

**LAFD DISABILITY AND REASONABLE
ACCOMMODATION POLICY AND ACCOMMODATION
REQUEST PROCEDURES**

IV. PROCEDURES

**E. DETERMINING LIMITATIONS AND
ACCOMMODATIONS**

Pre-employment (Applicants)

Current Department ~~Employee~~Members

E. DETERMINING LIMITATIONS AND ACCOMMODATIONS

Pre-employment (Applicants)

~~Employees may be found to be medically limited in several ways. An employer may not require a job applicant to take a medical or psychological examination, respond to medical, psychological or disability related inquiries or to provide information about worker's compensation claims before a job offer is made. However, employers may inquire about an applicant's ability to perform job-related essential functions and may respond to an applicant's request for accommodation. Applicants who are determined to be medically limited by a pre-employment medical examination. These requests are processed by the Reasonable Accommodation Coordinator. Also, review SECTION GH. USE OF MEDICAL INFORMATION for additional information.~~

Current Department ~~Employee~~Members

Upon returning to work after being off for an extended period of time, a current Department ~~employeemember~~ may be classified as having limitations or work restrictions via several different processes. If the member's absence is due to a work-related injury or illness, the return-to-work evaluation is generally performed by a workers' compensation doctor who identifies any restrictions. If a member is off on Family Medical Leave Act/California Family Rights Act (FMLA/CFRA)² leave due to a personal injury or illness, departments are encouraged to require the member to obtain a fitness-for-duty certificate from the treating physician before returning to work.

Note: The Medical Services Division (MSD) of the Personnel Department cannot perform return-to-work evaluations for members who return from FMLA/CFRA leave.) If a member is out on sick leave that is not FMLA or workers' compensation-related, the treating doctor should identify any restrictions. If these restrictions are unclear, MSD may perform a return-to-work evaluation.

~~following an examination by the Medical Services Division (MSD) of the Personnel Department. Any medical limitations or work restrictions mandated as a result of that examination will be issued by MSD directly to the Department.~~

² Members should refer to current version of the Fire Department's Administrative Bulletin 17 for details on these leaves

**LAFD DISABILITY AND REASONABLE
ACCOMMODATION POLICY AND ACCOMMODATION
REQUEST PROCEDURES**

IV. PROCEDURES

**E. DETERMINING LIMITATIONS AND
ACCOMMODATIONS**

Current Department ~~Employee~~Members (cont.)

Non-Duty Related Injuries (NIOD) Accommodations

If an ~~employee~~member develops a disabling condition (e.g. diabetes or hypertension) after initial employment and the ~~employee~~member's personal physician recommends an accommodation, the ~~employee~~member has the responsibility of providing the Department with written proof of limitations, such as a physician's statement. The Department shall refer ~~employee~~members to MSD for further evaluation, depending on the nature of the limitations and the requested accommodations. For example, if the request for accommodation involves a flexible work schedule that is easily remedied in the work unit, a referral to MSD may not be necessary. However, a request for special equipment or adjustments to duties that are not clearly identified by the physician's recommendations or that may unreasonably impact the work of the unit should be referred to MSD for clarification. The ~~employee~~member or the ~~employee~~member's physician may be contacted for clarification.

An immediate supervisor does not need to wait for an ~~employee~~member to make a formal request. If an ~~employee~~member develops a disabling condition after initial employment and the supervisor perceives that a reasonable accommodation may be needed, the supervisor may consult with the ~~employee~~member about the possible accommodation needs and contact the Department's Reasonable Accommodation Coordinator for advice.

Non-Duty Related Injuries (NIOD) Accommodations

The Reasonable Accommodation Coordinator will make a written recommendation to the ~~employee~~member's immediate supervisor or commanding officer regarding the decision to accommodate an ~~employee~~member's permanent medical restrictions that occurred as a result of a non-duty related injury. ~~Temporary restrictions are not covered under the ADA and do not require long-term accommodations. Employees with temporary restrictions wishing to participate in the Light Duty program may request a temporary or modified assignment in writing by submitting a F-225 through channels to the Commander of Operations.~~

**LAFD DISABILITY AND REASONABLE
ACCOMMODATION POLICY AND ACCOMMODATION
REQUEST PROCEDURES**

IV. PROCEDURES

**E. DETERMINING LIMITATIONS AND
ACCOMMODATIONS**

**Non-Duty Related Injuries (NIOD) Accommodations
(cont.)**

Injury-On-Duty (IOD) Accommodations

~~Only when NIOD injuries are determined to be permanent and stationary should an accommodation request be considered.~~ An interactive dialogue process shall be conducted with the ~~employeemember~~, ~~employeemember's~~ immediate supervisor or representative of the Bureau. If it is recommended to accommodate the ~~employeemember~~, the Reasonable Accommodation Coordinator will prepare a F-225 recommending placement of the affected ~~employeemember~~ to the Commander of Administrative Operations. Once the Commander of Administrative Operations has approved the F-225, the Reasonable Accommodation Coordinator will e-mail the immediate supervisor and the Bureau Commander of the affected position that the recommendation has been approved. The Bureau Commander and immediate supervisor can e-mail the Reasonable Accommodation Coordinator with any concerns they have regarding the approved recommendation. These concerns shall be presented to the Commander of Administrative Operations for consideration. The Reasonable Accommodation Coordinator shall advise the ~~employeemember~~ of the Department's decision in writing.

The Reasonable Accommodation Coordinator will assess whether or not the ~~employeemember~~ can be accommodated by transferring the ~~employeemember~~ to another job classification pursuant to City Charter Section 1014, reverting to a previously held classification/rank where the ~~employeemember~~ has status, or referral to the Personnel Department's Placement Officer for placement in a position and civil service classification outside the Fire Department. During this period, the ~~employeemember~~ may be carried on earned vacation, overtime, or be placed on unpaid leave of absence. ~~If all reasonable avenues have been exhausted, the employee can opt to resign or file for retirement (disability or service). While the Citywide search is active, the Department will continue its internal efforts to accommodate the member as Fire Department positions become available.~~

The Citywide Placement Officer is available to counsel civilian and sworn ~~employeemembers~~ as to available options if they cannot be accommodated within the Fire Department. The Citywide Placement Officer may be reached at (213) 473-0178.

Injury-On-Duty (IOD) Accommodations

~~EmployeeMembers~~ injured on duty with permanent medical restrictions imposed by a Workers' Compensation physician and/or Workers' Compensation award will be assessed for accommodation. When efforts to reasonably accommodate an ~~employeemember~~ are not successful, the same steps shall be taken as indicated in Section IV of this procedure, with the following exception:

**LAFD DISABILITY AND REASONABLE
ACCOMMODATION POLICY AND ACCOMMODATION
REQUEST PROCEDURES**

IV. PROCEDURES

**E. DETERMINING LIMITATIONS AND
ACCOMMODATIONS**

Injury-On-Duty (IOD) Accommodations (cont.)

Injury-On-Duty (IOD) and Workers' Compensation

- Should the Fire Department determine that it is unable to accommodate the medical restrictions, the employeemember will be referred for Rehabilitation Services in the Workers' Compensation Division of the City's Personnel Department. However, vocational rehabilitation is not considered an accommodation and does not eliminate the Department's responsibility to continue efforts to reasonably accommodate thean employeemember. If a member's your injury or illness occurred prior to January 1, 2004, you the member may qualify for vocational rehabilitation. If the your injury or illness occurred after January 1, 2004, youthe member may qualify for a non-transferable voucher payable to a school.

Although the procedures differ slightly for medical restrictions resulting from IOD versus NIOD injury or illness, the goal of the process will be to accommodate the employeemember whenever reasonably possible. There should be no difference in the analysis of the injury or illness because it was the result of IOD or NIOD. Should it be determined that the Department cannot accommodate an employeemember's medical restrictions, the employeemember will be referred to the Personnel Department's Placement Officer for a Citywide placement search. The Department will continue its own internal efforts to accommodate the employeemember as Fire Department positions become available.

Injury-On-Duty (IOD) and Workers' Compensation

The Workers' Compensation Division of the Personnel Department or Third Party Administrator will advise the Department on an employeemember's work restrictions once their condition becomes permanent and stationary. The Reasonable Accommodation Coordinator and the supervisor will collaborate and determine whether the employeemember's medical limitations can be accommodated.

Workers' Compensation provides certain remedies for industrially injured employees that are not provided to other medically limited employees. For example, Workers' Compensation may fund accommodations, depending on the degree from which the need for the accommodation resulted from an industrial injury. If an employee is limited because of a duty-related injury, but requires accommodation for an unrelated medical condition, Workers' Compensation will not pay for the accommodation.

Nevertheless, the Workers' Compensation Division shall be kept informed of all accommodations provided to employeemembers who have filed Workers' Compensation claims, even if the accommodation is for a separate medical condition unrelated to the industrial injury. This is necessary to prevent duplication of efforts and help control or minimize the overall costs to the City.

F. TEMPORARY RESTRICTIONS

Members suffering from an illness or injury who are expected to be rehabilitated to full unrestricted duty in their civil service class are deemed temporarily partially disabled (TPD). In accordance with the City's Employee Return to Work Program, the Department provides temporary "light duty" assignments for members who have been deemed TPD by their treating physician.

A light duty assignment is a position that is unauthorized and unfunded, where members who have been off duty and have been cleared by their treating physician to return to work with medical/physical restrictions. However, their medical restriction(s) does not allow these members to perform the normal duties of their assignment. These restrictions are usually anticipated for a duration of less than six months, at which time the member will be able to return to full duty.

It is the Department's discretion when placing members on administrative light duty. Members may only work in a light duty position that will accommodate their restrictions. The assignment of light duty positions will be based on the needs of the Department. A maximum duration of a light duty assignment is six months, however the Department may review a member's prognosis for return to duty in the event the timeframe would be exceeded.

As a rule of practice, a department should engage in the interactive dialogue with the disabled employee if it (1) receives continual requests for light duty even though the employee has been serving in a light duty assignment for several months; or (2) receives notification from the Workers' Compensation Division or the Third Party Administrator (if a work-related injury) or the employee's treating physician (if non-occupational injury or disability) that the employee's work restrictions are permanent. Each situation must be evaluated on a case-by-case basis.

Illness/Injury on Duty (IOD)

Members who have suffered an injury or illness while on duty (IOD) and are temporarily partially disabled, may be placed into a temporary light duty position until their treating physician returns them to the full duties of their civil service class.

**LAFD DISABILITY AND REASONABLE
ACCOMMODATION POLICY AND ACCOMMODATION
REQUEST PROCEDURES**

IV. PROCEDURES

F. TEMPORARY RESTRICTIONS

Illness/Injury off Duty (NIOD)

Civilian Member with Temporary Restriction(s)

Sworn Member with Temporary Restriction(s)

G. CONFIDENTIALITY

Illness/Injury off Duty (NIOD)

Members who have suffered an injury or illness while off-duty, and desire a temporary light duty position, may submit an F-225, through channels, to the Administrative Operations Commander. This request must include a duty certificate from their treating physician stating their medical/physical restrictions. Assignment to a temporary light duty position will be at the discretion of the Administrative Operations Commander with the approval of the Fire Chief.

Civilian Member with Temporary Restriction(s)

Civilian members with temporary restrictions may request to be entered into the Light Duty Program. For information about the **civilian** Light Duty Program, members are asked to **should** contact the Light Duty Coordinator located in the Fire Department's Personnel Services Section at (213) 978-3764.

Sworn Member with Temporary Restriction(s)

Sworn Members with temporary restrictions may request to be entered into the Light Duty program. The Light Duty Program for uniformed members is coordinated through the Medical Liaison Unit (MLU). For information about the Light Duty Program, members are asked to **should** contact MLU's Light Duty Program Coordinator at (213) 893-9840.

GF. CONFIDENTIALITY

All information regarding the ~~employee~~member's medical history, condition, disability or restrictions is strictly confidential. The ADA requires employers to treat any medical information obtained from a disability-related inquiry or medical examination (including medical information from voluntary health or wellness programs), as well as any medical information voluntarily disclosed by an employee, as a confidential medical record. Information may not be released to any person or organization without a release signed by the employee.

All information regarding medical accommodations shall be maintained by the Reasonable Accommodation Coordinator in the Personnel Services Section ~~of~~ in the ~~Bureau of~~ Administrative Services Bureau and shall not be placed in the ~~employee~~ member's Department or City Personnel file. However, in the event that ~~an employee~~ member has been transferred or promoted, it is appropriate for the limitations or work restrictions to be reviewed by the receiving division supervisor or officer, or receiving City Department, for consideration of reasonable accommodation, as long as this review occurs after a job offer has been made. Management bears the responsibility to keep abreast of the work restrictions of which they are aware. However, the ~~employee~~ member has the duty to advise the Department of any new or modified restrictions.

HG. USE OF MEDICAL INFORMATION

A supervisor or commanding officer shall not inquire whether ~~an employee~~ member is an individual with a disability or as to the nature or severity of the disability, unless the inquiry is job-related and consistent with business necessity. Supervisors and Commanding Officers shall only be concerned with work restrictions.

It is unlawful for a supervisor or commanding officer to require a medical, psychological or disability-related examination or to ask any medical, psychological or disability-related questions (such as in an interview) unless:

- a) A job offer has been made to the ~~employee~~ member/applicant. Once the offer has been made, you may request the examination or information; however, it must be job-related and justified as a business necessity. For example, "Is there any reason that you may not be able to fulfill all of the physical requirements of this job?"
- b) All entering employees in that job classification, with or without a disability, ~~in that job classification~~ are subject to the same medical examinations or questions.
- c) The ~~S~~supervisor or ~~C~~ommanding ~~O~~fficer has reason to believe ~~that an employee~~ member that is already on the job may not be able to competently or safely perform their duties due to a disability.

NOTE: If an applicant or ~~employee~~ member should disclose medical information, supervisors are required to safeguard ~~an employee's~~ the privacy of the information and keep it ~~by strictly ensuring all medical information is kept~~ confidential.

LAFD DISABILITY AND REASONABLE ACCOMMODATION POLICY AND ACCOMMODATION REQUEST PROCEDURES	IV. PROCEDURES H. USE OF MEDICAL INFORMATION (cont.). I. DOCUMENTATION J. <u>ORDERING SPECIAL EQUIPMENT</u>
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If a supervisor or commanding officer has any doubt about requesting an examination or asking questions about an applicant's or ~~employee~~member's disability, actual or perceived, they should contact the Reasonable Accommodation Coordinator for clarification.

I.H. DOCUMENTATION

The Department's Reasonable Accommodation Coordinator shall maintain documentation of accommodations, for both requests that were approved as well as reasonable accommodation requests that were not approved. Documentation is necessary to show that a reasonable accommodation was discussed and considered and to justify the outcome of the assessment.

J. ORDERING SPECIAL EQUIPMENT

~~If it is determined that~~ Once a request for an accommodation is made reasonable, the Reasonable Accommodation Coordinator will contact the concerned supervisor or commanding officer in order to arrange for providing an accommodation. Accommodations that include worksite modifications, purchase of special equipment or personal services contracts, shall be subject to current budgetary procedures or to the guidelines of the "ADA/504" accommodation fund administered by the Department on Disability. The Reasonable Accommodation Coordinator shall be responsible for establishing and maintaining communication about the preparation and forwarding of budgetary requests to the ~~Bureau of~~ Administrative Services Bureau and to the Department on Disability.

The equipment shall remain with the ~~employee~~member who has a disability, even if the ~~employee~~member transfers within the Department to another division or another department within the City if the equipment was purchased through the Department on Disability.

If the ~~employee~~member with a disability leaves the Fire Department employment and the equipment was purchased through the Fire Department, Supervisors and Commanding Officers are responsible for ~~please~~ contacting the Reasonable Accommodation Coordinator, who will then ~~for~~ properly tagging and storage ~~of~~ the equipment.

I. POLICY

In October 2011, the City of Los Angeles established the Lactation Accommodation Policy. This policy promotes a work environment that is supportive of breastfeeding members who wish to continue nursing their children when they return to work. This policy complies with the California State Labor Code (Sections 1030-1033) and Section 7 of the Fair Labor Standards Act.

In accordance with Federal and California State laws, this policy requires that nursing member's lactation needs be accommodated by providing time to express milk or breastfeed, and an appropriate private location (other than a toilet stall), in close proximity to the member's work area.

This policy shall be disseminated to every incoming member. Additionally, the Department's FMLA Coordinator shall provide a copy of this policy to members prior to their maternity leave and after returning to work.

II. REQUESTING LACTATION ACCOMMODATION

A member who has need of a lactation accommodation should inform her supervisor and/or the Fire Department's Reasonable Accommodation Coordinator and discuss any relevant workload or scheduling issues.

Supervisors who receive a lactation accommodation request are advised to do the following:

- a. Review available space in the Department and prepare appropriate nearby space and break time. Questions regarding timekeeping issues associated with this policy shall be directed to the Employee Relations Officer at (213) 978-3850.
- b. Contact the Fire Department's EEO Coordinator at (213) 978-2016 or the Fire Department's Reasonable Accommodation Coordinator at (213) 978-3763 for advice and assistance if they are unable to locate appropriate space to meet a member's request.

III. ZERO TOLERANCE

Breastfeeding should not constitute a source of discrimination in employment or in access to employment. It is prohibited under this policy to harass a breastfeeding member; such conduct unreasonably interferes with a member's work performance and creates an intimidating, hostile or offensive working environment. Any incident of harassment of a breastfeeding member will be addressed in accordance with the City's policies and procedures for discrimination and harassment.

IV. FILING A COMPLAINT

Nursing mothers who feel they have been denied appropriate accommodation or members who may have witnessed a potential act of discrimination against a nursing mother, are encouraged to independently enter a complaint into the Complaint Tracking System, which can be considered and investigated by the Professional Standards Division's EEO Unit.

Nursing mothers and potential complainants may also directly contact the Fire Department's EEO Coordinator at (213) 978-2016 or the Reasonable Accommodation Coordinator at (213) 978-3763 for further guidance on this policy.

Nursing mothers and potential complainants may also file their complaint with the Personnel Department's Office of Discrimination Complaint Resolution at (213) 473-9123, or request information regarding filing a complaint. Investigations will be conducted in accordance with the Citywide Discrimination Complaint Procedure.

Complaints may also be filed with the State compliance agency, the Department of Fair Employment and Housing (DFEH), and/or the Federal compliance agency, the Equal Employment Opportunity Commission (EEOC).