



ADMINISTRATIVE PROCEDURE

INDIVIDUALIZED ASSESSMENT PROCESS – PERMANENT RESTRICTIONS

4184

Procedure No.

October 5, 2020

Date

- I. **PURPOSE:** This procedure describes the process that the Employee and Labor Relations Office (ELRO) within the Division of Human Resources will use to provide options for eligible employees with permanent restrictions who are unable to safely and effectively perform the essential functions of their position with or without accommodations.

- II. **POLICY:** The Board of Education believes that learning and working environments that are safe and supportive are vital for achieving a goal of outstanding academic achievement for all students. The Board is committed to all employees being highly qualified, highly skilled and effective. Board Policy 0118

- III. **DEFINITIONS:**
 - A. *Earned Leave* – annual, sick or personal leave accumulated by an eligible employee during employment.

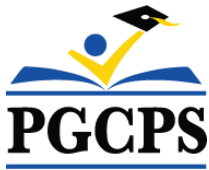
 - B. *Eligible Employee* – all active, permanent employees (excluding temporary hourly workers and substitutes) who are eligible due to a permanent restriction that prevents the employee from performing the essential functions of the position.

 - C. *Essential Functions* – an “essential” job function is one that is central to the satisfactory performance of the job. The employee must be able to perform the essential functions, with or without accommodation.

 - D. *Involuntary Termination* – a decision by Prince George’s County Public Schools (PGCPS) to terminate the employment of an employee.

 - E. *Permanent Restrictions* – restrictions based on an injury or illness that prevents the employee from performing the essential functions of their position at PGCPS. The permanent restriction may be based upon documents submitted by an employee’s healthcare provider (including, but not limited to, a Sick Leave Bank Grant Form, Extended Leave of Absence Request Form, Attending Physician Statement or any other such document) or an Independent Medical Examination.

 - F. *Resignation* – an employee’s voluntary decision to cease employment with PGCPS.



ADMINISTRATIVE PROCEDURE

INDIVIDUALIZED ASSESSMENT PROCESS – PERMANENT RESTRICTIONS

4184

Procedure No.

October 5, 2020

Date

IV. **PROCEDURES:**

A. **The Individualized Assessment Process**

The Individualized Assessment Process is triggered when an employee learns of a long term or permanent restriction, which precludes the employee from performing the essential functions of their respective position, with or without accommodations.

Step One: If an employee is unable to work due to a long-term or permanent restriction, the employee must notify their immediate Supervisor within three (3) business days per PGCPS procedures and/or the relevant negotiated agreement.

Step Two: The Supervisor will provide the employee with the relevant internal options available, through the offices of Absence Management, Risk Management or Equity Assurance within the PGCPS General Counsel Office (See Frequently Asked Questions – Section V. below).

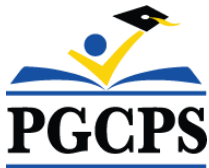
The employee will contact the appropriate office within five (5) business days and tender documentation directly to the appropriate office(s) that adequately establishes that the employee is unable to perform the essential functions of the employee’s position, with or without accommodation.

Step Three: If the employee is not eligible to return to work and has exhausted options available through the named offices, the appropriate office shall refer the employee to ELRO. The ELRO designee will input the employee into the Employee Incident Tracking System (EITS), along with any supporting documentation.

If an employee has earned leave, the employee may elect to utilize earned leave during the pendency of the Individualized Assessment Process. If the employee does not have earned leave, the employee will be placed in a Leave Without Pay (LWOP) status. An employee’s leave may be reviewed for reinstatement at the conclusion of the process.

Step Four: ELRO will refer the matter to a Human Resources Operations and Staffing (HROS) designee for a Position Assessment Meeting.

The Position Assessment Meeting is a one-on-one meeting with the employee and a designee from the HROS department. The purpose of the meeting is to:



ADMINISTRATIVE PROCEDURE

INDIVIDUALIZED ASSESSMENT PROCESS – PERMANENT RESTRICTIONS

4184

Procedure No.

October 5, 2020

Date

- a. Review employee's resume and other qualifications or credentials, to include areas of certification;
- b. Review vacant positions that the employee may be eligible for, with the employee; and
- c. Offer potential vacant position(s) to the employee. If the employee declines a valid placement or there are no vacant positions, for which the employee qualifies, the HROS designee will refer the employee to ELRO for next steps.

Step Five:

If a valid placement is not identified or accepted by the employee in Step Four, ELRO will send notification to the employee to contact the respective offices: (1) Benefits; (2) Retirement; and (3) Payroll to schedule a meeting within ten (10) business days of ELRO's notification. Meetings with the Benefits and Retirement Offices may occur jointly.

(1) **The Benefits Meeting** is a meeting with the employee and the Benefits Office designee. At the meeting the Benefits Office designee will discuss:

- a. The status of employee's benefits;
- b. The cost of maintaining the employee benefits, including long-term disability, if the employee is in an unpaid leave status; and
- c. The employee's option to utilize the long-term disability benefit, if eligible. The Benefits Office designee will provide the required application and request supporting documentation.

The Benefits designee will provide ELRO notice of the meeting.

(2) **The Retirement Meeting** is a meeting with the employee and their designated PGCPS Retirement Coordinator. At the meeting:

- a. The Retirement Coordinator will discuss the appropriate retirement option(s) with the employee;
- b. The employee must complete and submit all necessary documents to the Maryland State Retirement and Pension System (MSRPS);
- c. The Retirement Coordinator will discuss with the employee the timeframe for an initial decision from MSRPS. If approved, the



ADMINISTRATIVE PROCEDURE

INDIVIDUALIZED ASSESSMENT PROCESS – PERMANENT RESTRICTIONS

4184

Procedure No.

October 5, 2020

Date

employee shall proceed with retirement. If denied, the employee will be referred to ELRO further action; and

- d. The Retirement Coordinator will provide notice of such retirement to ELRO.

(3) **The Payroll Meeting** is a one-on-one meeting with the employee and the Payroll Office designee. At the meeting the Payroll Office designee will discuss:

- a. The current status of employee's leave;
- b. The employee's option to utilize earned leave during the pendency of their initial decision from MSRPS. If the employee does not have earned leave, the employee will be placed in a leave without pay (LWOP) status; and
- c. The employee's potential leave payout if the employee decides to resign or is involuntarily terminated.

B. Individualized Assessment Meeting

If an employee's initial retirement request is denied by MSRPS, a meeting will be scheduled with the employee regarding the employee's options related to their permanent restriction. ELRO will forward, within ten (10) business days, written notice to the employee's PGCPS email and home address as noted in ORACLE (via certified and U.S. mail) to appear on a date certain, for an Individualized Assessment Meeting.

1. The **Notice of the meeting** will advise the employee regarding:
 - a. The purpose of the Individualized Assessment Meeting;
 - b. The right to have Union representation, if applicable;
 - c. The right to submit medical or other documentation at the Individualized Assessment Meeting;
 - d. The denial of the employee's initial application from MSRPS;
 - e. The employee's option to resign;
 - f. Consequences for the employee's failure to appear to the Individualized Assessment Meeting; and
 - g. ELRO's option to recommend termination to Chief Executive Officer for PGCPS based on the employee's failure to resign within the designated timeframe or to appear for the Individualized Assessment Meeting.



ADMINISTRATIVE PROCEDURE

INDIVIDUALIZED ASSESSMENT PROCESS – PERMANENT RESTRICTIONS

4184

Procedure No.

October 5, 2020

Date

2. After an Individualized Assessment Meeting Notice has been issued, an employee is no longer eligible to apply for or receive a sick leave bank grant.
3. The employee and their Union representative, if desired, shall meet with a committee of representatives from the Equity Assurance Office, Risk Management, Absence Management, Payroll and ELRO. The committee will review with the employee the initial decision from MSRPS and the employee's options of either resignation or involuntary termination.
4. Five (5) business days after the meeting, ELRO will forward a letter to the employee's PGCPS email and home address as noted in Oracle via certified and U.S. mail, summarizing the Individualized Assessment Meeting. The letter will contain:
 - a. Information regarding Consolidated Omnibus Budget Reconciliation Act (**COBRA**);
 - b. Status of any unused, earned leave;
 - c. The option to submit a resignation via Oracle based on the initial decision from MSRPS or a recommendation for termination from PGCPS Chief Executive Officer to the Board of Education within fifteen (15) business days after the Individualized Assessment meeting; and
 - d. Appeal rights for certificated and non-certificated employees, if Chief Executive Officer recommends termination.

C. Worker's Compensation

Where an employee has sustained an injury for which a claim has been filed and accepted by the Maryland Workers' Compensation Commission, the employee may be eligible to participate in the Transition to Work (TTW) Program. If the employee reaches maximum medical improvement, or is deemed to have a permanent restriction by either the employee's health care provider or an Independent Medical Examination:

1. The employee is no longer eligible to participate in the TTW program and must return to work immediately; or
2. If the employee is unable to return to work due to permanent restrictions, the employee will be referred to ELRO for the Individualized Assessment Process as outlined above.

V. Frequently Asked Questions

The questions below are intended to provide additional guidance for employees,



ADMINISTRATIVE PROCEDURE

INDIVIDUALIZED ASSESSMENT PROCESS – PERMANENT RESTRICTIONS

4184

Procedure No.

October 5, 2020

Date

immediate supervisors or leave granting authority for the individualized assessment process.

A. What should an employee do if they will be absent for three days or more from their position?

The employee should submit their leave request via Oracle and notify their immediate supervisor. If the employee does not have leave or is unable to submit their leave request via Oracle, the employee should contact their immediate Supervisor regarding approving their leave.

B. What should an employee do if they receive an evaluation from a medical professional that they are unable to work due to a long-term or permanent restriction?

The employee must notify their immediate Supervisor within three (3) business days that they are unable to return to work. The employee is not required to share any medical information with their Supervisor. All medical documentation should be submitted to the appropriate PGCPS office.

C. Should an immediate Supervisor or the leave granting authority request medical documentation from an employee that states the employee is unable to work due to a long-term or permanent restriction?

No, the immediate Supervisor should refer the employee to the appropriate office to submit medical documentation.

D. What office should the immediate Supervisor/ leave granting authority refer an employee to that is unable to work due to a long-term or permanent restriction?

- a. For absences of ten (10) or more days, the employee should contact Absence Management at absence.mgmt@pgcps.org or schedule an appointment at 301-952-6200.**
- b. If the employee is seeking accommodations based on their restrictions, the employee should contact the Equity Assurance Office at 301-952-6156.**



ADMINISTRATIVE PROCEDURE

INDIVIDUALIZED ASSESSMENT PROCESS – PERMANENT RESTRICTIONS

4184

Procedure No.

October 5, 2020

Date

E. What should an employee do if they are injured on the job?

The employee should contact the injured employee hotline at 1-800-774-2447 prior to seeking medical attention for all work related non-life threatening injuries.

F. What should an employee do if they are assaulted on the job?

The employee must call the Injured Employee Hotline at 1-800-774-2447, within 24 hours of the incident, to report their work-related injury and file a Workers' Compensation claim with the Maryland State Workers' Compensation Commission.

- VI. **RELATED PROCEDURES:** Administrative Procedure 4146.1, Workers' Compensation and Disability Leave; Administrative Procedure 4172, Request for Reasonable Accommodation and Administrative Procedure 4154, Assault Leave.
- VII. **MONITORING AND COMPLIANCE:** This Administrative Procedure originates from and is monitored by the Employee and Labor Relations Office and will be updated as necessary. The Chief Human Resources Officer (CHRO) or his/her designee will conduct an annual review of this procedure by randomly selecting at least three employees that participated in the Individualized Assessment Process to ensure that the process is implemented in compliance with this procedure.
- VIII. **CANCELLATIONS AND SUPERSEDES:** This Administrative Procedure supersedes the February 1, 2017, version entitled Elections Conference.
- IX. **EFFECTIVE DATE:** October 5, 2020.