An Employee is a Terrible Thing to Waste

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Goals

- Identify issues regarding medical impairments that may cause work disabilities
- State decision points and possible consequences
- List job accommodation considerations and options
- Name available resources
Prevention

- Choose your parents wisely
- Make lifestyle decisions that help you stay healthy
- Learn to communicate clearly with your supervisor and coworkers
- Pursue training regarding appropriate lifting techniques and workstation arrangements and work habits
- Take breaks, stretch, and consider relaxation techniques
- Balance your work life and your leisure activities
Decisions, Decisions, Decisions

- How can I get access to suitable medical treatment?
- Can I continue to work or resume work?
- Will I need to do things differently at work?
- What are my benefit and leave options if I need to take time off of work?
- Who can help me make these decisions?
Medical Treatment Considerations

- Was my medical condition caused by or aggravated by my work activity?
- Do I trust my treatment provider?
- What method of communication does my treatment provider prefer?
- How can I be referred for a second opinion or to a specialist?
- How can I have as much control as possible regarding my medical treatment?
Leave Options

- Approved sick leave or vacation time
- Catastrophic Leave Donation Program
- Extended sick leave
- Family and Medical Leave
- California Family Rights Act Leave
- Pregnancy Leave
- Leave of absence without pay for personal or medical reasons
Benefit Options

- Approved sick leave or vacation time
- Liberty Mutual short-term disability, supplemental disability, and long-term disability benefits
- Workers’ Compensation temporary disability, extended sick leave, and permanent disability benefits
- University of California Retirement Program disability income benefits
- Social Security disability income benefits
Job Status

- Work your full appointment without job accommodations
- Work an alternate job temporarily
- Work an approved, medically necessary part-time schedule
  (You may be eligible for partial benefits for a limited time)
- Transfer to an alternate job
- Resign from or be medically separated from your job
- Be separated as a final disciplinary step
CLIENTS’ IMPAIRMENTS FY 2005-2006

- Psychological
- Orthopedic: Lower Extremity
- Orthopedic: Back
- Orthopedic: Upper Extremity
- Cancer
- Orthopedic: Cervical
- Cardiac Impairment
- Cumulative Trauma: Carpal Tunnel Syndrome
- Cumulative Trauma: Tendonitis
- Diabetes Mellitus
- Allergic Reaction
- Visual Deficit
- Acquired Immune Deficiency Syndrome
- Asthma
- Cognitive Deficit
- Deaf
- Hernia
- Prostatitis
- Cystic Fibrosis
- Amyotrophic Lateral Sclerosis
- Attention Deficit Disorder
- Cerebral Palsy
- Chemical Dependency
- Hypertension
- Osteoporosis
Reasonable Accommodation Definition

Any Change in the

- Work Environment
- Way Things Are Usually Done

That Results in Equal Employment Opportunity for an Individual with a Disability.
GOALS OF REASONABLE JOB ACCOMMODATION

1. Prevent Additional Impairment
2. Reduce Human and Financial Costs of Disability
3. Improve Employee and Supervisor Relationships
4. Foster Provision of Suitable Work and Cultivate Productivity
UCSD Job Accommodation Costs

From September 1, 2005 to September 1, 2006:

- 31 Employees Accommodated
- 16 (52%) - Cost Nothing
- Average Cost = $119
- Top 4 Types:
  1. Assistance Devices i.e., speech recognition software, modified tools, computer keyboard platform, document holder, footrest, adjustable chair or workstation
  2. Modification of tasks or schedules
  3. Leave-of-Absence
  4. Transportation assistance for moving between campus buildings
Some Principles of Reasonable Accommodation

- A reasonable accommodation must be an effective accommodation.
- Reasonable accommodation is required to reduce any barriers to employment that are related to a person’s disability.
- A reasonable accommodation need not be the best accommodation available if it is effective.
Principles of Reasonable Accommodation (continued)

- Accommodation is not required when it is primarily for the personal use and benefit of an individual with a disability.
- Individuals are not required to accept an accommodation.
- If an individual refuses an accommodation necessary to perform the essential functions, and as a result cannot perform those functions, the person may not be considered a “qualified individual with a disability.”
Possible Accommodations

- Making existing facilities useable
- Job restructuring
- Part-time or modified work schedules
- Reassignment to a vacant position
- Acquisition or modification of equipment or devices
- Modifications of examinations, training materials, or policies
- Providing qualified readers or interpreters
SUNRISE OR SUNSET?

Context is important
SPECIAL SELECTION PROCEDURES

“An employee who becomes disabled may be selected for a position which has not been publicized.”

“An employee who becomes disabled may be selected for an open position for which they qualify, and may be considered for open positions over non-disabled applicants.”

(PPSM 81 Reasonable Accommodation)
What’s missing from this accommodation checklist?

- An employee must be qualified.
- An employee must be capable.
- The accommodation option must be effective.
How would you accommodate Sam?

- Sam can sit for prolonged periods of time.
- He has the stamina to work a full day.
- Sam can grasp items with both hands.
- He is willing to wear a uniform.
Physical and Emotional Well-being Is Important

- Foster a positive professional relationship with your supervisor
- Provide documentation of the opinion of your well-informed treatment provider
- Manage conflict early
- Request accommodation before you become desperate
- Communicate clearly with your supervisor about your abilities and needs
Focus on your Abilities rather than on the Disability
The Job Accommodation Interactive Process

- Can be triggered by an employee request or an employer observation or response to an ambiguous statement (having seizure at work, requesting time off for being depressed)
- Involves ongoing communication
- Continues beyond the immediate solution to the problem
Steps of the Interactive Process

1. Analyze Job and ID Essential and Marginal Functions
2. Rely on current medical documentation of physical and cognitive functional limitations
3. Discuss with Supervisor Potential Performance Barriers Due to Functional Limitations
4. Discuss with Supervisor and Rehabilitation Counselor/Disability Manager Types of Possible Effective Job Accommodations
Steps of the Interactive Process

5. Implement Employee’s Expressed Accommodation Choice If it is Reasonable, Unless Another Effective Reasonable Accommodation Exists and Will Be Implemented

6. Monitor Effectiveness of Implemented Accommodation

7. Document the process and results
Honey please,
just calm down.
Let me explain....
IMPAIRMENT MAY BE PREVENTABLE
DISABILITY CAN BE NEGOTIATED

EMPLOYEE

SUPERVISOR    PHYSICIAN
Undue Hardship

- Unduly costly
- Extensive
- Substantial
- Disruptive

Would fundamentally alter the nature or operation of the business
GOAL OF SUPERVISOR AND REHABILITATION COUNSELOR/DISABILITY MANAGER

Keep Employees *Productive* and *Working*
TO IDENTIFY ACCOMMODATION OPTIONS

FOLLOW UC REASONABLE ACCOMMODATION PROCEDURES
http://atyourservice.ucop.edu/employees/policies/staff_policies/spp81.html

RELY UPON CURRENT SPECIFIC MEDICAL INFORMATION

ASK EMPLOYEE FOR SUGGESTIONS AND IDEAS

INVOLVE THE SUPERVISOR

IF POSSIBLE, INVOLVE THE COWORKERS

CONTACT THE REHABILITATION COUNSELOR/DISABILITY MANAGER

ACCESS THE JOB ACCOMMODATION NETWORK http://janweb.icdi.wvu.edu/
or phone 800-ADA-WORK

USE YOUR IMAGINATION
ROLES OF REHABILITATION COUNSELOR/ DISABILITY MANAGER

- Prevent disabling conditions and lost time from work.
- Reduce human and financial cost of disability.
- Improve employee and supervisor relationships.
- Promote informed decisions through interactive communication.
- Provide support for the retention of productive Employees.
What if there is no reasonable accommodation?

- A regular status employee who, due to a disability, becomes unable to perform, with or without reasonable accommodation, the essential functions of his or her position or of an alternative vacant position for which they qualify, may be separated following completion of the interactive process.

- A medically separated employee may be eligible for special reemployment procedures.
“Without meaningful and gainful work, all life goes rotten.”

Albert Camus
Recent Developments

- Good Faith Interactive Process Required
- Job Accommodation through Placement in a Vacant Position May Be Necessary
- Uniform Adherence to Updated UC Reasonable Accommodation Procedures Is Important
- Workers’ Compensation Benefits for Injuries after 2003 No Longer Include Vocational Rehabilitation
Workers’ Compensation Considerations

- After Temporary Disability (T.D.) benefit payments end, UC has 30 days to offer modified or alternate work.
- Employee must begin alternate or modified work within 60 days of cessation of T.D. payments.
- If not, UC’s costs increase.
- UC Rehabilitation Counselor/Disability Manager will need prompt, rapid, and constructive responses regarding suitable work offers.
- Interactive process may continue beyond 60 day period.
Which is the Best Result?

OBTAIN NEW JOB
WITH NEW EMPLOYER
TRANSFER TO NEW JOB
WITHIN UC LOCATION
RETURN TO NEW
JOB IN CURRENT DEPARTMENT

RETURN TO USUAL JOB
“A medical separation may also be based on (a) the employee’s receipt or approval of disability payments from a retirement system to which the University contributes… and (b) a written review by a vocational rehabilitation counselor… determining that no reasonable accommodation exist without causing undue hardship.”

(PPSM 66 Medical Separation)
UCSD Resources

- Employee Rehabilitation Program
  858-534-6744
  [http://blink.ucsd.edu/Blink/External/Topics/Sponsor/0,1362,1577,00.html](http://blink.ucsd.edu/Blink/External/Topics/Sponsor/0,1362,1577,00.html)

- Benefits 858-534-1623
  [http://blink.ucsd.edu/Blink/Subtopic/Index/0,2254,3~10,00.html](http://blink.ucsd.edu/Blink/Subtopic/Index/0,2254,3~10,00.html)
UCSD Resources (Cont)

- Employee Relations 858-534-4115
  http://blink.ucsd.edu/Blink/External/Topics/Sponsor/0,1362,1581,00.html

- Workers’ Compensation 858-534-4785
  http://blink.ucsd.edu/Blink/External/Topics/Policy/0,1162,404,00.html

- Faculty and Staff Assistance Program 858-534-5523
  http://blink.ucsd.edu/Blink/External/Topics/Sponsor/0,1362,1600,00.html
Why Accommodate?

Saves:

- Money - claims, legal, recruitment advertising expenses
- Talents
- Productivity
- Employees - and coworkers
- **Time** - yours and mine
“KINDNESS IS A LANGUAGE
THE DEAF CAN HEAR
&
THE BLIND CAN SEE.”
Mark Twain