ADMINISTRATIVE PROTOCOL FOR THE ACCOMMODATION OF EMPLOYEES WHO ARE AT HIGH-RISK OF SEVERE ILLNESS FROM COVID-19

1. **Introduction**

Absent an undue hardship to the District or a direct threat to the health and safety of Districtemployees, the Districtmay provide certain employment-related reasonable accommodations to employees who, , because they are age 65 or older or have an underlying medical condition, are at higher risk of severe illness if they contract the virus that causes COVID-19. The purpose of this Protocol is to reduce the risk of these employees contracting the virus.

1. **Purpose of Protocol**

This discretionary Protocol provides qualified employees the right to request that the District provide certain additional reasonable accommodations that, while not otherwise required by law, may reduce the risk of these employees contracting the virus that causes COVID-19.

1. **Protocol**

***Section 1. Scope of Coverage:***

This Protocol applies to and covers all District employees who can demonstrate that they are at higher risk of severe illness if they contract the virus that causes COVID-19 because they are age 65 or older or have one or more of the underlying medical conditions enumerated below.

Based on the available information at the time the District adopted this Protocol, the Centers for Disease Control and Prevention (“CDC”) identifies the following individuals as those who **are** at higher risk of severe illness if the individual contracted the virus that causes COVID-19:

* People who have chronic kidney disease;
* People who have chronic obstructive pulmonary disease (“COPD”);
* People who are immunocompromised from a solid organ transplant;
* People who are obese, with a body mass index (“BMI”) of 30 or higher;
* People with serious heart conditions, such as heart failure, coronary artery disease, or cardiomyopathies;
* People with sickle cell disease; and
* People with type 2 diabetes mellitus.

Based on the available information at the time that this policy was adopted, the Centers for Disease Control and Prevention (“CDC”) identifies the following individuals, of all ages, as those who **might be** at increased risk of severe illness if the individual contracted the virus that causes COVID-19:

* People with moderate-to severe asthma;
* People who have cerebrovascular disease;
* People who have cystic fibrosis;
* People who have hypertension or high blood pressure;
* People who are immunocompromised from blood or bone marrow transplant, immune deficiencies, HIV, use of corticosteroids and other immune weakening medications;
* People with neurologic conditions, such as dementia;
* People with liver disease;
* People who are pregnant;
* People with pulmonary fibrosis;
* People who smoke;
* People with Thalassemia; and
* People with type 1 diabetes mellitus.

The District expressly reserves the right to modify the above enumerated conditions based on new information or guidance provided by the CDC or other public health authorities.

***Section 2. Effective Dates***

This Protocol shall be effective immediately upon adoption and shall remain in effect until the **Chancellor Greg Gillespie** advises employees that the Protocol is no longer operative due to the end of the COVID-19 public health emergency.

***Section 3: Notice to Human Resources***

An employee may inquire with District’s Human Resources Departmentregarding a potential workplace accommodation If the employee:

1. Is age 65 or older;
2. Has any of the recognized underlying medical conditions enumerated in this Protocol;
3. Another condition that the employee believes places them at higher risk for severe illness if they contract the virus that causes COVID-19; or
4. Any combination of the above.

***Section 3.******District******Protocol against Retaliation***

The District will not terminate, suspend, discipline, or take any other adverse employment action against an employee exercising their privileges under this Protocol.

***Section 4. Process for Accommodation Request***

An employee who desires a reasonable accommodation under this Protocol must make their a request by contacting his/her Supervisor, who will then contact the Benefits Analyst in the Human Resources Diepartment with the request.

Following receipt of the request, the District’s Human Resources Department will require a note from the employee’s health care provider(s) certifying that the employee has a qualified underlying medical condition that exposes the employee to a higher risk of severe illness if they contract the virus that causes COVID-19. The District’s Human Resources Department may require additional information, including, but not limited to, documentation from the employee’s health care provider to determine whether the employee’s underlying condition necessitates an additional accommodation when the employee returns to the workplace.

Human Resources will make determinations regarding reasonable accommodations under this Protocol on a case-by-case basis. Reasonable accommodations may include, but are not limited to, the following:

* Alternative work assignments or locations;
* Telework/Remote Work Assignment;
* Reassignment;
* Increased social distancing measures; and
* Leave.

The District’s Human Resources Department will work in good faith with the employee to consider fully all potential reasonable accommodations.

***Section 5. No Right to Appeal Accommodation Determinations***

Determinations made by the District’s Human Resources Department are final and are not subject to appeal by the employee or the employee’s employee organization.