

Reasonable Accommodation Is Necessary



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Operating Procedures for Handling Extended Absences

Due to Illness or Injury

I. INTRODUCTION

The most valuable asset the Food Safety and Inspection Service (FSIS) has is its employees. Unfortunately, employees develop medical conditions that may or may not be job related. The purpose of these procedures is to provide written guidance on how to make decisions concerning FSIS employees when they have been on extended leave due to illness or injury, as necessary under Workers' Compensation procedures, the Rehabilitation Act of 1973, as amended or appropriate case law.

II. ON-THE-JOB INJURY

- The Office of Workers' Compensation Program (OWCP) is designed to compensate employees for lost wages and medical expenses incurred as a result of workplace injuries. OWCP procedures for bargaining unit employees are addressed in the labor management agreement with the NJC, Article 11, entitled, Workers Compensation. To be eligible for OWCP benefits, employees must prove five (5) basic elements:
 - The claim was filed within specified time limits.
 - The employee is a civilian employee covered by the Federal Employees Compensation Act (FECA).
 - The employee has sustained an injury or disease.
 - The injury or disease occurred during the performance of duty.
 - There was a causal relationship between the injury or disease and the employee's conditions.
- Some injuries or diseases, while compensable under OWCP, do not meet the definition of disability under the Rehabilitation Act of 1973, as amended.
- Employees are not entitled to OWCP benefits in the following circumstances:
 - Willful Misconduct
 - Intoxication
 - Self inflicted or intentional injury or death
- Returning to Work/Job Restoration Rights – Most employees return to work after recovering from an injury, often within less than one year of being injured. A primary goal of OWCP is to have employees return to work, as soon as they are "medically able." 5 CFR 353, Subpart C, requires the employing agency to restore an employee, who recovers within one year after beginning OWCP compensation, to his or her former position or its equivalent. If recovery occurs after one year, the employee is entitled to priority consideration, provided the employee applies within 30 days of the date compensation ceases.
- Employees who are unable to perform their former position are expected to return to "suitable employment". I.e., if an employee has partially recovered from his or her injuries, the Agency may offer the employee another position that the employee can perform. (*See Section IV on Reasonable Accommodation.*) A partially recovered employee who refuses an Agency's offer of a suitable job may lose the right to continued compensation benefits. To

determine what is suitable employment for a particular employee, OWCP considers the employee's current medical limitations, whether work is available within the employee's commuting area, the employee's qualifications to perform such work, and other relevant factors. While employers are expected to offer jobs within the employee's commuting area if possible, OWCP may pay moving expenses in connection with a suitable offer of employment made to an employee who is off the employer's rolls.

- While OWCP regulations state that an Agency may offer an employee an available position within the physical limitation set by a physician, the employee has the right to question the job offer's validity by requesting OWCP "approve" the job offer. If that job offer is not within the local commuting area and could cause family hardship, OWCP may find the job offer unsuitable. If a job offer is found unsuitable by OWCP and the employee declines the job if it is offered by the Agency, the OWCP benefits paid to the employee will continue and will not be terminated. Typically, FSIS only offers jobs that are approved by OWCP.
- FSIS' Work Hardening Program is designed to permit injured bargaining and nonbargaining unit employees to return to their position performing the full range of duties, but for limited hours. Having an employee work a graduated work schedule, in order to become stronger and avoid re-injury gets injured employees back to work more quickly. Refer to FSIS Directive 4610.8, Returning to Work After a Workplace Injury (Work Hardening Program) dated 9/17/01.
- An employee may wish to apply for disability retirement and OWCP benefits simultaneously if the employee has reached Maximum Medical Improvement and the attending physician still feels the employee is incapable of performing his/her assigned duties and accommodations cannot be made. A disability retirement annuity is suspended while the annuitant is in receipt of OWCP monetary benefits.
- An employee who is on OWCP for more than one year and has not filed for disability retirement will typically be referred to the Employee Relations Branch (ERB). See section V and the Reasonable Accommodation Case Summary enclosed for specific information on what needs to be in an ERB referral. Before a case is referred to ERB for field positions, the Human Resources Field Office's (HRFO) Analysis and Workers Compensation Section will contact the staffing coordinator, who will contact the program office (most likely by e-mail) to make sure the program wants to refer the employee to ERB. For Headquarters positions the DEPC in the Human Resources Division's Classification and Staffing Services Branch (CASSB) will seek the manager's approval for referral to ERB. The referral to ERB must contain, at a minimum, an e-mail from the program manager with his or her recommendation to refer the case to ERB.

III. DISABILITY RETIREMENT

- Disability retirement is an employee benefit (not an entitlement – OPM must approve it) intended only for those employees who are unable to complete a normal career due to disease or injury (either work-related or not). An employee must be unable to render useful and efficient service because of a disease or injury in the employee's current position or a vacant position in the same agency at the same grade or pay level in the same commuting area for which qualified for reassignment. Factors for establishing disability include deficiency in service, medical condition, relationship between service deficiency and medical condition

with duration of a year or more, aggravation of a pre-existing condition, inability to reasonably accommodate, and inability to reassign. An application can be filed while the employee is still on the rolls or up to 1-year from date of separation.

- The Benefits & Awards Section advises the employee of his/her disability retirement options at the time they become aware of a permanent medical condition or after the employee has been off work for 6 months, whichever occurs first.
- Below are the criteria for eligibility for CSRS and FERS employees:

CSRS

- * 5 years civilian service
- * Becomes disabled while serving in a CSRS covered position
- * Additional factors listed in previous paragraphs

FERS

- * 18 months civilian service
- * Becomes disabled while serving in a FERS covered position
- * Additional factors listed in previous paragraphs

- The following information/questions relating to the employee's disabling condition are required in the retirement application form, SF-3112:
 - ✓ *Employee Questions SF-3112A:* Describe disease/injury; how it interferes with performance of duties, attendance, conduct, and any restrictions on activities; what accommodations have been requested and granted or denied.
 - ✓ *Supervisor Questions SF-3112B:* If performance is less than fully successful in any critical element, explain any observed deficiencies; has the employee received a WGI or performance award since date of unacceptable performance or inability to do the job?; describe employee's attendance record and the impact of the absence on work operations; describe any unsatisfactory conduct; describe efforts to accommodate employee in current position or reassignment effort.
 - ✓ *Agency Certification of Accommodation and Reassignment Efforts SF-3112D:* include an assessment of the functional and environmental factors related to the employee's inability to perform at the fully successful level, describe accommodation efforts made, attach supporting documentation (including medical evidence) and narrative analysis of any unsuccessful accommodation efforts. The coordination of the completion of this form is done by the Benefits and Awards Section, HRFO, with input as necessary from the staffing coordinator and the program office. The program manager will sign/certify this part of the disability retirement application.
- Area of Overlap with OWCP - An employee may wish to apply for disability retirement and OWCP benefits simultaneously. Disability retirement annuity is suspended while an annuitant is in receipt of OWCP.
- Area of Overlap with Reasonable Accommodation - the same or similar questions need to be documented for both processes (i.e., an analysis of the medical condition and Agency accommodation efforts including reassignment for both Disability Retirement and Reasonable Accommodation cases).

IV. DISABILITY PROGRAM – REASONABLE ACCOMMODATION

Disability

- Many employees are under the misperception that if they have any medical condition, injury or impairment then they are "disabled" and therefore protected by law. Within the context of the law, "disability" has a very specific meaning. Temporary physical or mental impairments that may have a short-term effect on an employee's performance are not covered (e.g., a broken arm or leg).
- Agency policy on disability and reasonable accommodation is covered in FSIS Directive 4306.1 Revision 4 (dated 10/7/94), Employment of Persons with Disabilities (including Disabled Veterans). **Note:** *That Directive is being revised due to the new USDA Reasonable Accommodation Procedures (DM 4300-2) issued 7/5/02 and will be issued soon. The USDA Procedures can be accessed via their web address at <http://www.usda.gov/directives/files/dm/DM4300-002.pdf>.*
- A person is considered to have a disability and therefore protected by the law if he or she:
 - ✓ has a physical or mental impairment that substantially limits one or more major life activities; if he or she has an existing impairment, or
 - ✓ has a record of such an impairment (e.g., has a history of a mental or physical impairment that substantially limits one or more major life activities
 - ✓ is regarded as having such an impairment (i.e., perceived as having an impairment-- whether it actually exists or not)
- An impairment is a physiological disorder affecting one or more of a number of body systems OR a mental or psychological disorder. An impairment is substantially limiting if it prohibits or significantly restricts an individual's ability to perform a major life activity (compared to the average person in the general population). The determination depends on the nature and severity, the duration or expected duration, and the permanent or long-term impact of the impairment. Major life activities include things such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, learning, working, etc.

Reasonable Accommodation

- Reasonable accommodation is a modification or adjustment to the work environment, or to some aspect of the job, that will enable a qualified person with a disability to perform the essential job functions. A qualified person with a disability is an individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the position without endangering themselves or others. The individual must meet the qualification requirements for the position. Essential job functions are a fundamental duty that a person is required to perform.
- The Agency:
 - (a) provides reasonable accommodation to meet the individual's job-related needs to overcome a limitation resulting from a disability.
 - (b) is not required to change the essential functions of a position in order to provide

accommodation for an individual with a disability.

(c) is not required to provide accommodation if it will cause an undue hardship on program operations. Undue hardship results when the accommodation is unduly costly or disruptive, or it has an adverse impact on the Agency's ability to conduct business. This is determined on a case-by-case basis.

- If a person does not meet the definition of disability under the Rehabilitation Act, the Agency is not legally required to provide reasonable accommodation. However, the law does not prohibit the Agency from making a workplace modification to assist an employee with a medical condition.
- The Agency does not currently have a light duty or limited duty policy for temporary medical conditions (except for the Work Hardening Program mentioned above). Inplant employees are expected to perform the full range of their duties. Therefore, if an inplant employee with a temporary medical condition cannot perform the full range of duties, then he/she would need to request and be approved for paid or unpaid leave to cover the time away from work.
- Employees are responsible for identifying the disabling condition and advising management of the need for an accommodation (can be oral or written). As an employer, FSIS is entitled to know that the employee has a covered disability that requires an accommodation. If the disability is not obvious or is not a previously documented medical condition, the employee may be required to provide sufficient and reasonable documentation of the medical condition.
- Employees and supervisors must participate in an "interactive process." In many situations, the employee will be able to provide information regarding the type of accommodation needed. Others may be included in the interactive process if a specific limitation, problem, or barrier is unclear; where an effective accommodation is not obvious; or where parties are choosing between different possible accommodations.
- Employee requests for reasonable accommodation should be coordinated through the appropriate program manager. As reasonable accommodation requests become known, the program office should immediately contact the Disability Employment Program Coordinator (DEPC) in HRFO or CASSB who services their program. (Typically this will be the staffing coordinator). The DEPC is the primary contact with the employee for requesting, receiving, and reviewing medical information. As necessary, the DEPC is responsible for obtaining a medical release form. See attached medical release form that should be used for this purpose. The determination whether the employee has a disability as defined in the Rehabilitation Act is the responsibility of the DEPC. However, the final decision on whether or not to accommodate the employee is the responsibility of the program manager. As necessary, the DEPC may contact the USDA medical officer, the Federal Occupational Health Service or some other medical provider for assistance in reviewing medical information submitted by the employee.
- Medical information obtained in connection with the reasonable accommodation process must be kept confidential. This means that all medical information, including information about functional limitations and reasonable accommodation needs, that FSIS obtains in connection with a request for reasonable accommodation must be kept in files separate from the individual's personnel file. Medical examinations to determine fitness for duty of

bargaining unit employees are authorized only under the conditions specified in the labor management agreement with the NJC; Article 26 entitled Fitness for Duty, which also includes information on reasonable accommodation.

- Supervisors and managers should work closely with their DEPC in HRFO or CASSB. The DEPC can help explore accommodation options and assist in obtaining necessary medical documentation. A list of DEPCs is enclosed.
- Reasonable accommodation is determined by the facts surrounding each particular case, and not generalizations, perceptions, or stereotypes about a disability. Since an individual's condition(s) from a disability are unique to that person, each request for accommodation must be evaluated on its own merits. Every reasonable accommodation is provided on a case-by-case basis. The accommodation that suits one individual may be totally unsuitable for another individual with the same disability.
- The Job Accommodation Network (JAN) is a service of the Department of Labor, Office of Disability Employment Policy. JAN can provide information, free-of-charge, about many types of accommodations. JAN can be reached at 1-800-232-9675 (Voice/TTY), or via their Web Site at <http://janweb.icdi.wvu.edu/>.
- In situations where the Agency cannot provide accommodation to the employee in his or her current job, then the Agency must consider reassignment as an accommodation of last resort.
 1. identify all vacant positions within the FSIS for which the employee is qualified (with or without RA); and if none exist, all vacant positions within USDA for which qualified (with or without RA)
 2. identify all positions that the Human Resources Office has reason to believe will become vacant over the next 60 business days and for which the employee is qualified.
- The search will first focus on positions in the commuting area that are equal to or lower in grade level to the employee's in terms of pay, status, and other relevant factors. All positions should be considered unless there is a legitimate program reason. Reassignment or change to a lower grade will be made to a vacant position outside of the employee's commuting area if the employee is willing to relocate. As with other transfers not required by management, FSIS is not obligated to pay for the relocation expenses. However, FSIS may pay if it is in its best interest (e.g., hard to fill position, etc).
- When considering the employee for vacancies the DEPC will, as necessary, obtain a resume or OF-612 from the employee. When looking for vacancies with FSIS in headquarters, the resume or OF-612 shall be provided to the DEPC in CASSB. For consideration of vacancies in other USDA Agencies, the DEPC will send a resume or OF-612 to the Disability Employment Program Manager (DEPM) in Headquarters. The DEPM will check for vacancies in other Agencies.

- Time Frames for Processing Requests and Providing Reasonable Accommodation

Acting upon reasonable accommodation requests should be done as soon as reasonably possible.

The process to consider a reasonable accommodation request should begin within **five business days from the date of the request**. If the request is received in the field it should be provided to the DEPC within **five business days from receipt**. Upon receipt of the medical release form, additional medical information should be requested by the DEPC within **five business days of receipt of the medical release form**. The total time period upon which a decision on reasonable accommodation should be made is **30 business days from the date of the written or oral request**.

V. Employee Relations Branch Referral

Cases where the employee has not worked for over one year and has not filed for disability retirement will typically require referral to the ERB. Also, cases where a medical condition is permanent in nature and the employee cannot or will not return to work and cannot be placed through a job accommodation will be referred to ERB.

A case referred to ERB needs to contain the following information:

- Copies of the applicable medical documentation
- Written determination outlining the reasonable accommodation consideration, i.e., what the employee's position requires, what he/she is unable to do, what accommodations would be necessary, whether those or any other accommodations are available, any other positions available, positions in other locations considered, any accommodation offered, etc. Also, any communication between the Agency employee making the reasonable accommodation determination and the employee should be documented and provided with the case file.

It is important to remember that when the Agency goes before a third party, the third party will be very interested in the results of our interactive process.

Enclosed is a Reasonable Accommodation Case Summary form. This form must be completed for each case referred to ERB. The DEPC will typically coordinate the completion of this form by requesting input from the program office, the Analysis and Workers Compensation Section, and the Workers Compensation Case Manager (for cases involving OWCP).

VI. Duties and Responsibilities by Office -- Reasonable Accommodation

Human Resources Field Office/ Classification and Staffing Servicing Branch	Program or Field Office (Program Manager)
<ul style="list-style-type: none"> • Is familiar with the Disability Directive and its requirements. • Serves as a resource for individuals who are disabled and for supervisors in the reasonable accommodation process. • Provides advice and guidance to the program manager on requests for reasonable accommodation. • Assists in requesting further medical documentation, if necessary. May also include getting a signed limited medical release from the employee. • Determines whether the employee requesting the accommodation meets the definition of an individual with a disability. Consults with the Agency's DEP Manager as necessary for additional guidance or policy interpretation. May contact the USDA Medical Officer for advice and interpretation of medical documentation, if necessary. • Maintains records for tracking and reporting purposes. 	<ul style="list-style-type: none"> • Is familiar with the Disability Directive and its requirements. • Reviews reasonable accommodation requests, including supporting medical documentation and input from immediate supervisor. Provides written confirmation of receipt of request to employee. • Contacts DEPC-HRFO/CASSB for guidance and assistance. May need to contact ERB staff if accommodation is requested in conjunction with an anticipated or pending performance and/or conduct-based action. • Participates in the interactive process with the employee. • Evaluates accommodation requests based on input from the supervisor, and the DEPC in HRFO/CASSB. • Makes timely determinations on reasonable accommodation requests and informs the employee of the final decision (written). See sample of attached decision letter. <ul style="list-style-type: none"> • Decides whether the proposed accommodation will be made, and if so, the action to take to accommodate the employee. • If an accommodation cannot be made, provides valid and well-documented reasons for denying the request. • May propose or consider alternatives, if appropriate.

VII. LEAVE WITHOUT PAY (LWOP)

LWOP is a temporary non-pay status and approved absence from duty, which may be granted an employee. Employees must apply in advance for non-work related LWOP. SF-71, Request for Leave is required along with medical documentation except for OWCP – related LWOP. Approval authority for LWOP up to six months is made at the program level. An SF-52 is required for any LWOP that exceeds 30 calendar days. LWOP may be granted up to six months for non-work related illness or disability. If illness or disability is job related and the employee has submitted an application for disability retirement, LWOP may be granted/extended for one year or longer. Extensions of LWOP beyond six months will be made in the Human Resources Division.

VIII. FAMILY & MEDICAL LEAVE ACT (FMLA)

The Family and Medical Leave Act (FMLA) entitles an employee who has at least 12 months of Federal Service up to 12 weeks of nonpaid leave (LWOP) within one 12-month period for certain family and personal health conditions. The employee may choose to substitute paid leave for LWOP for absences under the FMLA. For further information about FMLA see FSIS Directive 4630.6 Revision 2.

IX. DISABILITY EMPLOYMENT PROGRAM OFFICIALS

Disability Employment Program Manager (DEPM) for the Agency:

Joanne Bolton, Employment and Benefits Policy Branch, Human Resources Division
Voice: 202-720-9866 Fax: 202-720-9850

Disability Employment Program Coordinators (DEPCs):

Headquarters:

Bill Kashawlic, Classification and Staffing Services Branch, Human Resources Division
Voice: 202-720-6617 Fax: 202-720-5124

Field: For overall coordination and administration of the Disability Employment Program in the HRFO, Branch Chief, Louise Fox will be designated as a Disability Employment Program Advisor. **Day-to-day advice and assistance is provided by the following Staffing Coordinators in the Human Resources Field Office:**

Western Section - services Guam, American Samoa, Hawaii, Alaska, California, Washington, Oregon, Idaho, Nevada, Texas, Utah, Arizona, Colorado, New Mexico, Iowa, Nebraska, and Financial Processing Center (FPC). Telephone: 612-370-2000 or 1-800-370-3747 Fax: 612-370-2377

Jill Kubina, Human Resources Specialist
Yvonne Martin Human Resources Specialist
Darcy Long, Section Head

Southeast Section - services Georgia, Florida, Mississippi, Tennessee, Alabama, Puerto Rico, Virgin Islands, and OPHS Labs, Technical Service Center (Omaha, NE)
Telephone: 612- 370-2000 or 1-800-370-3747 Fax: 612- 370-2062

Ellen Barbeck, Human Resources Specialist
Mary Lewis, Human Resources Specialist
David Reedstrom, Section Head

Central Section - services Minneapolis, North Dakota, South Dakota, Montana, Wyoming, Kansas, Missouri, Arkansas, Oklahoma, Louisiana, Illinois, Indiana, Ohio, and HRFO
Telephone: 612-370-2000 or 1-800-370-3747 Fax: 612-370-2007

Sandy Cox, Human Resources Specialist
Keith McFarlin, Human Resources Specialist
Debbie Thompson, Section Head

Northeastern Section - services Wisconsin, Michigan, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, Delaware, Maryland, New Jersey, District of Columbia, Virginia, Kentucky, West Virginia, North Carolina, South Carolina, and Center for Learning (College Station, TX) Telephone: 612-370-2000 or 1-800-370-3747
Fax: 612-370-2376

Penny Carter, Human Resources Specialist
Gina Williams, Human Resources Specialist
Steve Prochnow, Section Head

Employee Relations Branch Contact

Kristie Kelm, Supervisory Employee Relations Specialist
Telephone: 202-690-3684
Fax: 202-690-3938

X. REASONABLE ACCOMMODATION CASE SUMMARY

Name of Employee:

Program/Location:

Part 1 – Disability Determination

General Definitions

Disability – A person is considered “disabled” if he/she has a physical or mental impairment that substantially limits one or more major life activities (Rehabilitation Act of 1973).

Substantially limiting - An impairment is substantially limiting if it prohibits or significantly restricts an individual’s ability to perform a major life activity (compared to the average person in the general population). The determination depends on the nature, severity, and duration or expected duration, and the permanent or long-term impact of the impairment.

Major life activities – includes such things as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, learning, etc.

a) Describe the physical or mental impairment (i.e., medical condition, disease, injury, etc.)

b) Is the impairment substantially limiting? Yes or No. Please explain.

c) Explain any major life activities that are impacted?

d) Is this a person with a disability (as defined by the Rehabilitation Act)? YES or NO
If yes continue to Part 2 of this form. **If not, stop.**

Attach a copy of any medical information. Note: Medical information is confidential

Part 2 – Essential Functions

a) Position title/Series/Grade:

b) Describe the essential functions of the position (include a copy of the Position Description and any functional and environmental factors)

Part 3 – Barriers to Performance

a) Describe how the disability interferes with the performance of duties, attendance, or conduct (i.e., what aspects of the job is the employee unable to do)

b) What are the medical restrictions on activities?

Part 4 – Reasonable Accommodation

a) What reasonable accommodation(s) have been requested or considered?

b) Are there other possible reasonable accommodations? If so, please explain.

c) Is the employee interested in reassignment? YES or NO

If Yes: Same Grade/Lower Grade/Both Locations: Local Commuting Area Only
Other: _____

Part 5 – Reasonable Accommodation Decision

a) Explain any reasonable accommodations that were granted or denied? (describe efforts to accommodate the employee in the current position or reassignment efforts – other available positions, other locations considered, etc.). If denied, explain why.

b) Describe any communications between the Agency and the employee while making the final determination (i.e., interactive process)

c) Identify any sources of technical assistance that were consulted (e.g. Job Accommodation Network, family member, rehabilitation counselor, etc.)

Contacts for Further Information:

Disability Employment Program Coordinator (DEPC)
Program Manager/Resource Management Analyst
HRFO/OWCP Technician

XI AUTHORIZATION TO RELEASE MEDICAL INFORMATION

I, _____, Social Security Number _____,
hereby authorize my medical specialists, in particular _____, to discuss and
provide written information regarding my medical condition, including my diagnosis,
prognosis, etc. with _____ and/or _____,
representative(s) of my Employer, the United States Department of
Agriculture, Food Safety and Inspection Service, Human Resources Division.

Employee's Name

Date

XII. SAMPLE DECISION LETTER TO EMPLOYEE

(This is a sample letter that can be used to transmit a decision to the employee regarding their accommodation request).

Employee Address

Dear Mr/Ms Employee:

We have received your medical documentation and your request for medical accommodation of (date of request) and reviewed the information contained in it. It is the policy of the Agency to make reasonable accommodation for known physical or mental limitations of qualified persons with disabilities unless it causes undue hardship. As you know, (identify employee’s current position) has a variety of duties, which include _____.

The duties for your position include:

The physical demands of the work include: “.....”

These are essential functions and are the primary reasons for the position. They are required and cannot be assigned to another person.

Based on the medical information you provided from your physician, we believe that your (physical or mental) impairments (identify them) rise to the level of disability under the Rehabilitation Act. “Disability” is defined as a physical or mental impairment that substantially limits one or more major life activities. Major life activities can include things such as caring for oneself, performing manual tasks, walking, standing, seeing, hearing, breathing, speaking, learning, working, running, lifting and working. Your physician indicates that your condition is _____ and that duty restrictions are warranted. The restrictions are _____.

After reviewing your restrictions and the essential functions of your position it is our decision that we can/cannot accommodate you in your present position. Unfortunately, we do not have any vacant positions in your commuting area that may be suitable for **you/or** fortunately, we do have a vacant position for you in the commuting area. This position is a (title, series and grade) in _____. (Explain how this position can accommodate the employee’s accommodation.)

(This paragraph is dependent on available vacancies outside the commuting area.) However, we do have a vacant position in _____. This position is a (title, series and grade). (Explain why this position can accommodate the employee's accommodation). The agency will not pay relocation costs involved in a household move. (The decision whether the Agency will pay for relocation costs should be decided on a case by case basis and will normally only be paid if the reassignment position is a hard to fill position).

Please complete and return the enclosed attachment by (allow 2 weeks). Keep in mind that if you decline the reassignment, or do not elect to apply for disability retirement or resign; action may be initiated to remove you from the service. Your failure to respond by the specified date will be interpreted as a declination of the reassignment offer.

If you elect the option of applying for disability retirement you should contact _____, Human Resources Specialist, Benefits and Awards Section, HRFO, Minneapolis, MN for computations and guidance. The telephone number is _____.

If you have any questions, please contact us at _____.

Sincerely,

Program Manager

cc:

Disability Employment Program Coordinator
HRFO/Workers Compensation Case Manager/Benefits and Awards Specialist

ATTACHMENT

_____ I accept the reassignment to the position of _____.

_____ I decline the reassignment. I understand that action may be initiated to remove me from the service.

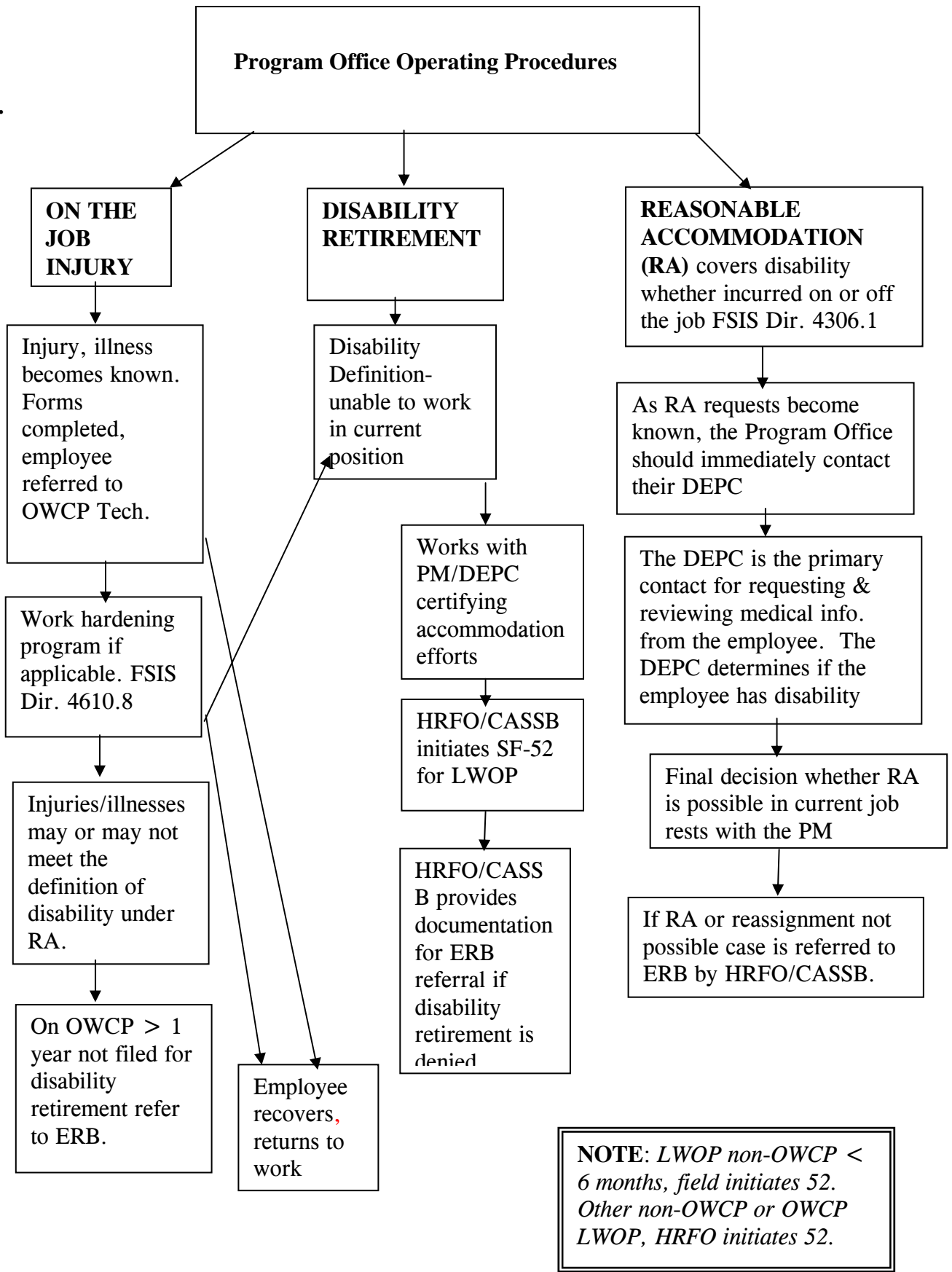
_____ I elect to apply for disability retirement.

_____ I elect to resign effective _____.

Signature

Date

XIII.



XIV.

HR OPERATING PROCEDURES

Insure dialogue/interactive process occurs with employee

ON THE JOB INJURY

Claim approved by OWCP

Work hardening program if needed. FSIS Dir. 4610.8

Injuries/illnesses may or may not meet the definition of disability under RA

On OWCP > 1 year not filed for disability retirement refer to ERB

Recovered return to work

DISABILITY RETIREMENT

Disability definition - unable to work in current position

PM/DEPC certifies accommodation efforts

Employee may apply simultaneously for disability ret. and OWCP. Can't receive both at the same time

Only referred to ERB if not approved

REASONABLE ACCOMMODATION (RA) covers disability whether incurred on or off the job

RA disability -- permanent condition that substantially limits 1 or more major life activities

Agency must provide RA unless undue hardship. Not required to change essential functions of the job. No light duty jobs

If RA in current job not possible, Agency must consider reassignment or CLG in FSIS or USDA

If RA in current job or reassignment not possible refer to ERB by HRFO

If medical condition meets definition under RA the RA process must apply

DISABILITY – With respect to an employee, means a physical or mental impairment that substantially limits one or more of the major life activities of the employee; or, a record of such impairment, or; being regarded as having such an impairment.

DISABILITY EMPLOYMENT PROGRAM COORDINATOR (DEPC) – For Agency field employees it is the staffing coordinator in HRFO. For Agency headquarter employees it is an employee in the Classification and Staffing Services Branch in Washington DC. Is responsible for providing advice and assistance to Program officials and employees on day to day issues involving reasonable accommodation.

DISABILITY EMPLOYMENT PROGRAM MANAGER (DEPM) – A staff employee in the Human Resources Division (HRD) in the Employment and Benefits Policy Branch. Responsible for overall program coordination in the Agency. Provides guidance, assistance and oversight as needed. Develops Agency directives and notices as necessary.

EMPLOYEE – This internal procedure covers any permanent competitive or excepted service FSIS employee working for the Agency.

ESSENTIAL FUNCTIONS – The fundamental job duties of the position the employee with a disability holds or desires. Determination of the essential functions of a position must be conducted on a case-by-case basis so that it reflects the job as actually performed, and not simply the components of generic position description. Typical reasons why a function is essential may include, but not be limited to:

- (1) the reason the position exists is to perform that function;
- (2) the limited number of other employees who could perform that function; and/or
- (3) the function may be highly specialized so that the incumbent in the position is hired for his/her expertise or ability to perform the particular function.

MAJOR LIFE ACTIVITIES – Are functions such as, but not limited to: caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, thinking, sitting, standing, reaching, interacting with others, concentrating, lifting, sleeping, reproduction, running and working.

MENTAL IMPAIRMENT – Any psychological or mental disorder, e.g. mental retardation, organic brain syndrome, emotional or mental illness or specific learning disability.

PHYSICAL IMPAIRMENT – Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory, cardiovascular, reproductive, digestive, genito-urinary, hemic and lymphatic, skin or endocrine.

QUALIFIED INDIVIDUAL WITH DISABILITY – An individual with a disability who satisfies the requisite skill, experience, education, and other job related requirements of the employment position such individual holds or desires, and who, with or without reasonable accommodation, can perform the essential functions of such position.

PM – The manager of a program office.

PROGRAM OFFICE – Any office HRD services. This would include Headquarters, Labs, Districts, Financial Processing Center, Technical Service Center, etc.

REASONABLE ACCOMMODATION – A change in the work environment or the application process that would enable a qualified individual with a disability to enjoy equal employment opportunities. There are three general categories of reasonable accommodations:

- (1) Changes to a job application process to ensure that applicants with disabilities will have an equal opportunity to participate in the application process and to be considered for jobs;
- (2) Changes to enable an employee with a disability to perform the essential functions of the job or to gain access to the workplace; and
- (1) Changes to provide people with disabilities equal access to the benefits and privileges of employment.

SUBSTANTIALLY LIMITS – Means unable to perform a major life activity that the average person in the general population can perform; or significantly restricted as to the condition, manner or duration under which an individual can perform a particular major life activity as compared to the condition, manner, or duration under which the average person in the general population can perform that same major life activity.

UNDUE HARDSHIP – A specific accommodation requiring significant difficulty or expense. This determination is made on a case-by-case basis and considers the nature, cost of the accommodation, the financial resources of USDA as a whole, and/or impact of the accommodation on the operations of the particular office or facility involved.