

Department of Administrative Services  
Improving efficiency, compliance, and workplace performance

# Quarterly HR Community Meeting

Human Resources Administration  
February 18, 2020



# Quarterly HR Community Meeting

## AGENDA

February 18, 2020, 10:00am – 12:00pm  
Room 1816, 18<sup>th</sup> Floor, West Tower

- *Welcome* *Al Howell*
  
- *Human Trafficking Prevention Training* *Al Howell*
  
- *Fighting Fraud:*  
*HR's Role in Prevention and Detection* *Jenna Wiese*  
*Bethany Whetzel*  
*Office of Inspector General*
  
- *Preventing Sexual Harassment* *Al Howell*
  
- *FMLA, ADA, and Worker's Comp* *Latatia West*  
*Cheryl Frazier*  
*Kim Cramer*
  
- *Meeting Wrap-up* *Al Howell*

# Human Trafficking Prevention Training

Al Howell

# Human Trafficking Prevention Training



**First Lady spoke at  
May HR Community  
Meeting**



**Video from First  
Family of Georgia  
introduces training**



**Full training video  
debuted at Grace  
Commission on  
August 29**

**First Lady narrates  
the training video**



**Training made  
available to  
agencies in January  
2020**

**Encouraged but not  
mandatory**

**Agencies to report  
number of employees  
trained by end of March**

**Same delivery method as  
preventing sexual  
harassment training**



**Jobs/Internships for Human Trafficking Survivors**

# Fighting Fraud: HR's Role in Prevention and Detection

Jenna Wiese

Bethany Whetzel

Office of Inspector General



# Fighting Fraud HR's Role in Prevention & Detection

Jenna Wiese  
Bethany Whetzel

## 10-10-80 Rule


10% of employees will never steal

10% of employees will always steal

80% of employees might steal



# Understanding HR's Role

- Fraud:
    - Brings about more than just financial losses
    - Is committed by people with clean records
    - Is committed by people who know the organization's weaknesses
    - Is committed by people who exhibit deviant behavior, to which no one paid attention
- 



A photograph of a person lying face down on a green running track. The person is wearing a light-colored shirt and dark pants. Their right arm is extended, with their hand resting on a red chalk line on the track. In the foreground, there is a large, semi-transparent white circle containing text. The track has red chalk markings, including a line and some illegible text.

## Possible Shortcomings Creating Conditions for Fraud

- Job design
- Selection procedure
- Career progression
- Monitoring environment and behavior



So what is  
HR's Role?

# “Architect”

- Be involved in the investigation
- Undergo fraud training
- Take responsibility
  - For poor hiring decisions
  - Illicit promotions/payroll activity



# “Observer & Analyst”



Monitor changes in employee behavior



Monitor relationships between staff members

## “Knowledge Distributor”

- Stop the cycle
  - Check the “No Rehire” box on the employee’s profile
- Training:
  - On policies related to fraud
  - On reporting fraud



## HR Don'ts

- Work in a vacuum
  - Lack of resources
  - Lack of expertise
  - Lack of independence

**DON'T  
DO  
IT.**

# Contact Information

Jenna Wiese, Deputy Inspector General  
404-317-6271

Bethany Whetzel, General Counsel  
470-733-1843

# Preventing Sexual Harassment

Al Howell



# Preventing Sexual Harassment Training Update



## 2019 Training Completion Rates

**68,943 of 77,745 employees (88.7%)**

**13,705 of 15,322 managers/supervisors (89%)**



## 2020 Training Process

**Will use same program as last year**

**Timeframe for completion is July 1 through September 30**

**No interim reporting, a survey for self-reporting will be provided at the end of the training period**



## Other Notes

**Remember that all new employees must be trained within 30 days, and newly promoted supervisors/managers must be trained within 30 days.**

# Family and Medical Leave Act, Americans with Disabilities Act, and Worker's Compensation

Latatia West, DOAS

Cheryl Frazier, ADA Coordinator's Office

Kim Cramer, DOAS

Mark Green, DBHDD

Kate Maier, DPS

# FMLA, ADA and Worker's Comp

## Quick questions to address:

**Why** was this featured topic chosen?

**What** are our next steps after today's meeting?

**What** do we need from you at the end of today's meeting?



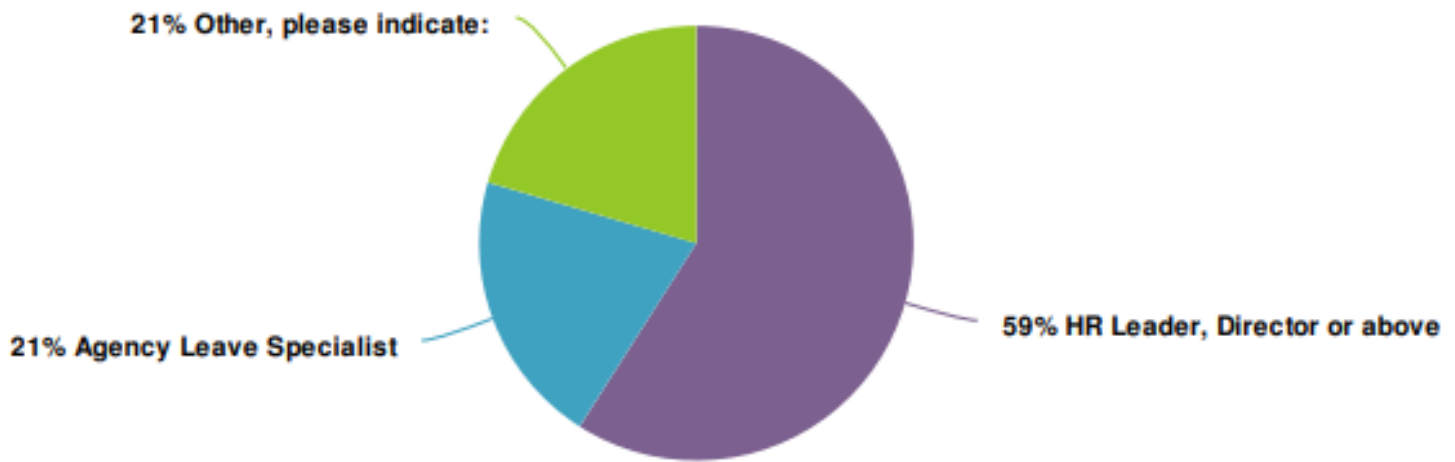
# FMLA

Items that will be covered in this part of the presentation:










1. Review of survey responses
2. Useful resources
3. Agency spotlight



1. Please indicate your role/position within your agency:



## Family and Medical Leave Act – Survey Responses

Better understanding of qualifying reasons for FML		25.0%	11
Better understanding of the certification process		36.4%	16
Types of military family leave		40.9%	18
Designating FML		31.8%	14
Understanding of appropriate ways to handle iFML/reduced schedule requests		45.5%	20
Better understanding of rolling calendar year period (Note: the state uses the rolling calendar year period measured backwards)		22.7%	10
Determining best steps when an employee fails to provide requested supporting medical documentation and/or fails to return to work when the leave has ended		75.0%	33
Determining best steps when an employee does not qualify for FML		43.2%	19
Other/comments:		13.6%	6

## Family and Medical Leave Act – Survey Responses

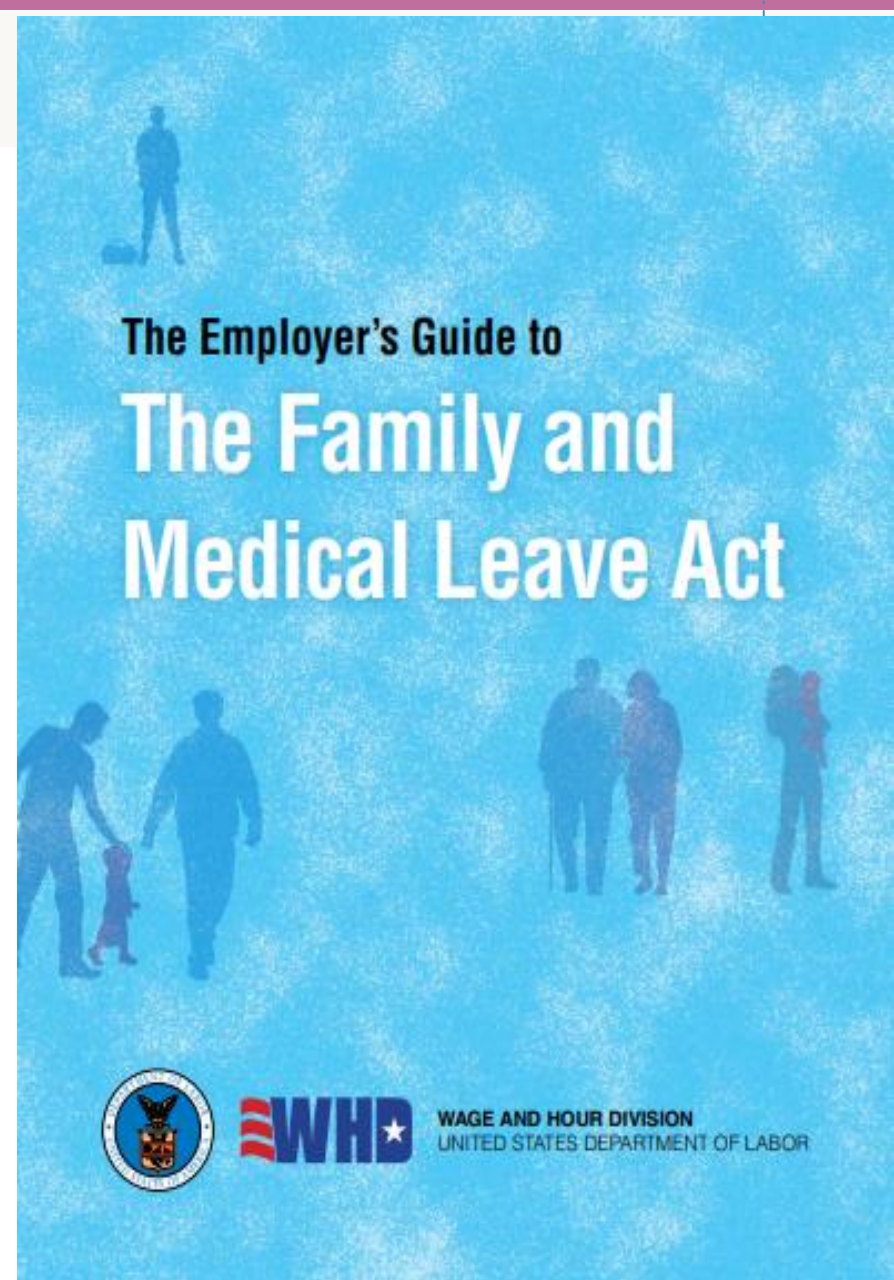
RESOURCE



FML Resources |

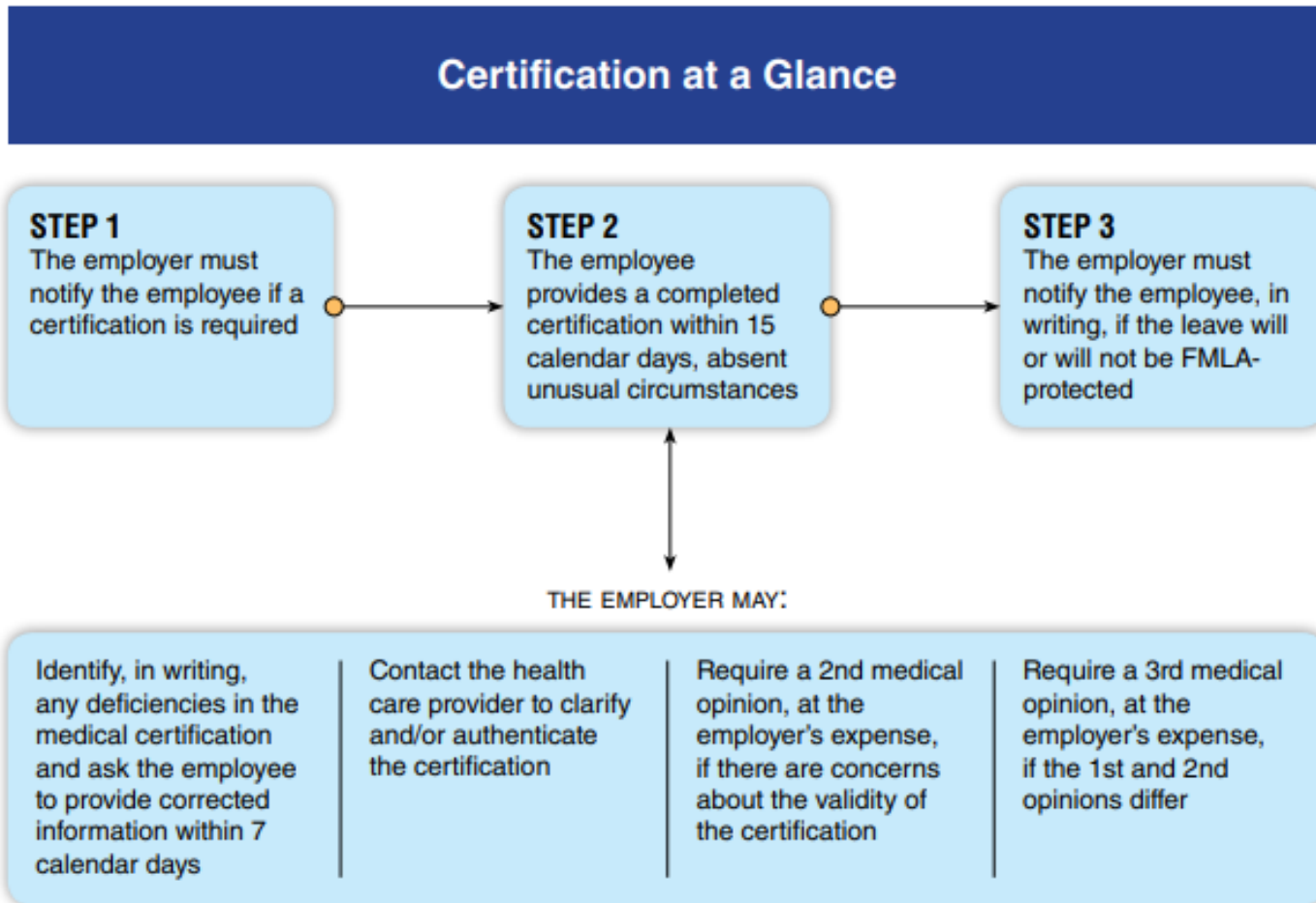
# DOL FML Employer Guide

Please click on the link below in order to view the guide:  
<https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/employerguide.pdf>





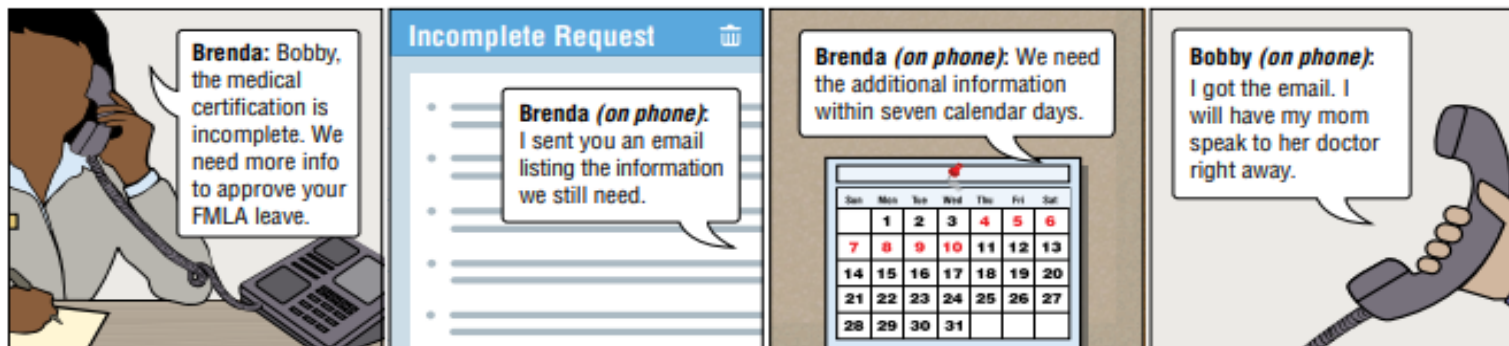
# DOL FML Employer Guide: Certification Process



THE EMPLOYER MAY DENY FMLA LEAVE IF THE EMPLOYEE FAILS TO PROVIDE A REQUESTED CERTIFICATION

# DOL FML Employer Guide: Certification Process

## Incomplete or Insufficient Medical Certification



Whenever an employer finds any medical certification “incomplete” or “insufficient,” the employer must give the employee a written notice stating what additional information is necessary to make the certification complete and sufficient. The employer may use the designation notice to inform the employee that the certification is incomplete or insufficient and identify what information is needed to make the certification complete and sufficient. See [chapter 6](#) for more information about the designation notice.

- A certification is considered **incomplete** if one or more applicable entries have not been completed.
- A certification is considered **insufficient** if the information provided is vague, ambiguous, or non-responsive.

The employer must provide the employee with at least seven calendar days to correct any deficiency in the certification. If it is not practicable under the particular circumstances for the employee to cure any deficiency in the seven-day period despite the employee’s diligent good faith efforts, the employer should provide additional time.

If an employee fails to provide a complete and sufficient certification despite the opportunity to cure the deficiency, an employer may deny the employee’s request for FMLA leave.

# DOL FML Employer Guide: Certification Process

## Authentication and Clarification

After the employer has given the employee the opportunity to cure any deficiencies, the employer may contact the health care provider **only** for purposes of authentication and/or clarification of the medical certification.

Under no circumstances may the employee's direct supervisor contact the employee's health care provider. A human resources professional, a leave administrator, or a management official must make the contact.

**Authentication** means providing the health care provider with a copy of the certification and confirming that the information contained on the certification form was completed and/or authorized by the health care provider who signed the document.

**Clarification** means contacting the health care provider to understand the handwriting on the medical certification or to understand the meaning of a response.

An employer may not ask health care providers for additional information beyond that in the certification form.

The requirements of the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule govern the privacy of individually-identifiable health information created or held by HIPAA-covered entities. Therefore, HIPAA requirements must be satisfied for a HIPAA-covered entity to share an employee's or an employee's family member's individually-identifiable health information with an employer. HIPAA requires, among other things, a written authorization by the employee (or the employee's family member) in order to release information for clarification purposes.

\*Info found in page 34 of the guide

# DOL FML Employer Guide: Beyond FML

## If ADA is involved...

Leave provided as an accommodation under the ADA may run concurrently with FMLA-protected leave. However, the FMLA's leave provisions are very different from the ADA's reasonable accommodation obligations. For example, "disability" under the ADA and "serious health condition" under the FMLA are different concepts and must be analyzed separately. An employer must provide leave under whichever statutory provision provides the employee with greater rights and protection.

\*Info found in page 68 of the guide

## If Worker's Comp is involved...

An employee's workers' compensation absence may be due to an on-the-job injury or illness that also qualifies as a serious health condition under the FMLA. In this scenario, the workers' compensation absence and FMLA leave may run concurrently. Although an employer may offer the employee a light duty position under workers' compensation rules, the FMLA does not require the employee to accept the light duty position. The employee may decline the light duty position and continue on FMLA-protected leave until able to return to the same or equivalent job he or she left. If the employee does not accept the light duty position, however, he or she may lose workers' compensation benefits.

\*Info found in page 69 of the guide

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DOL FMLA  
Employer Guide:  
Table of contents  
(Where to find other  
topics commonly  
identified in survey  
responses)

# HRA FML Tracking Spreadsheet

secure | [doas.ga.gov/human-resources-administration/board-rules-policy-and-compliance/fmla-tools](https://doas.ga.gov/human-resources-administration/board-rules-policy-and-compliance/fmla-tools)

GEORGIA GOV



Department of Administrative Services  
Improving efficiency, compliance and workforce performance



Learn About DOAS ▾

Our Community

Need Help |



Home > Human Resources Administration > Board Rules, Policy, and Compliance > FMLA Tools

How to find  
the tracking  
spreadsheet

## FAMILY AND MEDICAL LEAVE

Family and Medical Leave is a benefit and entitlement intended to assist eligible employees with balancing work/life demands by providing job-protected time off from work for qualifying reasons. Toolkit materials are provided to assist State agencies with effectively administering Family and Medical Leave.

## CONTACT

### Family and Medical Leave

Phone  
See "View All Division Contacts"

Email  
[policy@doas.ga.gov](mailto:policy@doas.ga.gov)

[View All Division Contacts](#)



## FMLA TOOLS

[Decision Trees](#)

[FMLA FAQs](#)

[Resources](#)

[Tracking Spreadsheets](#)

[US Department of Labor Family and Medical Leave Templates](#)

SORT BY



# HRA FML Tracking Spreadsheet

## Family and Medical Leave

*Time Tracking Tool for FMLA (not including Military Caregiver Leave)*

Employee Name:					
Employee ID:					
Standard Work Hours Per Week:	40				
Standard FMLA Hours Available:	480				
Start Date	01/01/2015				
Has employee used any FMLA time in the previous 12 months?	<input checked="" type="radio"/> No <input type="radio"/> Yes				
					<b>Note:</b> The red triangles in several cells have comments that tell you more about what to enter in those cells/columns. Place your mouse pointer close to each triangle to see the comments.
Date	Day	# FMLA Hours Taken	Type of Leave (S, A, P, C, U)	FMLA Time Available	Notes/Activities
1/2/2014	Thu			480.00	
1/3/2014	Fri			480.00	
1/4/2014	Sat			480.00	
1/5/2014	Sun			480.00	
1/6/2014	Mon			480.00	
1/7/2014	Tue			480.00	
1/8/2014	Wed			480.00	
1/9/2014	Thu			480.00	
1/10/2014	Fri			480.00	
1/11/2014	Sat			480.00	
1/12/2014	Sun			480.00	
1/13/2014	Mon			480.00	
1/14/2014	Tue			480.00	
1/15/2014	Wed			480.00	
1/16/2014	Thu			480.00	
1/17/2014	Fri			480.00	
1/18/2014	Sat			480.00	
1/19/2014	Sun			480.00	
1/20/2014	Mon			480.00	
1/21/2014	Tue			480.00	
1/22/2014	Wed			480.00	
1/23/2014	Thu			480.00	
1/24/2014	Fri			480.00	
1/25/2014	Sat			480.00	
1/26/2014	Sun			480.00	
1/27/2014	Mon			480.00	
1/28/2014	Tue			480.00	
1/29/2014	Wed			480.00	

How the spreadsheet looks when first opening



# HRA FML Tracking Spreadsheet

## Family and Medical Leave

*Time Tracking Tool for FMLA (not including Military Caregiver Leave)*

<b>Employee Name:</b>					
<b>Employee ID:</b>					
<b>Standard Work Hours Per Week:</b>	40				
<b>Standard FMLA Hours Available:</b>	480				
<b>Start Date</b>	09/13/2019				
<b>Has employee used any FMLA time in the previous 12 months?</b>	<input type="radio"/> No <input checked="" type="radio"/> Yes				
<b>Note:</b> The red triangles in several cells have comments that tell you more about what to enter in those cells/columns. Place your mouse pointer close to each triangle to see the comments.					
		<b># FMLA Hours Taken</b>	<b>Type of Leave (S, A, P, C, U)</b>	<b>FMLA Time Available</b>	<b>Notes/Activities</b>
<b>Date</b>	<b>Day</b>				
9/14/2018	Fri			480.00	
9/15/2018	Sat			480.00	
9/16/2018	Sun			480.00	
9/17/2018	Mon	8.00		472.00	
9/18/2018	Tue	8.00		464.00	
9/19/2018	Wed	8.00		456.00	
9/20/2018	Thu	8.00		448.00	
9/21/2018	Fri	8.00		440.00	
9/22/2018	Sat			440.00	
9/23/2018	Sun			440.00	
9/24/2018	Mon	8.00		432.00	
9/25/2018	Tue	8.00		424.00	
9/26/2018	Wed	8.00		416.00	
9/27/2018	Thu	8.00		408.00	
9/28/2018	Fri	8.00		400.00	
9/29/2018	Sat			400.00	
9/30/2018	Sun			400.00	
10/1/2018	Mon	8.00		392.00	
10/2/2018	Tue	8.00		384.00	
10/3/2018	Wed	8.00		376.00	
10/4/2018	Thu	8.00		368.00	
10/5/2018	Fri	8.00		360.00	
10/6/2018	Sat			360.00	
10/7/2018	Sun			360.00	
10/8/2018	Mon	8.00		352.00	
10/9/2018	Tue	8.00		344.00	
10/10/2018	Wed	8.00		336.00	
10/11/2018	Thu	8.00		328.00	

How the spreadsheet looks after entering data

# HRA FML Tracking Spreadsheet

11/21/2018	Wed	8.00		96.00	
11/22/2018	Thu	8.00		88.00	
11/23/2018	Fri	8.00		80.00	
11/24/2018	Sat			80.00	
11/25/2018	Sun			80.00	
11/26/2018	Mon	8.00		72.00	
11/27/2018	Tue	8.00		64.00	
11/28/2018	Wed	8.00		56.00	
11/29/2018	Thu	8.00		48.00	
11/30/2018	Fri	8.00		40.00	
12/1/2018	Sat			40.00	
12/2/2018	Sun			40.00	
12/3/2018	Mon	8.00		32.00	
12/4/2018	Tue	8.00		24.00	
12/5/2018	Wed	8.00		16.00	
12/6/2018	Thu	8.00		8.00	
12/7/2018	Fri	8.00		0.00	
12/8/2018	Sat			0.00	
12/9/2018	Sun			0.00	
12/10/2018	Mon			0.00	
12/11/2018	Tue			0.00	
12/12/2018	Wed			0.00	
12/13/2018	Thu			0.00	
12/14/2018	Fri			0.00	
12/15/2018	Sat			0.00	
12/16/2018	Sun			0.00	
12/17/2018	Mon			0.00	
12/18/2018	Tue			0.00	
12/19/2018	Wed			0.00	
12/20/2018	Thu			0.00	
12/21/2018	Fri			0.00	
12/22/2018	Sat			0.00	
12/23/2018	Sun			0.00	
12/24/2018	Mon			0.00	
12/25/2018	Tue			0.00	
12/26/2018	Wed			0.00	
12/27/2018	Thu			0.00	
12/28/2018	Fri			0.00	
12/29/2018	Sat			0.00	
12/30/2018	Sun			0.00	
12/31/2018	Mon			0.00	
1/1/2019	Tue			0.00	

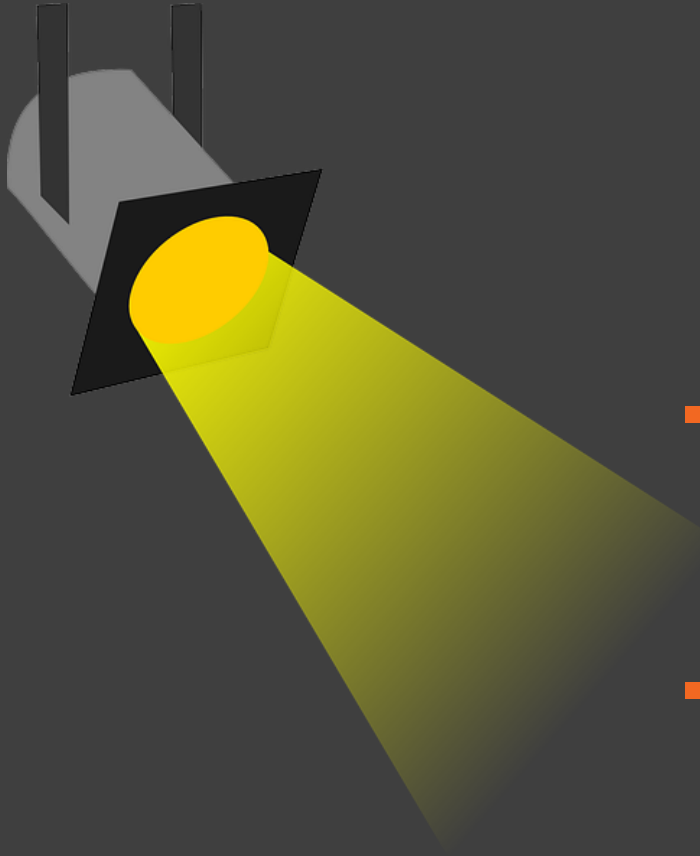
Further down the same spreadsheet after entering data (notice the automatic change in column color as FML begins to exhaust)

# HRA FML Tracking Spreadsheet

9/7/2019	Sat			0.00
9/8/2019	Sun			0.00
9/9/2019	Mon			0.00
9/10/2019	Tue			0.00
9/11/2019	Wed			0.00
9/12/2019	Thu			0.00
9/13/2019	Fri			0.00
9/14/2019	Sat			0.00
9/15/2019	Sun			0.00
9/16/2019	Mon			0.00
9/17/2019	Tue			8.00
9/18/2019	Wed			16.00
9/19/2019	Thu			24.00
9/20/2019	Fri			32.00
9/21/2019	Sat			40.00
9/22/2019	Sun			40.00
9/23/2019	Mon			40.00
9/24/2019	Tue			48.00
9/25/2019	Wed			56.00
9/26/2019	Thu			64.00
9/27/2019	Fri			72.00
9/28/2019	Sat			80.00
9/29/2019	Sun			80.00
9/30/2019	Mon			80.00
10/1/2019	Tue			88.00
10/2/2019	Wed			96.00
10/3/2019	Thu			104.00
10/4/2019	Fri			112.00
10/5/2019	Sat			120.00
10/6/2019	Sun			120.00
10/7/2019	Mon			120.00
10/8/2019	Tue			128.00
10/9/2019	Wed			136.00
10/10/2019	Thu			144.00
10/11/2019	Fri			152.00
10/12/2019	Sat			160.00
10/13/2019	Sun			160.00
10/14/2019	Mon			160.00
10/15/2019	Tue			168.00
10/16/2019	Wed			176.00
10/17/2019	Thu			184.00
10/18/2019	Fri			192.00
10/19/2019	Sat			200.00

Further down the same spreadsheet showing when the same employee is again eligible for FML

# Agency Spotlight



- Mark Green, HR Director with Department of Behavioral Health and Developmental Disabilities
- Kate Maier, HR Director with Department of Public Safety

# HR Community Meeting

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**BE D·B·H·D·D**

Georgia Department of Behavioral Health & Developmental Disabilities

February 18, 2020





**D·B·H·D·D**

Georgia Department  
of Behavioral Health  
& Developmental  
Disabilities

- BE D·B·H·D·D**
- BE COMPASSIONATE**
- BE PREPARED**
- BE RESPECTFUL**
- BE PROFESSIONAL**
- BE CARING**
- BE EXCEPTIONAL**
- BE INSPIRED**
- BE ENGAGED**
- BE ACCOUNTABLE**
- BE INFORMED**
- BE FLEXIBLE**
- BE HOPEFUL**
- BE CONNECTED**
- BE D·B·H·D·D**

A close-up photograph of a hand holding a blue pen, writing on a spiral-bound notebook. The notebook is open, and the pen is positioned over a blank page. The background is a soft, out-of-focus brown color.

**BE INFORMED**

# Department of Behavioral Health and Developmental Disabilities

## Vision:

Easy access to high-quality care that leads to a life of recovery and independence for the people we serve

## Mission:

Leading an accountable and effective continuum of care to support Georgians with behavioral health challenges, and intellectual and developmental disabilities in a dynamic health care environment



# DBHDD Values

---

Person-  
Centeredness

Collaboration  
and Teamwork

Continuous  
Improvement

Creative  
Problem-  
Solving

Customer  
Service

Integrity

Mutual  
Respect

Results-Driven  
Focus

## DBHDD Objectives

Successfully  
fulfill the  
principles of  
ADA  
Settlement  
Extension

Influence the  
design and  
direction of the  
health care  
environment in  
Georgia

Manage a  
network of  
providers

Be a team of  
individuals who  
are effective,  
engaged,  
empowered,  
and recognized

## Objective 4 Strategies

**4a: Be inspired: Create a culture that values healthy relationships, effective processes, and high performance**

**4b: Be intentional about acknowledging accomplishments**

**4c: Be engaging: Attract, recruit, and retain a successful workforce for DBHDD**

**4d: Be a Learning Organization: Build on past successes and learn from past failures**

**4e: Be connected: Connect clear roles and responsibilities to their link to the Vision and Mission**

# FML / WC / ADA Workforce Challenges

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- Nature of our work
- Workforce demographics and wellness
- Effective management and HR administration
- “Gaming the system”
- Fraudulent claims and/or falsification of documentation
- Difficulty in RTW on light duty or via accommodations due to regulatory or safety considerations
- Impact on quality service, productivity and effectiveness in areas already suffering from high turnover, shift hold-overs and investigatory reassignments/suspensions

# Reasonable Accommodation / Exception Case

---

- Effective August 15, 2019 DBHDD moved to a Mandatory Seasonal Influenza Vaccination Policy
- Policy and requirements impacted approximately 4,600 DBHDD Hospital Services and campus-based staff (85+% of staff)
- Requires staff to be vaccinated or wear a mask in patient care areas
- ADA and Title VII based allowable exceptions:
  - Medical reasons
  - Religious grounds
- 100% compliance achieved through education, interactive discussion and effective administration



# **BE D·B·H·D·D**

Georgia Department of Behavioral Health & Developmental Disabilities



**D·B·H·D·D**



**GEORGIA DEPARTMENT *of***  
**PUBLIC SAFETY**

# EMPLOYMENT AND THE AMERICANS WITH DISABILITIES ACT (ADA)

Human Resources Community Meeting – Georgia Department of Administrative Services



State ADA Coordinator's Office  
Georgia State Financing and Investment Commission  
Atlanta, Georgia  
February 18, 2020





# STATE ADA COORDINATOR'S OFFICE



- ❑ Stacey Valrie Peace, State ADA Coordinator
- ❑ Cheryl Ann Frazier, Assistant State ADA Coordinator
- ❑ Steve R. Jones, Senior ADA Architect
- ❑ Barbara Tucker, ADA Administrative Services Coordinator



# SERVICES OFFERED BY THE STATE ADA COORDINATOR'S OFFICE



## **Training**

- Our office conducts general and customized training on ADA topics for state agencies and other targeted audiences.

## **Technical Assistance**

- Implementation of the ADA requirements for your agency
- Updating and Enhancing Self-Evaluation and Transition Plans
- Develop simplified methods for people with disabilities to access ADA and other disability-related services and information

## **Facility Access Reviews**

- Existing State Buildings
- New State Facility Construction

[www.ada.georgia.gov](http://www.ada.georgia.gov)

# WHAT IS THE ADA?



- ❑ The Americans with Disabilities Act (ADA) is a civil rights law (enacted in 1990).
- ❑ It prohibits discrimination against individuals with disabilities in all areas of public life, including jobs, schools, transportation, and all public and private places that are open to the general public.
- ❑ The purpose of the law is to make sure that people with disabilities have the same rights and opportunities as everyone else. The ADA gives civil rights protections to individuals with disabilities similar to those provided to individuals on the basis of race, color, sex, national origin, age, and religion.
- ❑ Implementing the requirements of the ADA is the direct route to creating a customer-oriented culture that includes individuals with disabilities.

# DEFINITION OF DISABILITY



- A **physical** or **mental** impairment that substantially limits one or more major life activities;
- A record of such an impairment; or
- Being regarded as having such an impairment.

# THE ADA PROTECTS EMPLOYEES WITH DISABILITIES IN TWO WAYS



- ❑ It makes it unlawful to discriminate against **qualified** individuals with disabilities in any employment practice.
- ❑ It makes it unlawful to refuse to make a **reasonable accommodation** for the known physical or mental limitations of a qualified applicant or employee with a disability, unless the accommodation would pose an **undue hardship** on the employer.

# QUALIFIED INDIVIDUAL WITH A DISABILITY



For purposes of employment, an individual is qualified if s/he:

- Meets the necessary prerequisites for the job (satisfies the skill, experience, education and other job-related requirements); and
- Can perform the essential functions of the job, with or without reasonable accommodation.

# REASONABLE ACCOMMODATION



- ❑ Any adjustment or modification made to a job or work environment to allow an employee with a disability to perform the essential functions of the job or enjoy equal benefits of employment.
- ❑ The ADA requires reasonable accommodation in three aspects of employment:
  - ✓ 1) to ensure equal opportunity in the application process,
  - ✓ 2) to enable a qualified individual with a disability to perform the essential functions of a job, and
  - ✓ 3) to enable an employee with a disability to enjoy equal benefits and privileges of employment.

# EXAMPLES OF REASONABLE ACCOMMODATIONS



- Adjusting a work schedule (Part-time or modified)
- Providing or modifying equipment and devices
- Providing readers or sign language interpreters
- Changing the work environment to improve accessibility
- Making existing facilities accessible
- Job restructuring (reallocating or redistributing marginal job functions that an employee is unable to perform because of a disability; and altering when and/or how a function, essential or marginal, is performed)

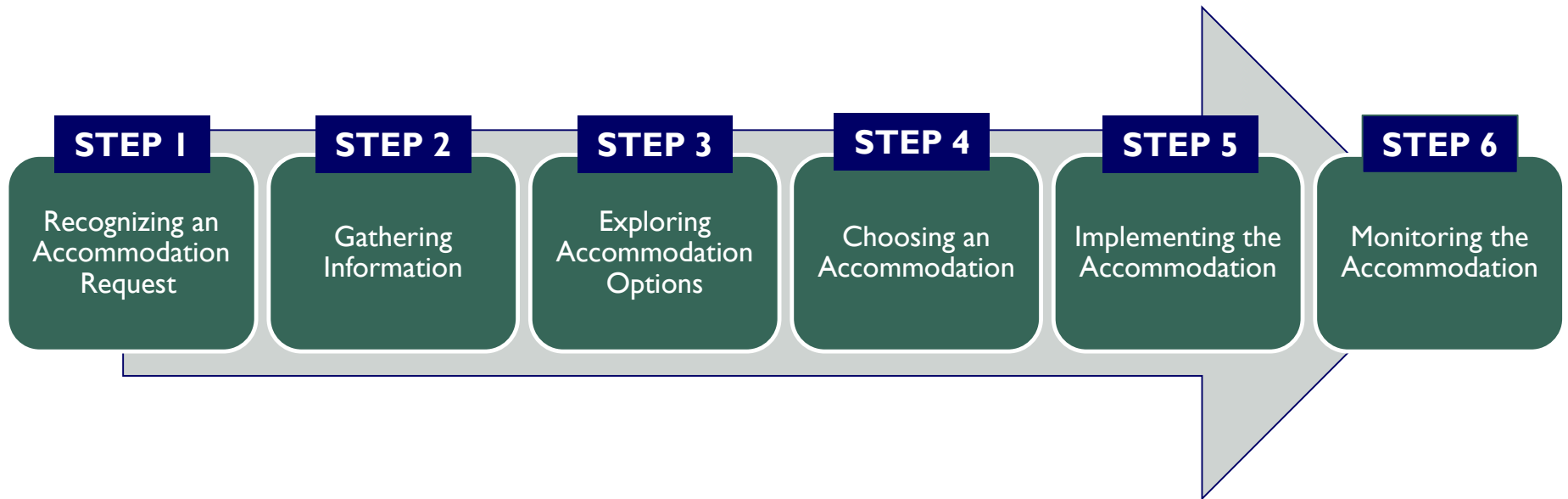


# EXAMPLES OF REASONABLE ACCOMMODATIONS



- Changing workplace policies and procedures
- Changing tests or training materials
- Teleworking
- Use of Leave
  - More leave is needed than is available under the employer's policy, under provisions of FMLA; and/or
  - Leave is needed for a disability-related reason that is not covered by the employer's policy or by FMLA.
- Reassignment to a vacant position (accommodation of last resort)

# JAN's INTERACTIVE PROCESS



**Successful Accommodation**

## WHEN SHOULD AN EMPLOYER ASK FOR MEDICAL DOCUMENTATION REGARDING A REASONABLE ACCOMMODATION?



- ❑ Under the ADA, employers must limit the scope of a medical inquiry in response to an accommodation request.
- ❑ When the disability or need for accommodation is not obvious, an employer may require that the employee provide medical documentation
  - 1) to establish that the employee has an ADA disability,
  - 2) to show that the employee needs the requested accommodation, and
  - 3) to help determine effective accommodation options.

Although the ADA limits the scope of medical requests, it does not include specific forms for requesting medical information.

<https://askjan.org/publications/employers/employers-guide.cfm>

# DETERMINING/MONITORING PERFORMANCE EXPECTATIONS



- Performance expectations should align with the job description, including essential functions;
- Essential functions shall be the same for all employees in the same position/job;
- Monitoring expectations is the same for all employees;
- Ensure all employees are provided what they need to successfully perform the assigned duties; and
- All employees shall be monitored using your progressive discipline program (ex. Coaching, Counseling, Verbal Warning, Written Action, Suspension w/wo pay, Termination, etc.).

# WHEN IS A REQUEST FOR LEAVE AS AN ACCOMMODATION UNREASONABLE



## IT DEPENDS!

- Critical Position
- Fitness for duty (depends on position)
- Leave without Pay seems to be an extreme extended period of time
- Employee is not a **Qualified** individual under the ADA
- Undue Hardship
  - Financial
  - Significant disruption to operations

# WHAT CONSTITUTES UNDUE HARDSHIP?



- ❑ Occurs when providing an accommodation would cause great difficulty or expense to the employer

## ❑ **REMEMBER**

- ❑ Review on a case-by-case basis
- ❑ Employer needs to explore all possible forms of accommodation first
- ❑ If office is part of a larger organization, the larger organization's structure and resources will be taken into account

# RESOURCES



- ❑ The Job Accommodation Network (JAN) – <https://askjan.org/> or (800) 526-7234
- ❑ Equal Employment Opportunity Commission – (EEOC) <https://www.eeoc.gov/>
- ❑ Tools for Life (Georgia’s Assistive Technology Act Program/ Center for Inclusive Design and Innovation (CIDI) – <http://gatfl.org/> or (404) 894-0541
- ❑ AccessGA (Georgia Tech/ CIDI and the State ADA Coordinator’s Office) – <https://accessit.gatech.edu/>
- ❑ State ADA Coordinator’s Office – <https://ada.georgia.gov/> or (404) 657-7313

# CONTACT INFORMATION

Georgia State Financing and Investment Commission

## **State ADA Coordinator's Office**

270 Washington Street, Second Floor

Atlanta, Georgia 30334

Phone: 404.657.7313

Fax: 404.463-5650

Website: [www.ada.georgia.gov](http://www.ada.georgia.gov)

# Thank you!

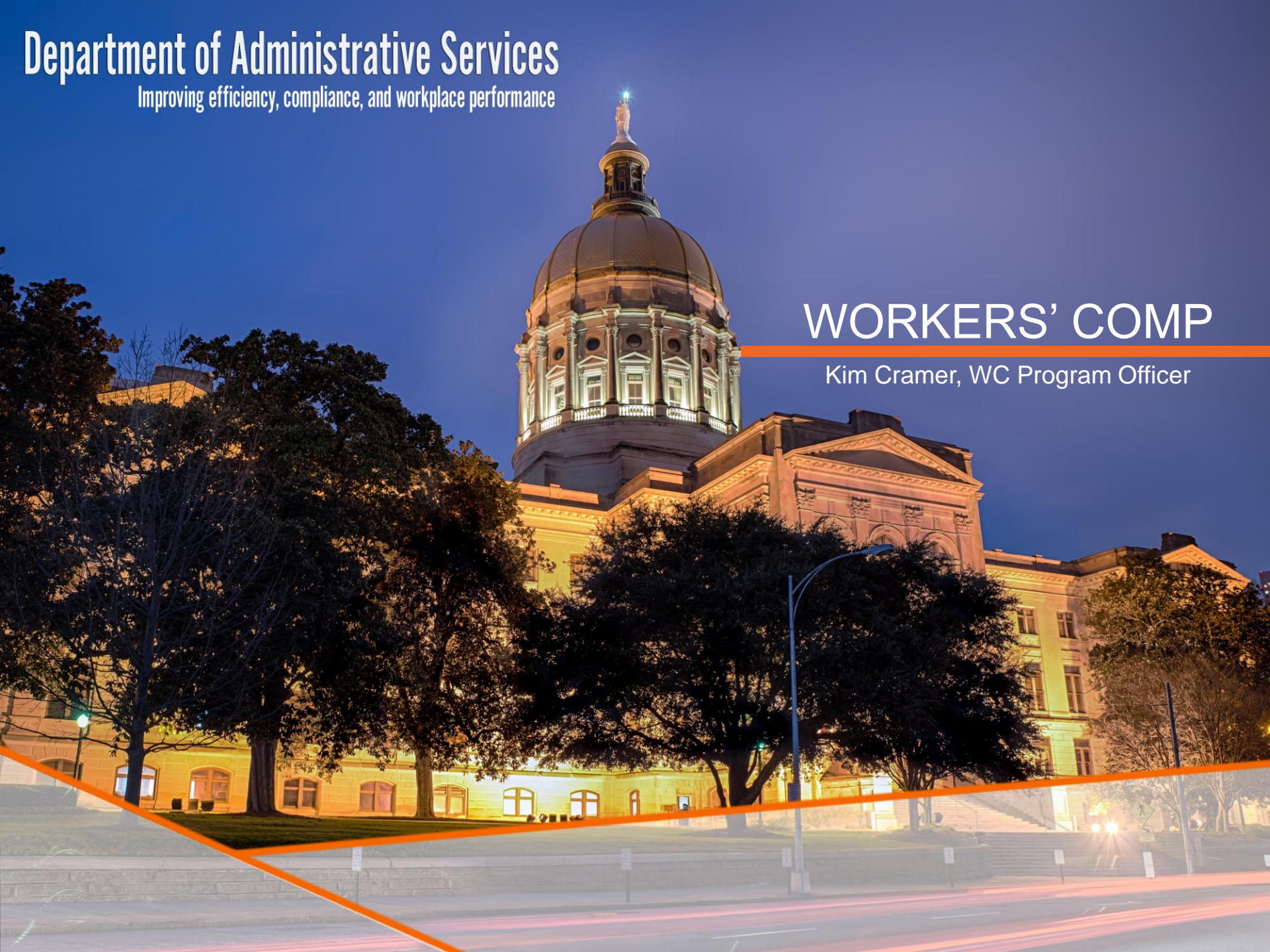


# Department of Administrative Services

Improving efficiency, compliance, and workplace performance

## WORKERS' COMP

Kim Cramer, WC Program Officer



# Fiscal Year 19

-New Claims 5624



# - \$25.4 Million

- \$7 M in Disability benefits
- \$17 M in Medical expenses
- \$68K in Rehab benefits
- \$1.3 M in Legal & expenses

\*\* (paid as of 1-8-2020-figures rounded)

# ALL OPEN TOTALS as of 1-8-2020

- Number of claims = 4794

**- \$646 Million**

- \$241 M in Disability benefits paid

- \$351 M in Medical expenses paid

- \$19 M in Rehab benefits paid

- \$34 M in Legal & expenses paid

**\*\*\*\*\*Figures rounded**



# Workers' Compensation

## What it is & what does it typically cover?

- Medical bills
- Lost income (66.667% of salary. Not subject to income tax.)
- Recovery (PPD) for loss of use of body parts.
- Rehabilitation
- Death benefits for dependents



# Worker's Compensation Documents



1. Official Worker's Comp Notice (WC-P3.pdf)
2. Official Worker's Comp Notice- Spanish (WC-P3 Spanish.pdf)
3. Stop WC Fraud Poster
4. Georgia Activity Analysis (GAA)
5. Standard Leave Election Form (LEF)
6. All Special Injury Cases
7. Mileage Reimbursement Request
8. WC207 (revised) 2018
9. RMS Contact Access Form

# Georgia Activity Analysis Form

<b>POSITION TITLE:</b>		<b>EMPLOYEE NAME:</b>	
<b>DATE/BY WHOM:</b>		<b>AGENCY/LOCATION:</b>	
<b>I. PURPOSE OF POSITION</b> (Describe in terms of the reason the position exists.)			
<b>II. TASKS</b>		A. Describe each task, in order of frequency performed. What is required to do the position? B. Indicate primary physical, mental and environmental demands required to perform each task.	
<b>A. Tasks</b>		<b>B. Demands</b>	
<b>III. REQUIRED PRODUCTIVITY</b> (Describe production rate including quantity & quality of work required)			
<b>IV. WORK SCHEDULE REQUIREMENTS</b> (Describe specific shifts (including rotating ) and/or hours, travel or overtime)			
<b>PHYSICIAN COMMENTS</b> (Complete the appropriate box below and provide comments as necessary)			
➤ I release _____ to this job as above described.			
➤ I release _____ to this job under the following conditions:			
The medical rationale is:			
➤ I cannot release _____ to any part of this job at this time. The medical rationale is:			
Next appointment is scheduled for			
<b>Physician's Signature:</b>		Date:	

**Leave Election Form**

Date: \_\_\_\_\_

To: DOAS/Risk Management Services  
200 Piedmont Ave. SE, Suite 1208 West  
Atlanta, GA 30334  
Fax 404-657-1188

From: \_\_\_\_\_ (Name of injured employee)

Date of Injury: \_\_\_\_\_

Contact Number: \_\_\_\_\_

Re: Workers' Compensation (WC) Benefits Payments.

On the above referenced injury date, I was injured while working for \_\_\_\_\_ (agency name). If I lose any time from work because of this injury, I request that I be paid in the manner shown below. (Please initial beside the option you choose).

\_\_\_\_\_ From my accumulated sick leave and if necessary, from accumulated annual leave, before receiving WC benefits for loss of wages. I understand that when I have used my accumulated sick and annual leave, I will receive WC benefits if am still unable to work due to the injury.

\_\_\_\_\_ WC Benefits for loss of wages instead of full pay from accumulated sick and annual leave to be paid in regular weekly installments, effective \_\_\_\_\_ (date).

\_\_\_\_\_ From my accumulated sick leave, and if necessary from my accumulated annual leave, through \_\_\_\_\_ (date) after which time I wish to be paid WC benefits for loss of wages.

Signature of Injured Employee \_\_\_\_\_ Date \_\_\_\_\_

If a mark is used, two witnesses are required:

\_\_\_\_\_  
Witness Date

\_\_\_\_\_  
Witness Date

Leave  
Election  
Form

# What is considered an on-the-job injury or illness?

- Any injury, illness or death **arising out of and in the course of** employment is by definition a compensable work-related claim.
- Exceptions
  - Lunch
  - Travel to and from work
  - Deviation
  - Horseplay





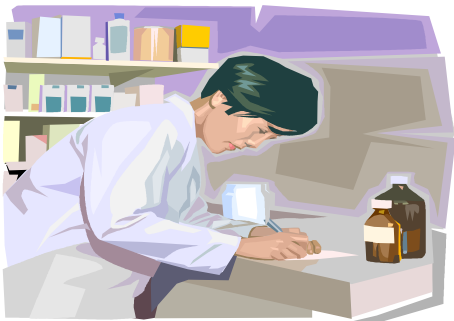
# If my employee is injured on the job, what should I do?

- Call **877-656-7475(RISK)** to report the injury **IF** medical attention is needed
- Provide Specifics
  - If MVA, who was at fault, etc.
    - Reason for travel – in route to work vs business trip
    - Right knee versus left knee
- Get statements from witnesses
- Provide information to your assigned adjuster
- Subrogation



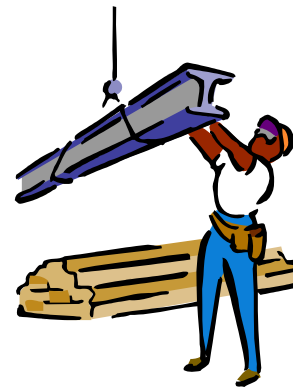
# Medical Appointments

- The law requires that you select from a list of physicians posted by your agency in a prominent location. The State operates under an MCO Panel, so this is handled via the posting of the WC-P3.
- AmeriSys #'s 800-900-1582 OR 678-781-2848
- AmeriSys can assist with all scheduling (home/work)
- Ask doctor to address RTW
- Medications and side effects
- MCO faxes all paperwork to MD



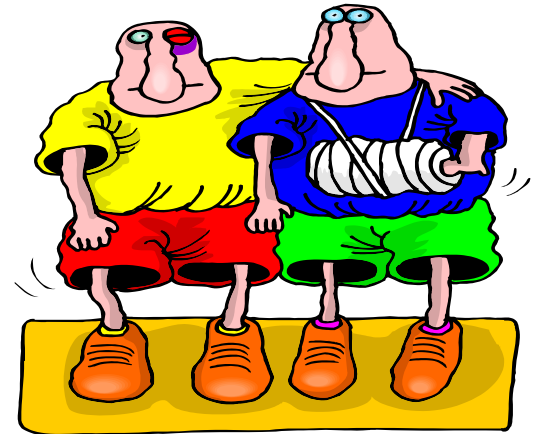
# Georgia Activity Analysis

- Simple, one page description of the functions and physical, mental and/or environmental demands of a regular or modified job
- Facilitates rapid return to work and helps eliminate lost productivity
- Communication device
- Should arrive at the treating physician's office when the employee first sees the physician



# What will happen if an employee is unable to work because of on-the-job injury?

- Temporary Total Disability
- \*\* Current Max Rate is 675.00/week
- Sick/Annual Leave
- Leave Election Form
- Special Injury



Authorized treating physician  
**MUST**  
verify disability and absence from work.

# Return to Work

- Regular Duty
- Modified or Light Duty
- Accommodations
- Termination



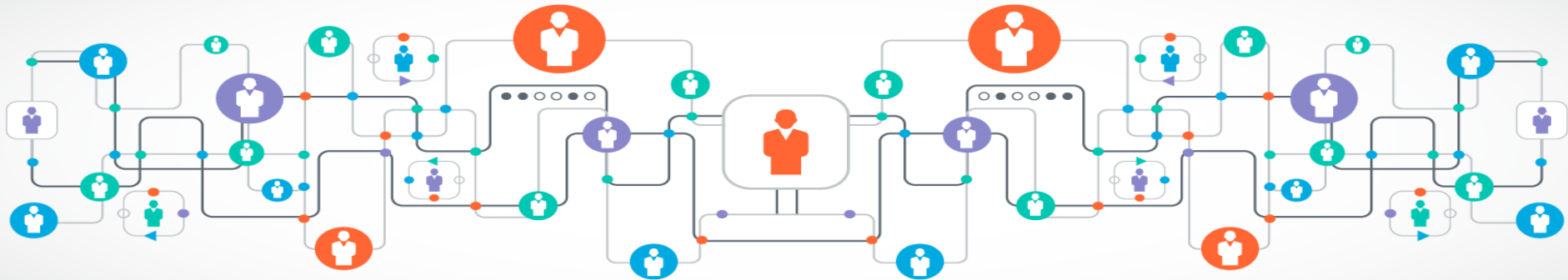
# Maintain Contact

- Convey respect and concern for the employee
- Get well cards
- Visits
- Phone calls



# Other tools and common forms

- <http://doas.ga.gov/risk-management/insurance-services/workers-compensation>
- [Risk Console \(Pamela.Terrell@doas.ga.gov\)](mailto:Pamela.Terrell@doas.ga.gov)
- <https://sbwc.georgia.gov/publications-and-forms>
- WC207
- Mileage reimbursement form
- WC Acronym cheat sheet (available by request)



# CONTACT INFORMATION

## **Kim Cramer**

Workers' Compensation Program Officer

Phone: 404-656-9484

Email: [Kim.Cramer@doas.ga.gov](mailto:Kim.Cramer@doas.ga.gov)





Risk Management Services

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404.656.6245



# Meeting Wrap-up

Al Howell

# Announcement

<http://doas.ga.gov/doas/online-payments>

Home > DOAS > Online Payments

# ePAS

EXPRESS PAYMENT ACCEPTANCE SYSTEM

## ONLINE PAYMENTS

Welcome to Express Payment Acceptance System (ePAS), the Department of Administrative Services (DOAS) new online paperless solution that offers a more convenient, flexible, and secure way to make payments for DOAS products and services.

To launch the new system, simply click on the Flexible Benefits link below and begin making payments. You also will find FAQs and training links to assist you in navigating through the payment process.

Click the following link for: [ePAS Quick Reference Guide.pdf](#)

## CONTACT

**Online Payments**  
Paulette Petty  
Accounting Director

Phone  
404-657-9410

Email  
[Accounts.Receivable@doas.ga.gov](mailto:Accounts.Receivable@doas.ga.gov)

[View All Division Contacts](#)



## AREAS OF FOCUS

[FLEXIBLE BENEFITS](#)

[TRAINING VIDEO](#)

[FAQS](#)

# 2020 HR Community Meeting Dates and Topics

- **Tuesday, May 19<sup>th</sup>**  
**Data Analytics, Robotics, and Automation in HR**
- **Tuesday, August 18<sup>th</sup>**  
**Campus Relations 2.0**
- **Tuesday, November 10<sup>th</sup>**  
**Agency Head Panel**

# Other Upcoming HR Meetings

- **Tuesday, March 10<sup>th</sup> – Employee Benefit Plan Council and State Personnel Board Meetings (via teleconference)**
- **Tuesday, March 17<sup>th</sup> – CSPA Membership Meeting**
- **Thursday, April 23<sup>rd</sup> – Talent Acquisition Forum (webinar)**
- **Wednesday, May 13<sup>th</sup> – CSPA Membership Meeting**
- **Tuesday, June 9<sup>th</sup> – Employee Benefit Plan Council and State Personnel Board Meetings**



Human Resources Administration

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404-463-7054

