Policy 0506

From Human Resources

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PERSONNEL POLICY MANUAL
MoDOT Personnel Policy Title: Physical or Mental Disability **Policy Number**: 0506 **Chapter Title**: Employment **Effective Date**: February 1, 2009 **Supersedes Policy Number** 0506 **Dated** August 1, 2007
Approved By: Micki Knudsen, Human Resources Director (Signature on file)

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POLICY STATEMENT

The department is committed to equal opportunity, including employment of individuals with disabilities. It is the department's intent to provide employment opportunities in full-time or permanent part-time positions, when possible, for applicants and employees who have disabilities that

are able to safely perform the essential functions of a particular position with or without reasonable accommodation.

DEFINITION

Disability: As defined under the Americans with Disabilities Act, a disability is a physical or mental impairment that substantially limits one or more of an individual's major life activities, a situation when an individual has a record of such impairment, or a situation when an individual is perceived or regarded as having a disability. An impairment that is episodic in nature or in remission is included in this definition if it substantially limits a major activity, when active. This definition does not apply to an individual perceived as having a disability because of having a minor impairment or an impairment with an actual or expected duration of six months or less.

Major Life Activity:

1. Major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.

2. A major life activity also includes the operation of a major bodily function, including, but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

PROVISIONS/REQUIREMENTS

1. The department will make an individual assessment of the employee’s or applicant’s abilities and will provide a reasonable accommodation(s) to applicants and employees with disabilities if such accommodations do not create an undue hardship upon the department. However, the department will not eliminate essential job functions or create unneeded positions to accommodate such applicants and employees.

2. Full-time and permanent part-time employees, who experience an injury, illness, or condition, either on or off the job, which results in a disability that makes them unable to perform the essential functions of their current job, will be considered for other job vacancies provided that:

a. They meet the minimum education and experience requirements of the vacant position.

b. They were rated as successful or above on their most recent performance evaluation in the position held at the time they incurred the injury, illness, or condition.

c. They are physically and mentally capable of performing the essential functions of the vacant position, with or without reasonable accommodation.

The department will seek to hire the best person who is qualified for every job.

3. District human resources representatives will maintain records of current employees with a disability who can no longer perform the essential functions of their jobs, with or without reasonable accommodation. These records will be reviewed as vacancies occur for a reasonable period of time. A reasonable period of time will generally be no more than six months after the date the employee is determined to be disabled and is no longer able to perform the essential functions of the job. During this period of time, human resources representatives will monitor vacancies to allow those employees consideration for vacancies for which they qualify.

4. When an employee with a disability is unable to perform the essential functions of his/her position and accepts another position, the employee's salary will be determined by the employee's education, relative experience, and department service. Salary relativity of other employees may be a consideration in determining the proposed rate of pay.

5. An employee with a disability, who has no accrued sick leave may be eligible for unpaid Family and Medical Leave (FML), ShareLeave, and/or extended sickness or injury leave without pay. If such employee has not obtained another position within MoDOT, has exhausted FML and/or ShareLeave (if eligible), and is still unable to return to his/her previous position after exhaustion of extended sickness or injury leave without pay, the employee will be released from employment. (See Personnel Policies 3512, "Family and Medical Leave Act," 3511, "ShareLeave," and 3501, "Extended Sickness or Injury Leave.")

6. If an employee with a disability declines an offer of a position change from the department under the circumstances outlined in Paragraph 2 above, the department's monitoring of vacancies for that employee will cease.

7. If an employee with a disability wishes to have his/her restrictions re-evaluated, he/she may do so at his/her own expense. If the employee informs the department that there is change in his/her condition or impairment that impacts the employee's ability to do the essential functions of the job, the employee must release any and all new medical documentation to his/her supervisor and the local human resources office for review. The department reserves the right to send employees for a second evaluation at the expense of the department.

CROSS REFERENCES

Personnel Policy 3501, "Extended Sickness or Injury Leave"

Personnel Policy 3511, "ShareLeave"

Personnel Policy 3512, "Family and Medical Leave Act"

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