

Fiction vs. Fact



FICTION

District Claim #4: *“The Board must highlight that as of February 12, forty-one 504 requests and/or non-medical accommodation requests have been approved, and a limited number have been denied upon advice from the District physician.”*

FACTS: The district has dragged its feet and denied several 504 requests.

- Paragraph 3 of the Sidebar Agreement provides: “SOMEA shall inform its members of the availability of 504 accommodations to the extent members may have preexisting conditions or illnesses, including those identified by the CDC, that place them at heightened risk of severe illness from COVID-19. Members who have conditions which place them at increased risk should they develop COVID-19 as determined by a licensed physician must submit documentation describing the condition and should set forth the recommended accommodation. Members at risk or that might be at increased risk of severe illness that provide appropriate medical documentation from a licensed physician documenting the medical necessity of a work from home accommodation shall be granted a work from home accommodation consistent with the requirements of Section 504, the ADA, and the New Jersey Law Against Discrimination.”
- As of February 13, 2021, SOMEA was forced to file 15 grievances related to the district’s delay in processing and/or denial of 504 requests.
 - 6 grievances were filed for 504 requests that were denied
 - 8 grievances were filed for 504 requests in which no hearing was scheduled
 - 1 grievance was filed for a 504 request in which no response given to the member after the application was submitted
- The above applicants provided the district with documentation from a licensed physician describing their condition and setting forth the accommodation of remote learning.
- In an association of approximately 750 members, the granting of 42 requests and/or waivers, some of which were to the same person so that the actual number is lower than 42 staff members, while denying at least 15 other requests is not acting in good faith under the terms of the Sidebar Agreement.



**South Orange Maplewood
Education Association**