

Office of the Director

DEPARTMENT ORDER

DEPARTMENT OF CORRECTIONS  
Washington, D.C. 20001

OFF: ADA  
Number: D.O. 3441.1  
Effective Date: August 10, 1992  
Chapter: Personnel Management

Subject: Accommodation for and Removal of Employees on Extended Disability Compensation

I. Purpose: To establish accommodation and removal procedures for employees remaining on Disability Compensation for more than two (2) years due to an on-the-job injury.

II. Policy: It is the policy of the D.C. Department of Corrections (DCDC) to remove an employee from its employment rolls if the employee has been on Disability Compensation for more than two (2) years and cannot be reasonably accommodated.

III. Applicability: This order applies to all employees of the DCDC.

IV. Authority: The Associate Director for Administration is delegated authority to implement the requirements of this order.

A. Article 14, Collective Bargaining Agreement Between Teamster Local 1714 and D.C. Government Department of Corrections.

B. D.C. Code Section 1-624 ("Subchapter XXIV, Disability Compensation").

V. Procedures:

A. Compensation Procedures:

1. An employee who becomes ill or injured in the performance of his/her job shall be instructed as to the process for obtaining benefits pursuant to the Disability Compensation law and regulations. Within seven (7) days of the injury/illness, written certification by a licensed physician must be provided to the injured/ill employee's supervisor. This certification must specify the medical diagnosis and physical limitations resulting from injury or illness.

2. To facilitate the processing of the determination for benefits, supervisors are required to expedite the processing of all necessary paperwork and forms and return them to the D.C. Department of Employment Services, Division of Disability and Crime Compensation, or other appropriate destination within the applicable time frames.

3. Upon the written request of the supervisor, the employee shall provide weekly certification by a licensed physician verifying the medical diagnosis and explaining why the employee continues to be disabled from work. Such certification shall not be required if the initial or any subsequent certification states that the physical limitations will continue for a specified period of time.

B. *Removal Procedures:*

1. Associate Directors, Institution Administrators, Assistant Directors, and Office Chiefs must notify the Human Resource Management Division (HRMD) when an employee has been carried on Disability Compensation for two (2) years or more.

2. The HRMD will submit a written request along with a copy of the employee's job description to the D.C. Department of Employment Services, Division of Disability and Crime Compensation, and request the following information:

- a. Date employee was placed on compensation rolls;
- b. Employee's anticipated return to duty date;
- c. Medical restrictions as they relate to employee's position; and,
- d. Employee's current mailing address.

3. Upon receipt of a status report from the Department of Employment Services, the HRMD will review the employee's case. If the status report reflects that the employee is no longer totally disabled but has some physical limitations that prevent the employee from performing all the duties of his/her position, the HRMD will submit a copy of the employee's updated Standard Form SF-171 and current medical statement to the D.C. Office of Personnel (DCOP). The DCOP shall review the documents to determine if there is a position within the DCDC or the D.C. Government that the employee would qualify for or could be reassigned to which is compatible with his/her disability.

4. If DCDC cannot make reasonable accommodations for the employee, the HRMD will submit a written statement outlining their efforts to DCOP and request that a letter be prepared advising the employee of his/her employment options (See Attachment).

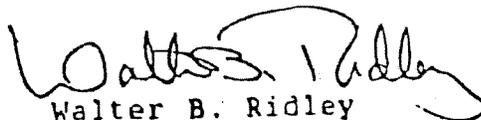
5. If the employee chooses to exercise none of the employment options, the supervisor may initiate action for cause against the employee, based on his/her inability to satisfactorily perform one or more major duties of his/her position. The supervisor shall coordinate with and be assisted in this activity by the HRMD.

6. If the employee's status report indicates that the employee will continue on the compensation rolls for an indefinite period, Section V(B)4 and Section V(B)5 above shall be disregarded.

VI. References:

A. Department Order 3020.2, "Temporary Limited Duty Assignments," dated June 29, 1992.

B. Department Order 3800.2, "Section 504 Handicap/Americans with Disabilities Act Accommodations," dated August 10, 1992.

  
Walter B. Ridley  
Director

Attachment

Attachment  
D.O. 3441.1  
August 10, 1992

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Dear \_\_\_\_\_:

This is to advise you of the District Government's policy regarding employees who are receiving disability compensation whether temporary or permanent in nature, and to ascertain your plans or decision regarding your employment status. D.C. Code Section 1-624.45(b)2 reads as follows:

"If the injury or disability is overcome within a period of more than two (2) years after the date of commencement of compensation, make all reasonable efforts to place, and accord priority to placing, the employee in his/her former or equivalent position within such department or agency, or within any other department or agency, (1973 Ed., 1-353.45; March 3, 1979, D.C. Law 2-139, 2345, 25 DCR 5740)."

Records show that you have been out on disability compensation without pay since \_\_\_\_\_; therefore, it is requested that you advise this office within fifteen (15) calendar days of the date of this letter of your plans and ability to return to work.

The following options are available to you:

1. Apply for disability retirement under the Civil Service Retirement System, if you are eligible;
2. Seek other employment opportunities that are compatible with your disability; or
3. Return to duty.

Failure to exercise all of the above options will not result in discontinuation of your compensation benefits. If you choose to exercise none of the above options, further action may be initiated by the District of Columbia Department of Corrections.

Attachment (Continued)  
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To ensure that you are informed of your rights and benefits as an employee, and of your benefits under the Employee's Compensation Act and Civil Service Retirement Act, you may arrange an individual counseling session to discuss your rights. A Personnel Representative is available to assist you in this matter. Please contact \_\_\_\_\_, Employee Relations Division, Servicing Personnel Office #2, at telephone number (202) \_\_\_\_\_, to make an appointment to discuss employment opportunities or other relevant matters of concern.

Sincerely,

\_\_\_\_\_  
\_\_\_\_\_