

HUMAN RESOURCES

Employment Actions and Records

Employee Inability to Work for Medical Reasons

This regulation supersedes Regulation 4237.

I. PURPOSE

To provide procedures for use when an employee is unable, for medical reasons, to perform the job assigned.

II. GENERAL PHILOSOPHY

The mission of the school system is to educate students. The full service of each budgeted position is required to accomplish the mission, to maintain fiscal responsibility, and to meet government and School Board mandates.

III. PROCEDURES

In making employment decisions, the school system may accept recommendations from an employee's physician or may require an evaluation by the school system's physician.

Procedures for addressing most employment situations involving medical conditions are described below. Because of the unique nature of some medical problems, and because of the importance of adequately staffing school system positions, the assistant superintendent, Department of Human Resources, reserves the right to adopt alternative procedures in individual cases if he or she determines that such alternative procedures are necessary in order to meet the needs of the school system.

A. Employee Inability to Perform Assigned Duties Because of a Disability or a Long-Term Medical Condition

For purposes of this regulation, the terms "disability" and "disabled" refer to an employee with a disability under the Americans With Disabilities Act and the Virginians With Disabilities Act, as well as a person who is handicapped within the meaning of the Rehabilitation Act of 1973 or any other federal, state, or local law.

Consistent with its obligations under law, the school system will make a reasonable accommodation for a disabled employee* who is otherwise qualified for the assignment, if that accommodation will not cause undue hardship. For example, an existing assignment may be modified so that it can be performed notwithstanding the disability. If the assignment cannot be modified without undue hardship, the employee may be reassigned to an appropriate vacant position.

|| An employee unable to perform the assignment because of a disability may seek accommodation by submitting a written request and a physician's verification of need to the assistant superintendent, Department of Human Resources, or his or her designee. The request should include the reason(s) for the request, and, if possible, the accommodation desired, e.g., job modification or reassignment.

|| An employee who is not disabled, but who is unable to perform assigned duties because of a long-term medical condition, also may request accommodation, which will be provided if the assistant superintendent, Department of Human Resources, or his or her designee determines that it is consistent with the staffing needs of the school system.

|| If a determination is made that the employee is not disabled, or that a reasonable accommodation cannot be made, the assistant superintendent, Department of Human Resources, will return the employee to his or her assignment, use the procedures in section B. below, or take such other action as may be appropriate.

B. Employee Request for Relief From Assignment Because of Limited or Temporary Medical Conditions or Because of Conditions in the Workplace

On occasion, an employee's physician may recommend that the employee not continue in his or her assigned duties because of a temporary or limited medical condition, or a physician may recommend that an employee who is medically capable of performing assigned duties be temporarily removed from an assignment because of physical conditions in the workplace.

|| In those circumstances, the employee may seek relief from an assignment by submitting a written request, and a physician's verification of need, to the appropriate cluster director or assistant superintendent, who will forward the request and his or her recommendation to the assistant superintendent, Department of Human Resources. If immediate relief is needed, sick leave may be used pending the decision.

*A disabled applicant also will be accommodated as required by law.

|| If the principal or program manager determines that the duties and responsibilities of the position can be performed by making limited changes at the workplace, or by changing the work location, the principal or program manager, with the concurrence of the assistant superintendent, Department of Human Resources, may make such modifications pending correction of the problem. Any action must be consistent with the staffing needs of the school system.

|| If the assignment is not altered or moved, and the medical condition or workplace problem continues, the employee shall have the option of returning to his or her assignment or shall have the following options, which are subject to the approval of the assistant superintendent, Department of Human Resources.

- || 1. Apply for sick leave, short-term disability, and/or medical leave of absence.
2. Apply for a position in another work location by following the provisions of regulations regarding assignment, transfer, or promotion, as appropriate.
3. Apply for short-term leave without pay.
- || 4. Apply for a nondesignated leave of absence.

C. Effect on Other Benefits

|| An employee will receive assistance in obtaining medical benefits for which he or she is eligible, such as short-term disability, long-term disability benefits, or disability retirement. An employee unable to perform assigned duties because of a job-related injury or illness may be entitled to additional benefits as provided by the school system in compliance with the Virginia Worker's Compensation Act.