



Guidance on Accommodating Employees with Disabilities and in High Risk Populations

As USC continues to implement its phased Restart Plans, the University will continue to comply with OSHA and CDC guidelines for safe workplaces in the post-COVID world. By following the most recent public health guidance, the risk of returning should be within acceptable limits for most persons. That being said, some risk will exist, and this risk may be higher for some populations than others. This guidance provides managers and HR Partners with information on how to accommodate employees (faculty and staff) with existing disabilities and/or at higher risk should they contract COVID-19. Please refer to the [USC COVID-19 Resource Center](#) and the [CDC](#) for more information.

Employees who have been asked to return to work on-site may make accommodation requests related to different types of need, including:

- Employees who do not necessarily meet traditional definitions of a person with a disability, but who do meet the CDC definition of being high risk, referred to as “**High Risk Employees**”
- Employees who are not “high risk” but who may have a disability and need new or different accommodations, referred to as “**Employees with Disabilities**”
- Employees who are caregivers for or who have household members who are high risk, referred to as “**Employees with Household Needs.**”

The distinctions above are for illustrative purposes only, and an employee may fall into one or more categories. More detailed information about accommodating all employees is outlined below.

- 1) Re-opening will continue to be phased, and whenever possible, employees should continue to work from home. Activities that require on-site presence should be minimally staffed.
- 2) Accommodating “High Risk Employees.” Some employees may be more likely to become seriously ill if they contract COVID-19, according to the CDC and explained in the CDC’s publication “People Who Are at a Higher Risk from Infection.” This is true even though these employees may or may not have what is traditionally thought of as a disabling condition.¹ For employees who fall within this High Risk Population definition and wish to request an accommodation, USC will follow public health recommendations and work to provide temporary accommodations to the maximum extent feasible. We will establish an interactive dialogue, to explore:

¹ USC is relying on the CDC definition of individuals who are considered “high risk.” As knowledge about how COVID-19 impacts various groups continues to develop, USC may issue additional guidance.

- a. The safety of their workplace (CDC and/or OSHA standards) relative to their health restrictions;
 - b. What is the reasonable accommodation² they are requesting;
 - c. Will they be able to perform their essential job duties if they are accommodated;
 - d. Is it possible to shift job duties within a unit so that an employee is able to continue to be employed and important work of the unit continues;
 - e. Would granting the accommodation result in an undue burden (typically happens when an accommodation would be administratively impractical or would result in a decreased quality of care or instruction).
- 3) Accommodating “Employees with Disabilities.” For those who have a disability, but have no higher risk of more severe illness from COVID-19, USC will continue to follow the well-established disability accommodation processes. Examples of employees in this category would be employees with mental health conditions, such as anxiety or depression, or with physical disabilities, like hearing or vision loss, who are not otherwise at a higher risk of complications from COVID-19. Managers should contact their HR Partner for support, and the HR Partner may contact Randy Ong, USC’s Disability Accommodation Coordinator. We will establish an interactive dialogue to explore the following:
- a. Does the employee have a condition that constitutes a disability;
 - b. What is the reasonable accommodation they are requesting;
 - c. Will the accommodation allow the employee to effectively perform the essential functions of their position;
 - d. Would granting the accommodation result in an undue burden (typically happens when an accommodation would be administratively impractical or would result in a decreased quality of care or instruction).
- 4) For all employees seeking an accommodation for their own condition, the interactive process should be implemented equitably. If an employee’s condition is not obvious or already known, they should be asked to provide medical documentation. This documentation should explain the need for the accommodation, but should not include a diagnosis.³ Decisions about whether an accommodation is approved should be consistently made regardless of the medical condition or risk factor. (For example, pregnant or older employees should not receive more generous accommodations than employees with heart conditions or those who are obese.)

² Determining accommodations requires the involvement of the employee’s supervisor, who should be an active participant. For PhD students serving as TAs or RAs, the supervisor role is filled by the student’s graduate advisor or dissertation director, plus the graduate dean or representative of the dean’s office from the student’s school.

³ Documentation may be in the form of a letter written and signed by a physician, or it may be provided by submitting a completed and signed Accommodation Inquiry Form. In either case, the documentation should support the need for the accommodation without providing a diagnosis. Electronic signatures by the physician are acceptable.

- 5) If we find that the employee can perform their essential job duties with an accommodation, and the accommodation is reasonable, we would allow the accommodation. Depending on the individual circumstances, an accommodation may be put in place for a defined time period or permanently. A time limit may be defined by a number of days (thirty days, for example) or a defined phase (until USC moves into Phase 4). HR Partners who have questions about whether to put a time limit in place should contact USC's Disability Accommodation Coordinator.
- 6) If the employee cannot be reasonably accommodated (e.g., cannot perform essential job duties with an accommodation, such as work from home) and they are unable to return to work, then:
 - a. The employee can be referred to sources of protected leave and related benefits (FMLA, Disability Leave, Unpaid Accommodated Medical Leave, etc.).
 - b. The employee can request to use other forms of unpaid leave (or use of vacation/sick time) for a limited period of time, to be renegotiated at the end of that time period (as the situation may have changed). (<https://policy.usc.edu/personal-leave/>).
 - c. While employees may be eligible for payments under benefits such as Disability Benefits, FMLA, etc., continued payment of regular salary is not generally provided to employees on leave.
- 7) Accommodating "Employees with Household Needs." For those who have members of their households that fall into the higher risk categories, an interactive dialogue will take place to see if a reasonable accommodation can be made, asking the same questions as described above. If an employee cannot, or will not, perform their job duties with a reasonable accommodation, their options are the same as 6a and 6b above.

Generally, anti-discrimination laws protect employees in High Risk Populations. We should not prevent the return of those who may be part of a higher risk group, but who insist on returning. We can, however, make sure they are aware of the risks and ask that they comply with our established safety standards. In rare cases, an employee could be prevented from returning if, after a thorough interactive process, it is determined that the employee poses a significant risk of substantial harm to themselves that cannot be reduced or eliminated by reasonable accommodation. Cases of "direct threat" should be escalated to the ADA/504 Coordinator.

Frequently Asked Questions

Q: Does this Guidance apply to both faculty and staff?

A: Yes, faculty and staff with disabilities or in other high risk categories must be treated equitably and consistently. That being said, though the same questions need to be asked for all employees, different results may be reached because different employees have different essential job duties. For example, if a school determines that all or part of its curriculum can be effectively taught remotely, the school may decide to allow most or all of its faculty members to work entirely from home. The same may be true for many staff positions within a unit. There may also be faculty positions, such as those that provide clinical care, that cannot be done remotely, when staff working in the same unit can work from home. Rather than determining how employees should be accommodated based on role or title, the analysis should be focused on the essential job duties for the position. Based on those job duties, what accommodations are appropriate for this employee?

Q: If an employee is already able to work from home, do they need an accommodation to do so?

A: No, if it has been determined that the employee can work from home, and the Phase of Restart still instructs that employees should work from home if they can, then an employee does not need an accommodation to do so. The only time an accommodation is necessary is when it is necessary to provide a modification to the way the employee's work would normally be done.

Reviewed by:

Office of the General Counsel
Office of Human Resources
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