How does reassignment work?

After exhausting all other accommodation options, the employee may be considered for the 90-day job reassignment process. The ADA Coordinator will work with the employee to attempt to identify an appropriate position into which the employee can be reassigned. Positions considered for reassignment must be vacant, approved to fill and cannot have a higher pay range minimum than the employee’s current position.

The employee must meet the minimum qualifications for the new position and be able to perform the essential functions of the position, with or without reasonable accommodation. The employee does not need to be the best qualified individual for the position as reassignment is not a competitive process. If an assessment is required for a position, the employee must successfully pass the assessment prior to placement.

How long does an employee remain in reassignment?

The reassignment period is 90 days. During this time, the employee may or may not be working but will remain in their current position until the 90-day period ends or the ADA Coordinator is able to find another position for the employee, whichever comes first.

What happens when the reassignment period ends without placement?

The interactive process (IAP) will be concluded. Your Human Resources representative will contact you to determine next steps in the employment process, which may be a medical disqualification. Once the IAP is concluded, it is critical you work with your HR representative regarding next steps.

When is the interactive process (IAP) concluded?

When one of the following occurs:
- The employee voluntarily ends the process.
- The employee fails to actively participate in the process.
- The medical documentation is not received.
- The employee does not have a disability.
- The employee is provided a reasonable accommodation in their current position.
- The employee is placed in a vacant position through the job reassignment process.
- The 90-day reassignment period ends without placement.
- The employee resigns or is terminated.

Can my employee just return to work after continuous ADA leave?

No. A return to work release from the employee’s health care provider (HCP) is required to return to work.

What if my employee cannot return to work at full-duty?

Returning to work at less than full-duty would be considered a request for accommodation. Working with restrictions must be approved by the employee’s supervisor/management team.

Contact Information

OHR Leave Team:
Email: cityFMLAandADA@denvergov.org
Phone: 720.913.5604
Fax: 720.913.5639
Payroll: 720.913.5186
or payrolldivision@denvergov.org
Benefits: 720.913.5697
or benefits@denvergov.org
Short-Term Disability: The Standard Insurance Company 800.368.2859
What is the ADA?
The Americans with Disabilities Act (ADA) of 1990 is a federal civil rights law that prohibits discrimination against individuals with disabilities. Title I of the ADA prohibits covered employers from discriminating against people with disabilities in employment and requires employers to provide a reasonable accommodation to qualified individuals with disabilities unless the accommodation would be an undue hardship or direct threat. The ADA was amended effective 1/1/2009 (ADAAA) to revise the definition of disability. At the City and County of Denver, Career Service Rule 12 addresses ADA leave.

What is a disability under the ADAAA?
Under the ADAAA, a disability is:
- a physical or mental impairment that substantially limits one or more major life activities; or
- a history or record of such an impairment; or
- a perceived impairment that is not transitory and minor.

A major life activity may include, but is not limited to, caring for oneself, performing manual tasks, working, or the operation of major bodily functions.

What is an employer's responsibility to an employee with a disability?
An employer is required to provide reasonable accommodation to qualified individuals with disabilities unless doing so would cause an undue hardship or direct threat. A reasonable accommodation might include any modification to a job or work environment that enables an employee with a disability to perform the essential functions of the job. This may include adjusting the employee's work environment, job-protected time off, or possible job reassignment.

Who determines if an employee has a disability under the ADAAA?
The city’s ADA Coordinator determines if an employee has a disability under ADAAA. The ADA Coordinator is part of the Leave Team within the Office of Human Resources.

As a supervisor, you should contact the ADA Coordinator when:
- You become aware that your employee has a medical condition (including pregnancy) that may affect or is affecting their ability to perform the essential functions of the job. (Remember, you should NOT ask the employee about their medical condition or disability.)
- Your employee requests an accommodation such as leave of absence, providing or modifying equipment or devices, or job restructuring due to a physical or mental impairment, such as:
  - “I need to leave my desk four times a day to check my blood sugar.”
  - “My doctor wants me to have a sit/stand work station and a better chair.”
  - “I can’t lift anything heavier than five pounds because of my pregnancy.”
- Your employee is not eligible for the Family and Medical Leave Act (FMLA) or has exhausted FMLA. For example:
  - “I need three more months off for surgery and chemotherapy and I’ve exhausted my FMLA leave.”
- You receive notice your employee has reached Maximum Medical Improvement (MMI) after a Workers’ Compensation injury and has permanent work restrictions.

What happens after I contact the ADA Coordinator?
A request for accommodation kicks off the interactive process (IAP). The IAP is a collaborative process between the ADA Coordinator who manages the process, the employee’s supervisor/management, and the employee to determine what, if any, accommodation can be provided so the employee can perform the essential functions of the job.

The ADA Coordinator will reach out to the employee to discuss the medical or physical condition. The ADA Coordinator will work with the employee and the employee’s health care provider (HCP) to obtain pertinent medical information regarding the disability. Based on the medical information provided by the HCP, the ADA Coordinator will determine whether the employee has a disability as defined by the ADAAA. Once it’s determined that an accommodation is needed, the ADA Coordinator will contact you, the employee’s supervisor/management, to discuss the accommodation. You must respond promptly to the ADA Coordinator throughout the IAP.

Who is responsible for completing the employee’s timecard in Kronos?
When your employee is working, you are responsible for ensuring the timecard in Kronos is accurate. If your employee is not working due to a disability, you need to complete the timecard until ADA is approved. This is especially important for exempt employees who do exception reporting. Failure to complete the timecard accurately may result in overpayment. Once ADA is approved, the Controller’s Office, Payroll Division will enter the leave information for your employee, and you must approve the timecard at the end of each pay period.

What if I disagree with the proposed accommodation?
An employer does not have to provide an accommodation that is unreasonable, would cause an undue hardship to the employer, or if, with a reasonable accommodation, the employee still creates a danger to the employee or others. A claim of undue hardship must be based on an individualized assessment of current circumstances, which show that a specific accommodation would cause significant difficulty or expense for the employer. The ADA Coordinator will work with you to determine whether an undue hardship exists.

What should I do if my employee is terminating or retiring during the IAP?
Contact the ADA Coordinator right away.