

EMPLOYMENT MODIFICATIONS AND ACCOMMODATIONS #145

1.0 – PURPOSE: To provide temporary or long-term adjustments or modifications to an employee’s work as the result of non-work related OR work-related injuries/illnesses in compliance with state and federal laws.

2.0 – DEFINITIONS: The following definitions are applicable to this policy:

Business Adjustment – An adjustment to an employee’s work responsibilities, schedule or other conditions of employment due to a medical limitation of the employee. A business adjustment is of limited duration – generally, but not always, less than 90 days - and done when the impact on the department is minor. Any business adjustment will be done in collaboration with departmental administration to ensure departmental business needs are met.

Modified Duty – Modified assignment or reassignment due to an employee’s work-related illness and/or injury.

ADA Accommodation – Accommodation provided in compliance with the Americans with Disabilities Act, as amended in 2009.

Disability – A mental or physical impairment substantially limiting one or more of the person’s major life activities.

Pregnancy Related Accommodations – Reasonable accommodations for pregnancy, child birth, breastfeeding or other pregnancy-related conditions.

3.0 – BUSINESS ADJUSTMENT PROCESS: Employees with a medical limitation of short duration (typically, but not always, less than 90 days), or whose limitation has a minor impact on the department, may request to have an adjustment to their work responsibilities, schedule or other conditions of employment.

To receive a business adjustment, an employee must submit a written request. Forms are available on the County’s intranet site at Human Resources/Forms/ADA. A medical assessment form or other documentation must be submitted with the request. The assessment must be signed by the health care provider. If no information from the medical provider is submitted with the employee’s request, the request for a business adjustment may be denied. The health care provider’s assessment must include the following:

- A. A request for an adjustment to the employee’s work responsibilities, schedule or other conditions of employment,
- B. A list of physical or mental work limitations, and
- C. The expected date of return to work when the necessary business adjustments will no longer be needed.

Supervisors in the departments must notify their Human Resources (HR) Generalist any time a business adjustment is requested. Departments should use discretion in balancing the benefits and disruptions of employees working less than full duty. Any business adjustment will be done in collaboration with departmental administration to ensure departmental business needs are met.

Department management will work through HR to evaluate the request and will not contact the employee's health care provider. If more information is needed, HR will ask the employee to provide additional information from the health care provider. If the additional information is not provided, the request for a business adjustment may be denied. Medical documentation collected during the process should be sent to HR and not maintained by the department.

If the business adjustment is approved, it is the responsibility of the employee to work within the physical limitations specified by the medical provider and to perform only the duties which are consistent with the limitations. An employee who is unable to return to full duty at the end of the business adjustment may request a leave of absence or accommodation under the ADA. An employee who is unable to return to full duty should consult with HR regarding their options available under County policy.

4.0 – MODIFIED DUTY: The County will make reasonable efforts to provide employees with modified duty work assignments following a work-related injury when the treating physician imposes temporary physical restrictions. As long as the assigned modified duty work does not violate the treating physician's imposed physical restrictions, the employee is expected to return to work. Refusal of a modified duty assignment will generally result in the termination of Workers' Compensation indemnity benefits.

The County will determine appropriate work hours, shifts, duration and locations of all modified-duty work assignments. The County reserves the right to determine availability, appropriateness and continuation of all modified duty assignments and job offers.

The modified duty assignment will be periodically reviewed by the County to determine the appropriate duration and activity. Upon receipt of a release to return to work with no restrictions, the modified duty assignment will terminate. For more information, Refer to Policy Workers' Compensation #190.

5.0 – ADA ACCOMODATIONS: In accordance with all applicable laws, it is the County's policy to not discriminate against qualified individuals with a disability with regard to any aspect of employment. The County recognizes some individuals with disabilities may require reasonable accommodations. If an employee is disabled, or becomes disabled, and requires a reasonable accommodation, the employee should contact the HR Generalist designated to their department to begin the interactive process.

A. The interactive process includes, but may not be limited to, discussing the employee's disability, limitations and possible reasonable accommodations which may enable the employee to perform the functions of their position. Possible reasonable accommodations

also include making the workplace readily accessible to and usable by the employee, or otherwise allow the employee to enjoy equal benefits and privileges of employment.

- B. The employee will generally need to submit the employee request for accommodation along with the diagnosing professional's documentation.
- C. A temporary business adjustment (see Section 3.0 of this policy) may be granted while the request for accommodation is reviewed. If it is not feasible, the employee may request a leave of absence, if available, during this review period.

5.1 – TRANSFERS: If, after having engaged in the interactive process, an employee is determined to be unable to continue performing the essential functions of her or his current position (with or without accommodations due to a qualifying disability), the HR Generalist will attempt to transfer the employee to a vacant position within the County.

- A. The employee must be qualified for the position. The position must also be of an equivalent or lower pay grade to the employee's current position.
- B. While an appropriate transfer is under consideration, the department may provide a temporary business adjustment, if feasible. Alternatively, the employee may use accrued leave or if paid leave is exhausted, in leave without pay status.
- C. If an appropriate transfer position is not found within the County, the employee may be separated from employment for medical unavailability - consistent with the County's employment separation process.

5.2 – APPLICANTS: Applicants for County positions are entitled to reasonable accommodations during the testing process. In the event an applicant needs a reasonable accommodation, he or she should be directed to HR. If the hiring official becomes aware of a need for a reasonable accommodation, s/he should contact the HR Generalist regarding a request for such accommodations.

6.0 – PREGNANCY & PREGNANCY RELATED ACCOMODATIONS: Consistent with federal and state legal requirements, reasonable accommodations for pregnancy, child birth, breastfeeding or other pregnancy-related conditions will be provided, unless it causes an undue hardship for the employer. Supervisors should consult with their HR Generalist before granting or denying requests.

An employee who wishes to request a pregnancy or a pregnancy related accommodation should contact HR. Documentation from a medical provider may be required which will include the date the accommodation becomes medically advisable, the anticipated duration for the accommodation and an explanation of the need for the accommodation. Documentation is not required for requests for accommodations of more frequent restroom, food or water breaks.

For up to one year after the birth of a child, an employee who is breastfeeding will be allowed to take a reasonable unpaid break each time the employee needs to breastfeed or express breast milk. The department will provide a place for the employee to use, other than a bathroom that is shielded from view, free from intrusion and functional for expressing breast milk.