



Got accommodations?
Exploring the intersection of COVID related disabilities, anxieties, race and socio-economic status

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Summary of Presentation

- Returning to campus
- Accommodation keys
- “Regarded as”
- Vaccination
- Role of race
- Operationalizing for justice
- Equity concerns for remote work
- Panel questions and scenarios

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Working From Home/returning to Campus

- What is a disability?
- What information can be requested/expected from the employee/student?
- Who selects the accommodation options and makes the decision?



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Keys for Successful Accommodation

- Refreshed definitions of essential job functions
- Consistency of process
- Cheat sheet of accommodation options
- Individualized analysis and exceptions
- Continued dialogue
- Documentation of analysis



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The “Regarded as” Issue

- Those who report having had COVID
- Those in higher risk categories
- Keeping the real issue in focus



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Vaccination

- Mandatory vaccination
 - Disability and religious accommodation
- Incentivized vaccination
- Inquiring regarding vaccination
- Vaccination documentation



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The Role of Race in Workplace Accommodations

- Systemic inequality links race to poverty and disability
- Black people are more likely to have a disability and the disability is likely to have a greater impact
- Disability is both a cause and consequence of poverty
 - Exacerbates circumstances of poorer outcomes in education, income and employment caused by systemic inequality



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Operationalize for Justice

- Disparate Impact of COVID-19 and Returning to Work
 - Essential v. Non-essential
 - BIPOC people more likely to be deemed essential, exposed, and have more severe health consequences
 - WFH not required, but virtual workplace more equitable
 - People with disabilities (accessibility)
 - Women (childcare, harassment, promotional opportunities)
 - BIPOC people (greater health/healthcare challenges)
 - People experiencing poverty (transportation, accessibility of training and promotional opportunities)
 - Reasonable skepticism of vaccines and health care systems
 - Different histories
 - Different outcomes
 - Different access



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Equity Concerns with Remote Work

- Connectivity
- Accessibility of online environment for certain impairments (e.g., visual)
- Productivity of caregivers
- Housing insecurity or shared living environments



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Panel questions



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Scenario #1

- Thirty year employee, a groundskeeper, expresses anxiety at having to take public transportation to get to university.
- She has not received any diagnosis, but displays what her supervisor believes are visible signs of stress.
- Her supervisor also reports that the employee has a disabled adult child at home and is also caring for an immuno-compromised parent.



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Scenario #1 - Modified

- What if the employee is an IT professional?
- What if the employee is a part-time faculty member?
- What if the employee has only been employed for 9 months?



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Scenario #2

- Your university found that remote teaching was largely effective and opts to continue a hybrid approach.
- How do you manage legal claims or union grievances by employees who are not given remote work options?
- What about the fact that most of those not offered remote work are lower wage earners?
- What about morale and fairness issues?



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Accommodation

- How do you deal with post-COVID effects that do not impair a major life activity but are disruptive to others (e.g., a student or professor with a persistent cough).



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Accommodation

- How do you separate, if you do, generalized fear from phobia?
- How does this impact treatment of other fears (i.e., not related to COVID)?



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Accommodation

- How can an institution achieve uniformity?
- Should it attempt to do so?



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Vaccination

- What if an employee refuses vaccination because they believe it will alter their DNA?
- Does your response change based on the basis of the employee's refusal (e.g., history of racial bias in administration of experimental drugs in the past)?



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Vaccination

- What proof of vaccination should we require?



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Vaccination

- How deeply can an employer probe into an employee's claim of a religious exception to mandatory vaccination?
- What constitutes a sincerely held religious belief?
- Should an institution's religious accommodation policy be revised?



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Vaccination

- What should an institution do with the unvaccinated?
 - Physical separation of employees?
 - Designated dorm floors for students?



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Vaccination

- How do we deal with the refusal by others to interact with individuals who are not vaccinated?
- How does an institution prepare for claims of vaccination harassment?



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Vaccination

- If you incentivize vaccination, how do you deal with those who were already vaccinated?
- What about those who require accommodation or who have sincerely held race-related concerns regarding vaccination?



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Takeaway Points

- Preparation for issues won't solve them, but will help
 - Policies
 - Staying current
 - Templates
- Repeatedly request information, but don't relinquish control
- Consistency of process must be juxtaposed with individual evaluation
- Don't stop communicating (and documenting)
- Consider equity considerations beyond legal requirements



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