment to the employee's individual working conditions. **Requests for temporary adjustments of this nature must be considered and addressed by local management at the College independent of the LACCD B-32 process.**

These types of requests may be related to an employee being a member of a population designated as higher risk for negative or substantial effects of COVID-19 if infected with the virus, or if someone in their household meets this criterion. Requests shall not be improperly referred to the ADA Coordinators at each work site, and instead must be evaluated locally by the supervisor and any campus administrator(s)

designated by the President to be responsible for rendering initial decision on such requests, on a case-by-case basis. **When a request for temporary adjustment is received, the listed steps below must be followed:**

- 1. The employee shall contact their immediate supervisor in writing to review the specific concern(s) that give rise to requesting adjustment(s) to the employee's on-site responsibilities. Such requests will not be considered requests to permanently change or alter typical on-site working conditions. If the College determines it needs clarification whether the request should be evaluated as a situational request for temporary adjustment of on-site working conditions due to COVID-19, the College should contact Brittany Grice, Director of LACCD's Office for Diversity, Equity and Inclusion and the District ADA Administrator at gricebl@email.laccd.edu to further consult before proceeding with evaluating the employee's request. The College shall not refer the employee to the LACCD B-32 process for disability-based accommodations unless it receives written verification that it is appropriate to do so by District management.**
- 2. Upon the College's review and confirmation that the request is not disability-based, the supervisor shall document receipt of the request for temporary adjustment by replying in writing and provide an opportunity to verbally discuss the request.**
- 3. As soon as is reasonably practicable and as designated by the College president, the supervisor and/or the campus administrator(s) shall directly discuss the employee's concerns with the employee to evaluate and assess the request.**
- 4. The supervisor and/or campus administrator(s), as designated by the President shall respond to the request, informing the employee in writing whether the temporary request will be granted in whole or in part, or denied. The response shall detail the specific reasons the request was or was not granted. Alternate adjustments may be offered.**
- 5. If the request is denied, either in whole or in part, the employee may appeal to the College President, whose decision on the appeal is considered final. The College President must similarly provide the employee with a written explanation for their decision.**

The opportunity to discuss the employee's concern(s) does not guarantee that the employee's request for temporary adjustment will be granted. The decision-makers shall apply criteria for evaluating each request in a consistent manner across the College and provide specific business or operational rationale to the employee when approving or denying a request for temporary adjustment.

Additional guidance regarding criteria for consideration of requests for adjustment and acceptable inquiries during review of a request will be issued by District management next week.



HUMAN RESOURCES

Quick Reference and Examples for Assessing Whether a Request Should Be Considered Under Administrative Regulation B-32.

The responsibility to review an employee’s request for accommodation due to a covered disability is specifically subject to review under B-32 when the following conditions are met:

- the employee has a mental or physical condition that substantially impairs a major life activity (this includes things like talking, breathing, walking, typing, etc.) , *and*
- the referenced underlying condition has created associated limitations that are currently impacting the employee’s performance of their essential job functions (i.e. primary job duties).

This is the threshold for referral to the B-32 process regardless of whether a COVID-19-related circumstance is referenced. Refer such requests to the site ADA Coordinator for further processing immediately under [Administrative Regulation B-32](#).

Requests for work-related adjustments for employees in the following groups should be processed using the previous guidance issued through MOUs and the June 30, 2021 guidance memorandum issued by the Vice Chancellor of Human Resources:

- (1) individuals who disclose they are at risk for severe illness from COVID-19 due to age or an underlying medical condition, including pregnancy, *who can otherwise perform their essential job duties without issue;*
- (2) who have members of their household in an identified risk group who they were trying to protect;
- (3) who are caregivers of a person with a disability, or
- (4) who are parents or guardians with pandemic-based childcare challenges.

The chart below illustrates some examples of requests that may be received and how they should be appropriately categorized:

Request for Disability Based Reasonable Accommodation	Request for Situational Work Adjustment, Disability-Related or Not
<ul style="list-style-type: none"> • Modifying a work schedule due to the effects of medication an employee must take for an underlying medical condition • Adjusting the symptom screening process for an employee who has chronic asthma • Long-haul COVID-19 symptoms • Allowing an employee to wear an alternative style of face covering other than a mask because symptoms of a mental health condition are triggered when wearing a mask 	<ul style="list-style-type: none"> • Adjustments to work location due to increased risk related to underlying medical condition of contracting COVID-19 on campus* • Concerns about risk of exposure to individuals in an employee’s household who are unvaccinated • Employees who must use public transportation to get to work lacking typical access to work due to schedule disruptions as a result of reduced service

<ul style="list-style-type: none"> • Modifying the timeline for an employee to complete professional development obligations because an individual had to be hospitalized or otherwise treated at home for an extended period of time. 	<ul style="list-style-type: none"> • Anticipated manifestation of physical symptoms (i.e. panic attacks) related to a mental health condition on-site due to pandemic conditions
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*In this example, it is reasonable for management to ask how an employee is taking safety precautions in other settings, including in or outside of their home, to mitigate their concern about heightened risk, and to what extent these protocols have been evaluated by their healthcare provider, in order to make the most informed determination of what adjustments may reasonably be implemented at work.

Review of Documentation During Evaluation of a Request

College management should be flexible in obtaining understanding of an employee’s present limitations or risks, as access to medical professionals is expected to be more limited at this time. Verification of a need may be possible without supporting documentation in certain instances, but supporting documentation should be requested when that is not the case. Examples of an observable limitation or need where documentation is unnecessary include an employee who uses a wheelchair, or a sight cane and/or service dog for a vision impairment. In contrast, medical documentation for any exemption requested related to public health directives (such as the requirement all employees wear a mask) will generally be required, and need to be very specific in the description of limitations.

Employees should make their requests as soon as a they believe a need is identified and must be prompt in providing responses to requests for information from management. Employees must also remember that approvals for either a reasonable accommodation due to disability or work adjustment are not be retroactive. While the process is pending, management may temporarily approve a particular accommodation (for B-32 requests only) or adjustment while a final determination is being made.

A health care provider’s recommendation for accommodation or adjustment, if one is made, should be carefully considered, but their recommendation is not be a substitute for the management’s assessment as the management has the expertise in the expectations of a particular position.

Rendering a Decision on a Request

Management has discretion to choose among effective accommodations or adjustments identified and may grant them temporarily and later re-review the request if/when circumstances change.

Where a requested accommodation or adjustment would result in undue hardship, i.e. undue administrative burden, LACCD will attempt to provide an alternative accommodation or adjustment if one is available absent undue hardship. Common examples of requests that are unreasonable and that may constitute undue administrative burden include, but are not limited to: asking management to hire other personnel to perform the employee’s essential duties or removing essential duties from an employee’s role; implementing measures based on where an employee has chosen to reside during or after the pandemic, and an employee’s length of their commute.

Management will ensure that all parties involved in a review of a request have a clear understanding of the employee’s present job duties and expectations before issuing a decision on whether any reasonable accommodation (for B-32 based requests only) or work adjustment should be granted. Regardless of which procedure applies, the College will provide specific explanation to the employee/requestor for its decision.