

Separation for Disability

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1.0 POLICY

An employee may be separated from Town service for a known disability when the employee cannot perform the essential functions of his position, even with reasonable accommodation.

2.0 PURPOSE

The Town of Carolina Beach recognizes there will be instances where an employee can no longer safely or adequately perform the essential functions of his position as determined and set out, even with reasonable accommodation, due to a physical or mental impairment. Prior to a separation for disability and in keeping with the provisions of the Federal Americans with Disabilities Act of 1990 as amended, the Town will make reasonable accommodations to avoid a separation. This policy covers the rules and procedures for addressing a potential separation due to a disability.

3.0 SCOPE

This policy applies to all Town employees.

4.0 DEFINITIONS

- 4.1 Benefit-Eligible - Full time and part-time employees who are eligible for coverage and participation in the Town's benefit programs in addition to legally mandated coverage. See **Policy on Position Types**.
- 4.2 Other (not Benefit-Eligible) Employee - An employee assigned to a position designated roster, seasonal temporary, or special project who is eligible for salary and mandated benefits only. See **Policy on Position Types**.
- 4.3 Disability - A known physical or mental impairment that substantially limits one or more major life activities such as hearing, seeing, speaking, breathing, performing manual tasks, walking, caring for oneself, learning or working.
- 4.4 Essential Job Function - An essential job function is the reason the position exists to perform. To determine if a job task is considered essential, the Town would consider the reason the position exists, the number of other employees available to perform the tasks, the degree of expertise or skill required to perform the task, time spent performing the task and modifications that would enable the tasks to be performed.
- 4.5 Reasonable Accommodation - A change in the methodology of performing a job, restructuring the tasks performed, provision or modification of equipment, modified work schedule or other changes made to a job without undue hardship that enable a person with a disability to perform the essential functions of the position.

5.0 ORGANIZATIONAL RULES

- 5.1 Each position will have the essential functions of a position established and approved by the Town Manager and maintained by the Human Resources Department.
- 5.2 A separation action because of disability may be initiated by the employee or by the Town.

- 5.3 Prior to a separation because of a disability initiated by the Town, the Town will review the position and make reasonable accommodations if possible, without undue hardship, to allow the employee to continue to be employed.
- 5.4 At any point where a supervisor or manager is considering separating an employee because of a disability, he must contact the Human Resources Department prior to taking any action. The complexities of the Americans with Disabilities Act require the assistance of the Human Resources Department to ensure compliance.
- 5.5 In all cases, the separation for disability will be supported by medical evidence as certified by a competent physician. Where the Town requires an examination, it will be paid for by the Town and will be performed by the Town's Corporate Health Partner or by a physician designated by the Town.

6.0 PROCEDURES

- 6.1 If a benefit-eligible employee informs the supervisor of an intent to separate from Town service due to a disability, the supervisor should direct the employee to contact the Human Resources Department to discuss the availability of a disability retirement.
- 6.2 If an other (not benefit-eligible) employee informs the supervisor of an intent to separate from Town service due to a disability, the supervisor should direct the employee to contact the Social Security Administration to inquire about potential benefits and then should proceed with the normal process for terminating the employee.
- 6.3 If the supervisor is considering a termination action with an employee with no known disability, the supervisor should follow the procedures outlined in the **Policy on Corrective Action**.
- 6.4 If the supervisor is considering a termination action with an employee with a known disability or if during the process the employee informs the supervisor of a disability that impacts job performance and/or requests an accommodation to adequately perform the job, the supervisor must contact the Human Resources Department immediately and before proceeding with the termination action.

7.0 APPENDIX, APPENDICES

None