

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

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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 do not interfere with the safe and proper performance of the essential functions of a particular position.

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 as having a disability.

PROVISIONS/REQUIREMENTS

1. The department will provide reasonable accommodations that do not cause undue hardships upon the department for applicants and employees with disabilities, when needed; however, the department will not create unneeded positions to accommodate these 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 severely restricts or prohibits them from performing 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 met or exceeded performance expectations 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 who have disabilities. 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 others may be a consideration in determining the proposed rate of pay.

5. An employee with a disability, who has no paid sick leave remaining, may be eligible for Family and Medical Leave (FML), ShareLeave, and/or extended sickness or injury leave without pay. If the employee has not obtained another position, has exhausted FML and/or ShareLeave (if eligible), and is still unable to return to his/her previous position by the end of 12 months on 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 a position change offer from the department where previously mentioned conditions are met, 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. 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. If a medical doctor removes the employee's restrictions, the employee may not be considered for reasonable accommodation under Title I of the Americans with Disability Act.

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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