

NHRMA 2024

I SHOULD HAVE DIED: ***NAVIGATING EMPLOYEE HEALTH CHALLENGES*** ***WITH EMPATHY & SUPPORT***

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COURSE MATERIALS AND EXERCISES

Please note that even though one of the instructors may be an attorney, no attorney-client relationship exists, and the information presented in this class and in these materials is not intended to be legal advice. Individual situations vary and appropriate resolutions are fact specific. Consult with Human Resources or your organization's legal counsel before you apply this information to specific risk management decisions.

NAVIGATING THE INTERACTIVE PROCESS

www.redkiterising.com

Treat people with RESPECT and DIGNITY, always and no matter what!

FOLLOW THE PROCESS

TRIGGER:

“I can’t do my job because of my physical or mental issue.”

RESPONSE:

“What, if anything, can we do to help you do your job successfully?”

”What, if anything, can we do to help you meet expectations?”

GET HR INVOLVED!

ACTION STEPS:

1. Brainstorm about options and opportunities;
 2. Try Something (a.k.a., a Reasonable Accommodation)
 3. Follow Up! (Make sure the solution is effective)
 4. Document!
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ACCOMM. OPTIONS:

- Extended or intermittent leaves of absence;
- Adjustments to the job duties / light duty;
- Modified Schedule;
- Waiver of certain policies;
- Change in equipment and/or workspace;
- And More!

LOOK FOR THE SIGNS

1. Applicant, Employee, Customer, or Guest discloses a disability or need for accommodation;
2. Applicant or Employee uses a medical condition as an explanation for not being able to meet performance / attendance expectations or policy compliance;
3. You observe the Applicant or Employee is unable or may not be able to perform tasks as expected b/c of a medical condition;
4. Employee may need extended leave or more leave beyond a typical 12-week family leave allotment;
5. Spotty or unpredictable attendance;
6. Disclosed side effects of condition and/or medication;
7. Self-made or team-initiated workplace accommodations.



Accommodation is about using different ingredients or mixing tools to make the cupcake, not about changing out the cupcake.

STICK TO THE PLAN

1. Focus on the RESULTS, not how things have been done in the past or by others -- Stay flexible and open to do things differently.
2. Understand which part of the job is the CUPCAKE (essential functions), and which part is the FROSTING.
3. Keep medical information CONFIDENTIAL.
4. Do not ask about medical information during interviews or recruiting.
5. Do not create a new job out of thin air or displace another employee.
6. Check with HR before coaching or disciplining on excessive absenteeism or before denying a request for accommodation or job modification.
7. Check out askjan.org for more accommodation ideas.

ADA-COMPLIANT ACTION VERB SUGGESTIONS

Certain words and vocabulary tend to exclude disabled employees from consideration. Focus on the results rather than the process and consider substituting these ADA-compliant words for physical demand requirements.

<u>Physical Requirement</u>	<u>ADA-Compliant Words</u>	<u>Example of possible language</u>
<i>Stand or Sit</i>	Stationary position	Must be able to remain in a stationary position for 50% of the time (or for 4 hours at a time).
<i>Walk</i>	Move, Traverse	Occasionally move about inside the office to access file cabinets, office machinery, etc.
<i>Use hands / fingers to handle or feel</i>	Operate, Activate, Use, Prepare, Inspect, Place, Detect, Position	Constantly operates a computer and other office productivity machinery, such as a calculator, copy machine and computer printer.
<i>Climb (stairs / ladders) or balance</i>	Ascend / Descend, Work atop, Traverse	Occasionally ascends / descends a ladder to service the lights and ceiling fans.
<i>Stoop, kneel, crouch or crawl</i>	Position self (to), Move	Constantly positions self to maintain computers in the lab, including under the desks and in the server closet.
<i>Talk / hear</i>	Communicate, Detect, Converse with, Discern, Convey, Express oneself, Exchange information, Monitor	Frequently communicate with employees and customers who have questions about billing and services provided. Must be able to exchange accurate information in these situations.
<i>Taste / Smell</i>	Detect, Distinguish, Determine	Occasionally must be able to distinguish nuances in flavor when tasting wine during fermentation process.
<i>See</i>	Detect, Determine, Monitor, Perceive, Identify, Recognize, Judge, Observe, Inspect, Estimate, Assess	Must be able to detect when traffic is heavy and other existing dangers and hazards before directing children to cross the street.
<i>Carry weight, lift</i>	Move, Transport, Position, Put, Install, Remove	Frequently moves equipment and gear weighing up to 50 pounds across parking lots and long fields as needed by field crews.
<i>Exposure to work</i>	Exposed, Work around	Constantly works outdoors and is exposed to severe and changing weather conditions.