

Appendix E
(rev. 07.29.2020)

ADAAA/WFEA POLICY AND COMPLIANCE MANUAL
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Guidelines for Disabled Employee Placement Program – DEPP

I. PURPOSE

In accordance with provisions of MCO Chapter 350-37-7, the Department of Employee Relations (DER) has the authority to develop guidelines and procedures to administer the Disabled Employee Placement Program and to coordinate participation with other benefits, regulations and employment conditions.

The goals of the Disabled Employee Placement Program (DEPP) are to:

- provide an opportunity for general city employees with medical restrictions who are unable to continue employment in their current position or a lower level or lateral position within their department, or who are otherwise unable to be accommodated by their department, to find alternative placement within the city service, consistent with those medical restrictions; and
- comply with requirements under Worker’s Compensation-Wisconsin State Statutes, Chapter 102 and the ADA/ADAAA, the Wisconsin Fair Employment Act, Chapter 350-35-7 of the Milwaukee Code of Ordinances, and the rules of the City Service Commission.

II. PROGRAM OVERVIEW

1. Referral Process

After exhaustion of the ADA/ADAAA interactive process for the employee’s own position and after consideration of vacant and funded equivalent and lower-level positions within the employee’s department for which the employee is objectively qualified, that are consistent with the employee’s medical restrictions and that the department intends to fill, management shall consider a referral of the employee to the DEPP.

DER will review the referral and determine DEPP eligibility. Upon acceptance of the employee as a DEPP participant, the employee will be placed in the DEPP and will exhaust accrued time before being placed on a leave of absence (LOA) from his or her current position.

2. Eligibility Considerations

To be eligible for referral, a general city employee must have achieved regular status in his or her current position or a prior civil service position.

DER will review the referral and determine eligibility to participate based on these guidelines and other applicable regulations. Once the referral is accepted and the employee is enrolled as a DEPP participant, the DER will work with the employee to determine if placement in an alternate lateral or lower level position within the City Service is feasible. Placement will be contingent upon a number of factors, including but not limited to:

- the availability of a vacancy for which the employee is objectively qualified and that the appointing authority wishes to fill;
- the employee's ability to meet the job requirements of that vacancy, with or without reasonable accommodation.

3. Duration of the Program

A DEPP participant will be eligible for DEPP job referrals for a period of one year after the date of DEPP enrollment (enrollment occurs upon acceptance of a DEPP referral by the DER).

Eligibility for participation in the DEPP requires a referral from the department as well as the participant's affirmative obligation to look for a suitable vacancy. Participation ends when:

- a. the employee is placed in an alternate City position;
- b. the employee no longer meets the DEPP requirements;
- c. the employee fails to comply with the DEPP requirements; or
- d. when the City is unable to place the employee in a lateral, or lower level, vacant and funded position that the City intends to fill, within one (1) year after DEPP enrollment.

A DEPP participant who has been offered a placement consistent with his/her medical restrictions may be removed from the program after declining such placement opportunities at the discretion of DER. Separations from the City service after one year of DEPP enrollment or for other reasons listed above will not confer appeal rights under Rule XI, Section 1 of the CSC Rules.

A DEPP participant with temporary restrictions may be removed from the program upon lifting of the temporary restrictions and placed in his or her former position. If the DEPP participant's former position is no longer vacant, the participant shall be placed on a reinstatement list.

4. Determining whether DEPP Participant is Minimally Qualified for Job Placement

A DEPP participant may be required to take and successfully pass a qualifying examination and/or participate in job preview exercise in order to assess the participant's knowledge, skills, and abilities in relation to a specific placement opportunity that is significantly different from the position(s) previously held. Such qualifying examination is to be designed and administered by the DER.

5. Pre-Placement Exam Requirements

A DEPP participant will be required to successfully complete pre-placement drug testing and medical examination requirements consistent with DER policies. In general, employees reinstating to a physically demanding job after any medical leave of absence or separation are required to complete drug and medical testing.

6. Payroll Status and Benefit Implications

Once accepted as a DEPP participant, an employee will be placed on a medical leave of absence (LOA) for up to one year or until placed in an alternate City position, whichever occurs first. Employee's benefit eligibility will be determined in accordance with applicable provisions of the Milwaukee Code of Ordinances. In general, those provisions include the following:

Health & Dental Insurance - While on a medical LOA, the City of Milwaukee will maintain the employee's health insurance coverage for up to 6 months, provided that the employee premium contributions are paid. The City offers COBRA thereafter. Dental insurance coverage is maintained through the end of the month following the start of the medical LOA. The City offers COBRA thereafter. Specific questions regarding these benefits while on a LOA may be directed to the Department of Employee Relations Benefits Division at 286-3184.

Paid time off benefits – While on a medical LOA, paid time off benefits and any other benefit that accrues based on employee being on “active” payroll status will not accrue (e.g., vacation, sick leave, etc.).

Life Insurance – While on a medical LOA, employees are permitted to self-pay monthly premiums for a maximum period of 12 months.

7. Probationary Period

In accordance with the rules of the Civil Service Commission, employees will be required to serve a new probationary period upon placement in an alternate City position. Other probationary period provisions will be administered in accordance with the applicable CSC rules.

8. Promotional Considerations

A DEPP participant who has attained regular civil service status may apply for and/or be considered for promotional opportunities provided that he/she meets the minimum requirements for the position. The Appointing Authority reserves the right to make a hiring decision based on statutory provisions. Consequently, a DEPP participant has no automatic right to a promotional placement.

9. Reinstatement Rights

Should the medical restrictions of a DEPP participant change while in the Program or after separation, the employee may be able to request reinstatement in accordance with the applicable rules of the Civil Service Commission and the Commission's Reinstatement Policy.

III. **REFERRING DEPARTMENT'S RESPONSIBILITIES**

1. Exhausts the ADA/AA Interactive Process with an employee who has a need for accommodation. Refer to Section III of the City of Milwaukee ADA/AA/WFEA Policy and Compliance Manual.

2. When making a DEPP referral, attach a summary of departmental efforts to make a reasonable accommodation. The Department's referral letter to DER will include a statement of all relevant facts related to the situation, including the steps that the Department has taken in an attempt to resolve the matter and copies of all related ADA/AA documents, such as:
 - a. Disability Accommodation Request form with list of accommodations
 - b. Disability Medical Information Request form (questionnaire)
 - c. All related FMLA or other medical documentation
 - d. Dated list of other lateral or lower level vacant and funded positions that were considered, and the result of that analysis
 - e. A statement of how the individual will be carried on the Department's payroll (i.e. sick leave, vacation, FMLA etc.) and when those benefits will be exhausted
 - f. Leave of Absence form
 - g. Send the employee a copy of the referral letter requesting enrollment into DEPP, disclosing that if the employee is enrolled in DEPP, the City will endeavor to find alternative employment but that alternative employment is not guaranteed.
3. Continue to monitor vacancies within the Department as they occur and contact the DER DEPP Program Manager immediately if a suitable lateral or lower level position becomes available.
4. Notify the DER DEPP Program Manager immediately if the employee returns to work.
5. Notify employee if the DEPP referral is not accepted. Since the Department would have exhausted the interactive process, the employee is separated from City service (able to request reinstatement if medical restrictions change).
 - a. Conduct the pre-separation meeting
 - b. Complete the Separation from City Service for Non-disciplinary Reasons form

IV. **EMPLOYEE RESPONSIBILITIES**

Upon conclusion of the ADA/AA interactive process, and when no accommodation or reassignment is possible within the employee's department, a referral to the DEPP may be made to DER. An employee who is approved by DER and accepts a DEPP referral, is enrolled in DEPP and is required to:

1. Exhaust all accrued sick and vacation time first and then take a leave of absence from his or her current position.
2. Complete and return the DEPP application by the specified deadline.
3. Actively participate in the Program which includes, but is not limited to, submitting requested documentation within specified timeframes, enrolling in E-notify for City employment opportunities and actively seeking alternate City positions.
4. Notify the DER of any changes that may affect DEPP eligibility, including:
 - a. any change in medical condition, and provide updated medical documentation to the DER DEPP Manager within five (5) business days of the change;

- b. attaining other employment that precludes the participant from working designated hours in a placement; or
- c. choosing to withdraw from the DEPP.