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Chief Executive Officer

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Second District

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Third District

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Fourth District

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Fifth District

October 28, 2009

To: All Department Heads

From: William T Fujioka
Chief Executive Officer

DISABILITY MANAGEMENT AND RETURN-TO-WORK SELF ASSESSMENT TOOL

On September 8, 2009, by motion of Supervisor Molina, the Board of Supervisors instructed the Chief Executive Office (CEO) to develop an assessment process to assist departments advance their return-to-work (RTW) efforts.

A two-phase self-assessment was developed and implemented by the CEO to assist departments more closely monitor their RTW processes and file maintenance, comply with Fair Employment and Housing Act and Americans with Disabilities Act Amendment Act requirements, and minimize exposures related to employment practices liability. The Phase I Assessment Tool (Attachment I) evaluates departmental maintenance of policies and procedures that outline effective disability management practices, and departments' promotion of such practices. The Phase II Assessment Tool (Attachment II) evaluates departments' disability management and RTW files for communication, documentation, and timeliness.

On October 22, 2009, the CEO presented the Assessment Tools to departmental staff during the CEO's Return-To-Work Seminar. The Assessment Tools were distributed to the attendees, and are also available on the CEO Risk Management Branch website: http://ceo.lacounty.gov/mpn/.

Beginning next month, CEO staff will begin working closely with departments to assist them implement these tools. CEO staff will make on-site department visits to ensure disability management and RTW files are thorough and properly maintained. However, in the interim, all departments are directed to become familiar with the Assessment Tools and initiate their own RTW assessments utilizing the tools. Before actual implementation, departments should contact Steve Morris, Principal Deputy County Counsel, at (213) 974-1957, for additional instructions. In the near future, instructions will be provided concerning the process to be utilized for departments to report the results of their findings.

Departments are reminded of the necessity of assuring their RTW program and documentation are current and in conformance with CEO standards, also found on the CEO Risk Management Branch website.

If you have any questions or need additional information, please call me, or your staff may contact Alex Rossi, Manager, at (213) 738-2154, or arossi@ceo.lacounty.gov.

WTF:ES
RAA:CA:AR:sg

Attachments

c: Each Supervisor
Administrative Deputies
Personnel Officers
Steve Morris, County Counsel

TO: COUNTY COUNSEL

CONFIDENTIAL
ATTORNEY-CLIENT PRIVILEGE

FAIR EMPLOYMENT HOUSING ACT/AMERICANS WITH DISABILITIES AMENDMENT ACT
RETURN-TO-WORK ASSESSMENT
PHASE I

DEPARTMENT NAME:_____ **DATE:**_____

EVALUATOR:_____

	ASSESSMENT	YES	NO	N/A	COMMENTS/RECOMMENDATIONS
1.	Does the Department have a written departmental policy outlining its commitment to a disability management/return-to-work program?				
2.	Does the Department adequately communicate departmental policy on the disability management/return-to-work program to all employees?				
3.	Does the Department have written policies and procedures to facilitate the return-to-work of injured or ill employees to temporary modified or alternate positions?				
4.	Does the Department have written policies and procedures to facilitate the return-to-work of injured or ill employees to permanent modified or alternate positions?				

	ASSESSMENT	YES	NO	N/A	COMMENTS/RECOMMENDATIONS
5.	Does the Department have written policies and procedures describing how reasonable accommodation requests are identified and addressed?				
6.	Does the Department have a Reasonable Accommodation Coordinator or Americans with Disabilities Act Coordinator?				
7.	Does the Department have written policies and procedures outlining the responsibility to maintain timely and ongoing good faith interactive meetings with employees requiring accommodations due to disabilities?				
8.	Does the Department have written policies and procedures describing how to monitor and manage disability cases?				
9.	Are the action timelines described in the policies and procedures?				
10.	Does the Department use a manual or automated disability management system?	Manual	Auto		

Additional
Comments:_____

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TO: COUNTY COUNSEL

CONFIDENTIAL
ATTORNEY-CLIENT PRIVILEGE

FAIR EMPLOYMENT HOUSING ACT/AMERICANS WITH DISABILITIES AMENDMENT ACT
RETURN-TO-WORK ASSESSMENT TOOL
RETURN-TO-WORK FILE EVALUATION
PHASE II

DEPARTMENT NAME:_____ **DATE:**_____

EMPLOYEE NAME:_____ **EMPLOYEE NO.:**_____

EVALUATOR NAME:_____

No.	COMMUNICATION	YES	NO	N/A	COMMENTS/RECOMMENDATIONS
1.	Does the return-to-work (RTW) file reflect communication was made with the employee within the first week from the date of injury/illness and the employee was provided the return-to-work packet?				
2.	Does the return-to-work file reflect (at approximately the 30th day of disability) contact was made with the employee?				
3.	Does the return-to-work file reflect (at approximately the 30th day of disability) work restriction status was gathered from appropriate sources (physician, nurse case manager, workers' compensation third party administrator, etc.)?				
4.	If a work restriction was provided, was a light duty transitional assignment explored?				

No.	COMMUNICATION	YES	NO	N/A	COMMENTS/RECOMMENDATIONS
5.	Does the return-to-work file reflect (at approximately the 70th day of disability) steps were taken to prepare for the interactive process meeting? Those steps include verifying the status of employee's disability status (P&S, TD, TPD, work restrictions, etc.), medical certification, employee's skills inventory, available work options, and communicating with the employee to determine reasonable accommodation needs.				
6.	Does the return-to-work file reflect (at approximately the 84th day of disability) a good faith interactive process meeting has taken place or been scheduled?				
7.	Does the return-to-work file reflect (at approximately the 180th day of disability) continued contact with the employee and supervisor to address obstacles preventing the employee from returning to work?				
8.	Does the return-to-work file reflect ongoing communication, intended to explore reasonable accommodations is maintained with the employee and a long-term action plan is developed?				
9.	This reviewed return-to-work file relates to an employee having been on disability leave since _____ (date).				
10.	This reviewed return-to-work file reflects the department documented _____ communications (or attempted communications) with the employee.				

No.	DOCUMENTATION	YES	NO	N/A	COMMENTS/RECOMMENDATIONS
1.	Does the return-to-work file contain documentation demonstrating the Department's attempt to obtain useful temporary work restrictions?				
2.	Does the return-to-work file contain documentation such as letters, memos, etc., to the employee requesting the exploration of a transitional work assignment?				
3.	Does the return-to-work file contain documentation demonstrating the department's attempt to obtain useful permanent work restrictions?				
4.	Does the return-to-work file contain documentation demonstrating the department's attempt to explore reasonable accommodations?				
5.	Does the return-to-work file contain documentation demonstrating the department's request to hold an interactive process meeting?				
6.	Does the return-to-work file contain documentation of all interactive process meetings and their outcomes?				

No.	TIMELINESS	YES	NO	N/A	COMMENTS/RECOMMENDATIONS
1.	Does the return-to-work file reflect a timely attempt to find temporary modified or alternative work positions (transitional work assignment)?				
2.	Does the return-to-work file reflect timely communication with the treating physician or workers' compensation third party administrator to establish meaningful work restrictions?				
3.	Does the return-to-work file reflect reasonable accommodation issues are addressed in a timely manner?				
4.	Does the return-to-work file reflect preparation for the interactive process meeting is timely?				
5.	Does the return-to-work file reflect timely communication offering or scheduling an interactive process meeting?				
6.	Does the return-to-work file demonstrate ongoing good faith efforts to address reasonable accommodations are ongoing and timely?				

WHAT TO LOOK FOR IN RETURN-TO-WORK FILES

- If Workers' Compensation cases, report of accident, DWC-1, 5020, job description, copies of all forms sent to TPA.
- File notes – regarding phone conversations with employee, supervisor, TPA adjuster, other TPAs such as Sedgwick (STD, LTD), counsel, supervisor, LACERA, etc. – anything that relates to what has occurred.
- Medical certifications – from personal physicians or information directly from TPA.
- Correspondence to and from the employee- letters, emails, etc.
- Weekly telephone call verification sheet (in a perfect world).
- Work Hardening Agreement if applicable.
- Work restrictions – temporary or permanent.
- Plan of Action.
- Copy of TPA file review notes (if one was completed).