

Are your HR professionals and managers aware of the staggering changes to California law that have made disability discrimination the newest “bet the company” litigation? Are they prepared to handle return to work and reasonable accommodation decisions properly for both work and non-work related injuries or illness? Are they trained to correctly conduct the detailed, specific “interactive process,” required by law?

Workshop Description:

This half-day workshop introduces an easy to implement ten step system that will enable your organization to meet its legal and policy responsibilities, stay out of court and craft the best prospect for defending against unavoidable claims and lawsuits.

Participants will learn to:

Understand, in plain English, the maze of legal risks facing California employers, by focusing on their critical roles in making modified duty decisions and workplace assignments for disabled employees; whether following a workers compensation leave, or at the request of an employee who has a non work-related disability.

Utilize an innovative consistent system for conducting the specific, detailed interactive process and documenting their decisions and actions. Includes specific direction on any customization of the IP Manual for the unique aspects of your work environment.

Follow the nine principles of effective documentation so that your business communi-ca-tions work for you – not against you – in a legal dispute.

The Comprehensive Interactive Process (IP) Manual

The heart of the program is the SBA Interactive Process Manual. It is composed of policies, procedures, and guidelines to follow as they conduct the interactive process and make reasonable accommodation decisions for employees with occupational and non-occupational disabilities, as defined by California FEHA. It includes documentation guidelines and recommended forms that employers may use in whole or may adapt to their needs. The Manual will include annotated adaptation considerations, so that any adaptations are useable and ultimately defensible.

The IP Manual is intended to complement existing policies/procedures for return to work decisions, modified duty assignments and leaves of absence administration. The one-of-a-kind Ten Step System provides a systematic approach for conducting and documenting the interactive process in all phases of employment required for FEHA compliance. The manual covers all of the following critical items to help your organization manage the interactive process and return-to-work decisions:

General Policy Statement. Establishes the purpose and applicability of the policy throughout the company. Statement of Authority and Responsibility. Sets forth the roles and responsibilities of those involved in the interactive process.

Definitions. Definitions of key terms in important legislation, including FEHA, ADA, Family & Medical Leave Act (FMLA), California Family Rights Act (CFRA)

Procedures for Conducting the Interactive Process. This is a step-by-step protocol to conduct the interactive process. It will cover the process separately for pre-employment and post-employment.

Medical Documentation. Provides the specific protocols required for obtaining and maintaining medical documentation in compliance with FEHA, HIPAA and other federal, state and industry regulations.

Making the Reasonable Accommodation Decision. Covers how to identify potential reasonable accommodations. It will include coordination with applicable organizational policies and collective bargaining considerations.

Implementation and Continuous Monitoring. Steps for assuring successful modified duty assignments and other accommodations.

Declining a Reasonable Accommodation. How to properly identify when the employee cannot perform essential job functions, with any potential accommodation or there is an undue hardship for the company. How to communicate the decision to the employee.

Documentation. Techniques, procedures and immediately useable forms.

Recruiting and Hiring. Do’s and Dont’s and the Interactive Process.

Harassment and Retaliation Prevention. Myths and Facts to prevent disability harassment and retaliation during employment and while engaging in the Interactive Process.

What to Say to Your Supervisors. “Do’s and Don’ts for leaders.