

**SANDUSKY COUNTY
PERSONNEL POLICY AND PROCEDURE MANUAL**

DISABILITY LEAVE AND SEPARATION

SECTION 4.09

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- A. The following rules outline the conditions under which accommodations for disabled employees and disability leaves or separations may be granted, and the procedures for administering its use.
1. Accommodation of Disabled Employees:
 - a. If an employee is disabled as defined by the ADA and is unable to perform the essential functions of the employee's position, the SCAA will determine whether the employee can perform the essential functions of the appointed position with some reasonable accommodation. If so, the SCAA will make an appropriate accommodation. If the SCAA cannot accommodate a disabled employee in the employee's current position, the SCAA may place the employee in an equal or lower available vacancy for which the employee is qualified. Absent such, the SCAA may place the employee on a disability leave.
 - b. When an employee claims to be disabled, the following procedure shall be followed: If an employee claims a disability and requests an accommodation, the SCAA will:
 - (1) Review the employee's position description and essential function statement with the employee; and
 - (2) Ask the employee whether the employee can still perform the essential functions of the job with some accommodation. If the employee answers in the affirmative, the SCAA will ask the employee what accommodation the employee wants, and whether any other accommodation would also allow the employee to perform the essential job functions. The SCAA may also consider other accommodations not suggested by the employee. The accommodation the SCAA selects need only allow the employee to function to the SCAA's satisfaction; it need not be the best.
 - c. Any accommodation made shall remain confidential and shall be treated as such under the SCAA's other policies and procedures on confidential information.
 - d. If the employee says the job cannot be done with an accommodation, the SCAA may agree with the employee, or may suggest an alternative course of action. As a last resort, the SCAA will consider demotion into an existing vacancy where no other accommodation is possible and the employee is able to perform the essential functions of the lower position in a satisfactory manner without an accommodation. The SCAA may

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consult a medical advisor or other appropriate licensed practitioner for verification.

2. When deciding whether an accommodation is reasonable, the SCAA may consider among other things:
 - a. Allowing use of leave entitlement for treatment;
 - b. Allowing flexible hours;
 - c. Providing transportation;
 - d. Providing reserved parking spaces;
 - e. Providing assistance from other employees;
 - f. Allowing the employee to use personally owned equipment or aids; and
 - g. Reassigning job functions, though the SCAA need not reassign essential functions of the position.

The SCAA should not allow additional break time nor promote an employee as an accommodation.

B. Disability Leave of Absence: A disabled employee who does not qualify for an accommodation as described above and who has exhausted accumulated sick leave, accrued vacation leave, compensatory time, and Family and Medical Leave, may request and may be granted a disability leave of absence without pay, if the employee can present written evidence from a licensed physician of a probable date the employee will be able to return to the same position. Such requests shall be in writing with supporting evidence attached prior to such leave being granted. If approved, the request and the supporting evidence shall be attached to the implementing personnel action form.

C. Disability Separation:

1. An involuntary disability separation may be granted when an employee has exhausted accumulated sick leave, vacation leave, compensatory time, and Family and Medical Leave and the employee is:
 - a. Hospitalized, institutionalized, or on a period of convalescence following hospitalization or institutionalization ordered by a physician at the hospital or institution;

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- b. Declared physically incapable of performing the essential functions of the employee's job classification by a licensed physician. Such examination normally shall be requested by the SCAA when the employee is unable or unwilling to admit to personal incapacity. The cost of such examination shall be paid by the County.
 - c. If the employee is determined by the SCAA to be unable to perform the essential functions of the appointed position or any vacant position, with or without a reasonable accommodation, after receiving the results of a medical or psychological examination, the SCAA shall institute pre-separation proceedings. Under those proceedings:
 - (1) A hearing shall be scheduled and advanced written notice shall be provided to the employee. If the employee does not waive the right to the hearing, then at the hearing the employee has a right to examine the SCAA's evidence of disability, to rebut that evidence, and to present testimony and evidence on the employee's own behalf.
 - (2) If the SCAA determines, after weighing the testimony presented and evidence admitted at the pre-separation hearing, that the employee is capable of performing the essential functions of the position, then the pre-separation proceedings shall cease and the employee shall be considered to be fit to perform the employee's job. If the SCAA determines, after weighing the testimony presented and the evidence admitted at the pre-separation hearing, that the employee is unable to perform the essential functions of the position, then the SCAA shall issue to the employee an O.R.C.124.34 order of involuntary disability separation.
 - (3) An employee so separated shall have the right to appeal in writing to the State Personnel Board of Review within ten (10) days following the filing of the order with the Board of Review.
 - (4) The SCAA shall notify the employee at the time of the involuntary disability separation of the required procedures to apply for reinstatement.
2. If an employee is placed on a leave of absence without pay and subsequently is given a disability separation due to the same disabling illness, injury or condition, the total combined time of absence shall not exceed two (2) years for purposes of reinstatement.

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3. Any appointment made to a position vacated by disability separation shall be on an interim basis, and such employee must be made fully aware of the position's interim nature. Should the original employee seeking reinstatement return from disability separation to another position in the same classification, the interim appointment may or may not be made permanent at the discretion of the SCAA.

D. Reinstatement:

1. An employee given disability separation has a right to be reinstated to a similar position in the employee's job classification within two (2) years from the date the disability separation began.
2. Any request for reinstatement following a disability separation must be made not later than two (2) years following:
 - a. The date of disability separation; or
 - b. The date a personal/disability leave of absence began followed by a disability separation.
3. Such request shall be in writing.
4. The employee shall be reinstated within thirty (30) days after making a written request and passing a medical examination that indicates the employee can successfully perform the essential functions of the position. The examination shall be conducted by a physician designated by the SCAA. The cost of the examination shall be paid by the County.
5. An employee who fails to apply for reinstatement or is not found to qualify for reinstatement after proper application and examination shall be ineligible for reinstatement and shall be deemed permanently separated from service.
6. If the continuing disability precludes reinstatement, the employee may wish to apply to P.E.R.S. for disability retirement. If approved, such retirement should be reported by the SCAA on the proper personnel action form.