

600



PERSONNEL POLICIES AND PROCEDURES

SECTION 600

HEALTH ADMINISTRATION

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601. Disability Review Committee

1 Purpose

.12 To provide a City employee who has a disabling condition that prevents him or her from performing the essential functions of the position with an objective review of his/her case Smoke-Free and, for those employees who cannot be provided continued employment through Alternate Job Placement, determine if disability separation is appropriate.

.12 To provide a forum for a disabled employee that meets the requirements of Section 406.2, Pre-termination Hearings.

.12 To function as an advisory and recommending body to the Personnel Director and the Mayor on matters relating to the City's compliance with Title I of the ADA Amendments Act of 2008 and related acts.

2.1 Committee Structure

.22 The Disability Review Committee shall consist of the following members:

- City Physician
- City Attorney or designee
- Mayor's representative
- A representative appointed by the Mayor with a background in Human Resources or experience as an advocate in the area of disabilities
- Personnel Director or designee
- Mayor-appointed representative from an operating department

.22 Other persons who may be requested to attend in an advisory or informational capacity include: the City employee with the disabling condition and/or the employee's representative; the department head or designee of the employee's department; an advisory person familiar with a specific disability issue and other individuals the Committee believes can provide relevant information.

.22 The Personnel Director or designee shall serve as Chair of the Committee.

~~City department heads shall send a monthly report to the Human Resources Department listing all employees who have been on Sick Leave, Injury Leave, Leave Without Pay, Light Duty Assignment, or a combination thereof, for any period exceeding sixty (60) consecutive days or sixty (60) cumulative days within the previous six (6) months.~~

Sources of Cases for Disability Review:

Legal Department

City Physician

Injured or disabled employee

Human Resources Department

Employee's department head or designee

Disability Review Committee Meetings

~~The Disability Review Committee will normally meet at 1:30 p.m. on the first Thursday of each month.~~

~~An employee who is listed on a Disability Review Committee agenda shall be sent written notification of the meeting and furnished with copies of Sections 601, 606, and 125 of the Personnel Policies and Procedures Manual by the Disability Review Coordinator at least ten (10) working days prior to a scheduled meeting of the Committee. Such notification will be mailed to the last known address provided by the employee to the Human Resources Department via a Benefits Section Enrollment Application/Change Request. An employee subject to a disability separation at a specific meeting shall be informed in writing that Disability Review Committee action may involve granting or determining that the employee is to be disability separated from the City.~~

~~If the employee is to be represented at the Disability Review Committee meeting by another person and the representative or the employee is unavailable for the scheduled meeting, a postponement may be granted if the employee submits a written request which is received by the Personnel Director or designee at least two (2) working days prior to the scheduled meeting. Only one (1) postponement will normally be allowed due to unavailability of the employee or the employee's representative within any six (6) month period. If a postponement is granted by the Personnel Director or designee, the case will normally be heard by the Disability Review Committee at the next scheduled meeting.~~

~~Four (4) members of the Committee shall constitute a quorum. A majority vote of the quorum shall constitute a decision.~~

Within ten (10) working days of the Committee's decision, the Personnel Director or designee will provide notification in writing of the decision to the employee and the employee's department head or designee.

If an employee believes they have been subjected to any form of discrimination related to the Disability Review Committee's actions, an appeal may be filed under Section 421.

Tobacco-Free Environment Policy

Revised: October 8, 2012~~xxxx, 2025~~

The City ~~will promote~~promotes a smoke-free and tobacco-free environment for all City employees ~~within City-owned or leased properties. It is our goal through the provisions of this policy to protect the health and welfare of employees and the public. The intent of this policy is to create a tobacco-free environment within the~~ ~~to the maximum extent of the law~~allowed by the Oklahoma Smoking in Public Places and Indoor Workplaces Act, 63 O.S. 1-1521 et seq., and all other applicable laws. The City provides employees assistance to quit smoking through its employee benefits plans.

Policy Statement

~~It shall be the policy of the City of Tulsa that use of tobacco materials in any form by City employees, during scheduled or unscheduled working hours, shall be regulated by certain restrictions and exemptions while within a City-owned or leased facility.~~

Definition

~~.111.1 Tobacco materials shall be products are~~ defined as: cigarettes, e-cigarettes, cigars, pipes, smokeless tobacco, and other tobacco-related substances.

Restrictions

~~.2 No smoking or using tobacco products in any form is allowed by City employees while~~

~~The use of tobacco materials shall be prohibited at all times within work or in any City-owned or leased facilities~~operated property, including City vehicles, except for the appropriately as provided below.

~~.3 Smoking and using tobacco products are allowed only during breaks and lunch periods in~~designated location/locations. The Mayor will designate these locations and may delegate this authority~~outdoor areas which are at least 25 feet from building entrances. All smoking debris must be disposed of safely and properly and not left on the ground or walkways.~~

~~Special purpose areas, such as a breakroom, may not be designated for the use of tobacco materials. The use of tobacco materials will not be permitted in restrooms.~~

~~The use of tobacco materials in a City vehicle is prohibited.~~

Designated Locations

~~.131 The use of tobacco materials shall be allowed only in specifically designated locations appropriately marked for this purpose. The Mayor or Mayor's designee will be responsible for designating areas or providing alternative locations for employees where the use of tobacco materials is permitted. Such designated area is not required to be in a department.~~

Special Provisions

~~City employees working outside an enclosed facility or conveyance are not covered by this policy.~~

~~Signs designating "Smoking Permitted" or "The Use of Tobacco Materials Permitted" areas shall be posted as appropriate.~~

~~The sale of all tobacco products is prohibited within City owned or leased facilities, except when the facility is providing these products for sale to the general public; i.e. airport facilities.~~

Administration

~~The Personnel Director or designee shall oversee the administration of the tobacco-free environment policy.~~

~~Department Heads shall be responsible for enforcement of the provisions set out in this policy for their employees.~~

~~Disputes with employees concerning administration of this policy shall be subject to the contractual grievance procedures or the Grievance Procedure (Section 416 of the Personnel Policies and Procedures Manual).~~

~~The City encourages tobacco users trying to quit to contact the Employee Assistance Program (EAP) for free literature on Smoking Cessation and information concerning community providers of structured Stop Smoking Programs. The City of Tulsa Wellness plan will also offer Smoking Cessation programming.~~

~~Employees violating the provisions of this policy may be subject to disciplinary action.~~

Communicable Disease Policy

~~In recognition that the epidemic of Acquired Immune Deficiency Syndrome (AIDS) continues to escalate and that other communicable diseases may exist in the workplace, the City of Tulsa is committed to providing appropriate policies and workplace practices regarding communicable diseases in order to maintain a healthy, safe and orderly workplace for all employees.~~

~~This policy is established to provide management personnel with specific guidance in dealing with communicable diseases and to promote non-discriminatory actions when an employee has been identified as having Acquired Immune Deficiency Syndrome (AIDS), or Human Immunodeficiency Virus (HIV).~~

1. Employment Conditions

.11 The City of Tulsa shall not unlawfully discriminate against employees who have any communicable disease, including Acquired Immune Deficiency Syndrome (AIDS). It is the policy to continue the employment opportunities of victims of a communicable disease who are deemed medically fit to work and who pose no threat to the work environment, while preserving the safety and well being of all employees.

Reasonable Accommodation

.21 If an employee with a communicable disease is disabled, the employee shall be afforded reasonable accommodation with regard to the employee's employment obligation, in order to obtain necessary and desirable treatments. Such accommodation may include work schedule changes and restructuring of job duties.

Leave Provisions

.31 The use of authorized leave due to factors relating to an employee having a communicable disease shall be subject to the provisions of Section 300, "Leave", of the Personnel Policies and Procedures Manual, or where appropriate, under the terms of a collective bargaining agreement.

Health Care and Personal Assistance

The City Physician shall be designated as the primary contact concerning assistance to employees with communicable diseases and will provide department heads or representatives, with specific information regarding Acquired Immune Deficiency Syndrome (AIDS), Human Immunodeficiency Virus (HIV), or other communicable disease questions.

Employees with a communicable disease or any related conditions are encouraged to utilize the services of the Employee Assistance Program for help in locating community support groups and organizations concerned with these issues, or any other personal concerns and/or difficulties which may be affecting job performance or have the potential to adversely affect job performance.

Insurance and Disability Benefits

.51 Medical care plans shall provide health and life insurance coverage and disability benefits for employees with a communicable disease under the same provisions and conditions as those afforded other employees.

Confidentiality

The City of Tulsa recognizes that all information relating to the condition of

personal health of one of its employees is private and confidential.

Information contained in Employee Assistance Program or Medical files concerning an employee's health condition, particularly communicable diseases, shall not be disclosed, unless one of the following conditions occur:

(1) the employee signs the appropriate release allowing the disclosure; (2) a court order is entered requiring the disclosure; (3) the disclosure is otherwise authorized pursuant to duly and lawfully enacted statute, ordinance, regulation, or rule.

Education and Training

The City shall provide training sessions and educational information concerning Acquired Immune Deficiency Syndrome (AIDS), Human Immunodeficiency Virus (HIV) infection and other communicable health conditions for managers and supervisors and shall promote non-discriminatory employment practices toward employees who have AIDS or other communicable health conditions.

The City shall provide educational information concerning Acquired Immune Deficiency Syndrome (AIDS), Human Immunodeficiency Virus (HIV) infection and other communicable diseases to all regular City employees in order to relieve anxiety and fear within the workforce.

602. Post-Offer, Pre-Employment Physical Examinations Revised: xxxx, 2025

Appointments. All job offers for original appointment are conditioned upon successful completion of a pre-employment physical examinations shall be the responsibility of the receiving department. The appointing authority or designated representative may authorize the physical examination for those applicants certified for employment within his/her department. Only those applicants who are tentatively selected for employment shall be examined by the City Physician.

The Personnel Department may have applicants or designee, which includes a drug screen. The City pays for the examination. If the applicant fails to appear or fails to complete physical examinations prior to certification if there are doubts concerning their physical or mental ability to perform the essential functions the examination, that action will be treated as a rejection of the job.

Immediately upon conditional job offer. Applicants are not permitted to report to work until completion of the physical examination, the City Physician shall determine the employability of the applicant and forward the appropriate form (TUL-1637) to the designated appointing authority or to the Personnel Department for attachment to the employment application.

Only those applicants who are determined to be employable in the class to which certified may be appointed by the department. Should a question of employability arise which cannot be resolved approval by the City Physician and the appointing authority, the Personnel Director shall make the final determination or designee.

Employees with physical limitations, as determined by the City Physician, shall not be assigned tasks that may exceed those limitations. Departments shall consult with

~~the City Physician when an employee's ability.~~ 2 Current employees who move to perform tasks is in doubt.

~~Employees with physical limitations shall not be certified for promotion until it has been determined the employee is able to physically perform the new duties.~~

~~Exceptions to other positions within the City may also be required to successfully complete a pre-employment physical must be approved by examination whenever the Personnel Director and normally shall be limited to instances where a large number of people must be employed within a short period of time. Questions concerning an applicant's or employee's capability shall be decided by the Personnel Director determines it is appropriate, such as when an employee moves to a position with different or more demanding physical requirements.~~

.3 All medical information provided to the City will be maintained in confidence in ~~The City of Tulsa Employee Assistance Program~~ See the Safety and Health Manual Section 112.

City Employees with Disabilities Policy Revised: December 7, 2001

In accordance with the Americans with Disabilities Act, ~~the City shall not discriminate against a qualified (ADA), the Genetic Information Nondiscrimination Act (GINA), and any other applicable law.~~

.4 ~~Before the examination, the applicant or employee will be advised which tests will be conducted. The individual will be given an opportunity to discuss any concerns they may have about the examination.~~

.5 ~~An applicant's or employee's employability for a position is determined by considering the essential functions of the position and whether they can safely perform the functions with or without reasonable accommodation. The City Physician will advise the Human Resources Department whether the applicant or employee is medically qualified to perform in the position, and the Personnel Director will make the final decision.~~

.6 ~~Employees with work restrictions that prevent them from performing the essential functions of the position cannot be certified for the position until the City Physician determines that they are safely able to perform the essential functions.~~

.7 ~~Employees with work restrictions that the City Physician has issued cannot be assigned tasks that exceed those limitations. Any questions regarding whether the assigned tasks exceed the limits must be directed to the City Physician.~~

603. Disability and Accommodation Policy Revised: TBD

~~The with a disability in regard to job~~ City complies with all federal, state, and local laws and regulations concerning the employment of individuals with disabilities or entitlement to accommodation. Further, the City does not discriminate against qualified individuals with disabilities or entitlement to accommodation in its application procedures, hiring, advancement, discharge of employees, employee compensation, job training, and or other terms, conditions and privileges of employment. ~~This policy shall apply to employees who have a disability or request a~~

.1 ~~The City provides~~ reasonable accommodation for known physical or mental disabilities or limitations to individuals who are:

.11 Applicants who request accommodation to participate in the application process, or

.12 Qualified employees with disabilities, or qualified employees affected by pregnancy, childbirth, or related medical conditions, who request accommodation to enable them to perform the essential functions of their job. the job, gain access to the workplace, or enjoy equal benefits and privileges of employment as are enjoyed by similarly situated employees without disabilities or such medical conditions, and

When .13 The accommodation does not place an absence due to illness and/or hardship on City operations or injury exceeds forty (40) contiguous days pose a threat to health or safety in the workplace.

.2 For this policy.

A disability is any physical or mental impairment that substantially limits a major life activity as defined by the American with Disabilities Act (ADA), as amended.

A limitation is a temporary medical condition that relates to pregnancy or childbirth and is required to be accommodated by the Pregnant Worker's Fairness Act, as amended.

A reasonable accommodation is a modification or adjustment of an employee's job or work hours, environment that enables the employee shall present a medical statement to City Medical to perform essential job functions or enjoy the same employment benefits and privileges as similarly situated employees without disabilities or limitations.

The 12-Month Period is the maximum amount of time an employee may be absent from a doctor describing the illness or injury and obtain a medical release for non-job-related personal health issues or light duty. It is a consecutive timeframe starting from the last date the employee worked full duty and continuing until the employee returns to work full duty for 90 consecutive calendar days, or upon conclusion of the last day of the 12th month, whichever occurs first. Intermittent work periods that are less than 90 consecutive calendar days are included within the 12-Month Period.

A medical separation is granted by the Medical Review Committee to separate an employee from employment after it is determined they are unable to perform the essential functions of their position and cannot be reasonably accommodated. It is not a disciplinary action, and the employee is subsequently eligible to apply for rehire for any position they are qualified to perform either with or without accommodation.

.3 Disability and accommodation issues are referred to the Human Resources Department to resolve in coordination with the City Physician before who advises whether an applicant or employee is medically qualified to perform the position.

.4 An employee must request accommodation by notifying their manager, department head, the City Physician, or the Personnel Director that they are having a problem at work related to their medical condition. They may be asked to complete the City's Accommodation Request Form. They may also be required to have their personal physician complete the City's Accommodation Medical Certification Form. The City may request the employee provide additional medical information or provide information about their work qualifications if reassignment to another position is considered for accommodation.

.5 After receiving the requested information, if the City finds that an employee is eligible for accommodation, it will engage in an interactive process with the employee to determine what, if any, accommodation can be provided. Attempts first will be made to reasonably accommodate the employee in their current position by working with the

employee's department to examine the essential functions of the employee's job to determine possible accommodation. Employees are encouraged to suggest possible accommodation although the City decides which, if any, accommodation will be made. Such determinations are made on a case-by-case basis. Accommodation may be periodically reviewed, and employees may be required to provide updated medical information.

- .6 Employees who are unable to perform the essential functions of their position may be accommodated by using leave according to the provisions in Personnel Policies and Procedures Section 300. However, indefinite leave in which the employee cannot say whether or when they will be able to return to work or leave extending more than 12 months, is an undue hardship that cannot be accommodated, and the employee may be considered for medical separation by the Medical Review Committee.
- .7 The City Physician or designee examines employees returning to work from leave for their own health issue as provided in the Sick Leave policy under PPPM 306, or light duty as provided under PPPM 311, and determines whether they are fit to return to duty and any specific work restrictions. Employees also may be required to provide medical records from their personal physician to assist the City Physician's or designee's review, but the City Physician or designee determines whether employees are medically qualified to perform their positions. Employees cannot return to work or return to full duty unless authorized to do so by the City Physician or designee.

The.8 Alternate Job Placement Program

If the employee has a disability or limitation and cannot be reasonably accommodated in their current position, they may be able to transfer to a different position by participating in the City's Alternate Job Placement (AJP) Program as a final attempt for accommodation.

.801 The AJP Program allows an employee eligible for accommodation to be reassigned to another vacant position at an equivalent or lower job classification for which they are qualified. If offered, participation in the program is voluntary by the employee and the employee must elect in writing to participate.

.802 An employee participating in the AJP Program has up to 30 calendar days to obtain placement in another position, and if the absence or light duty is for personal medical reasons, the placement must be completed within the 12-Month Period.

.803 To participate, the employee leaves their current position where they cannot be accommodated, waiving any rights to that position, and are placed on paid leave if they have any accruals or otherwise on unpaid leave, while they work with Human Resources to identify vacant positions at the same or lower job classifications that the employee is qualified to perform. If a new position is identified and the City Physician determines the employee can safely perform its essential functions, with or without accommodation, the employee is placed in the position without a competitive process, meaning they are given priority placement in the position over others who apply under the internal promotional procedure. If more than one employee is matched to the same position under the AJP Program, priority will be given to the first to accept. The employee will be paid the pay rates for the new position according to the provisions in Section 200 of the Personnel Policies and Procedures.

.804 If the employee declines to participate in the AJP Program, efforts to accommodate them will be exhausted and they may be considered for medical separation by the Medical Review Committee.

.805 If the employee is placed in an alternate position under the AJP Program, they serve the probationary period in the new position that applies to their grade level for

promotions or interdepartmental transfers under Section 100 of the Personnel Policies and Procedures.

.806 If the employee is not matched to a position under the AJP Program within the established timeframe, or declines the placement offered, or is matched to a position but fails to satisfactorily perform during the probationary period, efforts to accommodate their disability will be exhausted. The employee may be considered for medical separation by the Medical Review Committee.

- .9 On their own initiative, employees can apply for promotions to higher job classifications, but those positions are not part of the AJP Program and must be made through the City's internal promotional procedure and are subject to the competitive process.
- .10 The City is not required to excuse conduct that would result in disciplinary action solely because the employee has a disability or limitation. An employee who fails to meet performance standards or whose conduct is inappropriate will receive the same treatment as an employee without a disability or limitation.
- .11 In accordance with applicable law, the employee's ~~medical condition~~ disability or limitation will be kept confidential; however, However, supervisors, managers, and safety personnel may be informed regarding necessary restrictions, accommodations, or possible emergency treatment considerations.

604. Medical Review Committee

Revised: TBD

.1 Purpose

- .11 The Medical Review Committee (Committee) reviews the circumstances of classified City employees who are on extended leave or light duty and are unable to perform the essential functions of their position because of personal or work-related injuries, illnesses, disabilities, or limitations that make them eligible for accommodation; assists them in returning to full-duty work if possible; and reviews their job status as warranted.
- .12 For qualified employees with disabilities or limitations who are eligible for accommodation, the Committee may assist the Human Resources Department in offering the Alternate Job Placement (AJP) Program when appropriate.
- .13 For employees who are unable to timely return to full duty and/or cannot be accommodated, the Committee may consider whether to grant a medical separation and provide an impartial due process pre-termination hearing process that satisfies the requirements of Section 400 of the Personnel Policy and Procedures.
- .14 The Committee functions as an advisory and recommending body to the Personnel Director and the Mayor on disability and accommodation personnel matters.

.2 Committee Structure

- .21 The Medical Review Committee consists of the following five members:

- a. Personnel Director or designee, who serves as chair of the Committee.

- b. City Physician or designee,
- c. Three representatives appointed by the Mayor, at least two of whom are current City Department Heads or senior managers from operating departments.

.22 The City Attorney or designee will provide legal services and advice to the Committee.

.23 Others who may be requested or required to attend Committee meetings include the City employee shall notify his or her immediate supervisor as soon as the employee becomes aware of his/her need for an accommodation. The on leave or light duty and/or their representative; the employee's supervisor shall report the employee's request for accommodation to the department head or designee who shall notify the; and others that the Committee requests for assistance.

.3 Human Resources Director or the designated Disability Coordinator within the will review the status of employees who have been on leave, any combination of leaves, or light duty for more than 60 consecutive calendar days, or 320 hours intermittently, within the previous six months, for possible referral to the Medical Review Committee.

.4 Medical Review Committee Meetings

.41 The Committee meets monthly when it has business to discuss pursuant to the annual schedule filed with the City Clerk.

.42 When an employee's work status is considered by the Committee, the employee will be provided:

.421 Written notice of the meeting at least 10 calendar days before the meeting that the Committee may take action to grant the employee a medical separation. The notice will be mailed by regular USPS Mail with a certificate of mailing to the last known address provided by the employee in the payroll system unless the employee makes other arrangements with the Human Resources Department, and

The .422 Access to or copies of the applicable Personnel Policies and Procedures.

.43 If the employee or their representative is unavailable for the scheduled meeting, a postponement may be allowed by the Personnel Director or designee. Absent extenuating circumstances as determined by the Personnel Director, the request for postponement should be received by the Personnel Director or designee at least 24 hours before the scheduled hearing and no more than one (1) postponement within a six (6) month period.

.44 The meeting provides the employee with an opportunity to discuss their medical status and whether they should be granted a medical separation. The meeting satisfies the due process requirements of a pre-termination hearing under Section 400 of the Personnel Policies and Procedures Manual. The Committee can act at the meeting on the employee's job status, including granting a medical separation.

.5 Medical Review Committee Actions

.51 The Committee will meet with employees and/or their representatives to discuss their absence from work or inability to perform essential job duties at full duty to assist the employee in returning to work as quickly as possible.

.52 Employees are required to attend the meetings unless otherwise excused and to provide supporting requested or updated medical information to the City Physician. In the employee's absence, the Committee can still act on the employee's job status.

.53 Employees are considered for medical separation for non-job-related to the disability to the Disability Coordinator. If the Disability Coordinator determines personal health issues whenever they are unable to perform their essential job duties either with or without accommodation at the earliest of:

.531 When the employee or their personal physician advises that the employee will not be able to work either with or without accommodation, or cannot provide a medical opinion that they will be able to return to work within the 12-Month Period from the date they last worked full duty, or

.532 When the City Physician (who may request input from the employee or employee's personal physician) makes a medical determination that the employee will be unable to return to full duty within the 12-Month Period from the last date they worked full duty, or

.532 When the employee has not been or will be absent from full duty for the 12- Month Period from the last date they worked full duty.

.54 The 12-Month Period is the maximum amount of time an employee may be absent from work for non-job-related personal health issues or on light duty. It is a consecutive timeframe starting from the last date the employee worked full duty and includes absences for sick leave, injury leave or FMLA, whether used consecutively or intermittently, and includes intermittent work periods that are less than 90 consecutive calendar days. The 12-Month Period continues until the employee returns to work full duty for 90 consecutive calendar days with no unauthorized and unpaid leave, or upon conclusion of the last day of the 12th month, whichever occurs first. During the 90 consecutive calendar days that the employee is returned to work at full duty, the employee can use any approved accrued paid leave or FMLA.

For example, an employee with a personal illness is off work for 10 months, then returns to work for 1 month before going off work again with a personal illness. The employee must return to full duty before the initial 12 months expires because they did not work at least 90 days at full duty when they briefly returned. However, if the employee has been off work for 10 months, then returns to work full duty for 90 days, the 12-Month Period starts over for any additional absence.

.55 Employees are considered for medical separation for job-related health issues whenever they have reached maximum medical improvement as provided or will not provide sufficient medical documentation, he/she may arrange an appointment for the employee with the City Physician in the Oklahoma statutes for workers' compensation 85A O.S. Sec. 1 et seq. and are unable to perform their essential job duties either with or without accommodation.

~~If the Human Resources Director or designee determines that an employee is a qualified individual with a disability and that the disability prevents an employee from performing all of the essential functions of his/her job without accommodation, he/she shall take any of the following actions: (1) notify the employee's department head or designee of work restrictions based upon the employee's disability; and (2) review the employee's job situation to determine if reasonable accommodations can be~~

made; or (3) attempt to accommodate the employee by offering to place the employee in the City's Alternate Job Placement (.56) If the Committee grants a medical separation, notice of the action will be sent to the employee and their department.

.57 Unless the employee refused an AJP) Program.

The purpose of the City's Alternate Job Placement Program is to determine whether the employee can be transferred to an equivalent or lower grade position as a reasonable accommodation. If reasonable accommodations cannot be made within the employee's current job, the employee will be notified in writing. If the employee declines to participate in the AJP Program, he/she waives any further accommodations by Alternate Job Placement. If the employee elects to participate in the AJP Program, the Disability Coordinator will interview the employee and review personnel records to assess the employee's work experience, knowledge, abilities, and skills. The Disability Coordinator may confer with the City Physician, or the employee's personal physician with the employee's permission, to verify as necessary whether the employee is able to perform, with or without reasonable accommodation, the essential job functions of vacant positions for which the employee is qualified. If there is an equivalent or lower grade job vacancy within the City for which the employee is qualified, the Human Resources Director or Designee will notify the employee of the vacancy and the employee will be offered the position.

If the employee accepts the job placement offer, pay rates for the new position will be determined in accordance with the provisions of Section 200. If the employee declines an offered position, he/she waives any further accommodations, and the City will cease efforts to place him/her in another position through Alternate Job Placement. The employee will be scheduled on the next Disability Review Committee agenda to consider his/her employment status. Promotions of employees who are disabled shall be made only through the City's internal promotional procedure. Employees changing position through the promotional process or through Alternate Job Placement will normally be subject to the standard probationary period. If the Human Resources Director or designee and the employee's department head or designee determine that the employee is unable to satisfactorily perform the essential functions of the job with or without an accommodation due to the disability, the Disability Coordinator will determine whether the employee should be offered further efforts through AJP or be scheduled for review by the Disability Review Committee. If not offered further AJP entry, the employee granted a medical separation will be scheduled on the next Disability Review Committee meeting for determination of employment status paid any remaining accrued sick or approved injury leave at a ratio of one hour of pay for each hour of accrued sick or injury leave.

If the employee has not been offered a vacant position within sixty (60) calendar days from written notification (per .6 above), the Human Resources Director or designee will give written notification to the employee, the department head or designee, and the City Physician that the employee cannot be accommodated by a transfer to a vacant position. The Disability Review Coordinator will schedule the employee on the next Disability Review Committee meeting to consider the employment status of the employee.

If an employee has declined to participate in AJP, declined a transfer offer (606.7), or has not been offered a job (606.8) within the sixty (60) days, the Disability Review Committee shall normally initiate disability separation. The Disability Review Committee will determine if the City has properly completed its policy obligations to

~~the employee. .58~~ If an employee believes ~~appropriate~~they have been subjected to discrimination or that City procedures ~~or and~~ policies ~~have~~were not been followed, ~~a claim~~they may be filed~~an appeal~~ under Section 421. Whether ~~an~~400 of the Personnel Policies and Procedures, but decisions on whether accommodation is reasonable or would create undue hardship ~~is~~are not subject to ~~further review~~appeal.

~~Except as may be prohibited by law, an employee who has a disability or a medical condition which prevents him/her from performing the essential function of his/her current position, either with or without an accommodation, shall normally be disability separated upon the earlier of (1) a determination that the employee will be unable to return to full duty within twelve (12) months, or (2) the employee has been absent from work for twelve (12) months.~~

~~Upon disability separation, the disabled employee shall be entitled to receive payment for the remainder of his/her injury leave as approved by the Claims Manager and the employee has not refused a job offer (606.7). If the injury or illness is not job related, the employee shall be entitled to receive all accrued sick leave prior to disability separation unless the employee has refused a job offer (606.7).~~
