



ADMINISTRATIVE PROCEDURE

INDIVIDUALIZED ASSESSMENT PROCESS – PERMANENT RESTRICTIONS

AP No. 4184

Effective Date: September 13, 2024

- I. PURPOSE:** This administrative procedure describes the process that the Department of Human Resources Operations and Staffing (HROS) within the Division of Human Resources will use to provide options for eligible employees with permanent restrictions who are unable to safely and effectively perform the essential functions of their position with or without accommodations.
- II. POLICY:** The Prince George’s County Board of Education (Board) believes that learning and working environments that are safe and supportive are vital for achieving a goal of outstanding academic achievement for all students. The Board is committed to all employees being highly qualified, highly skilled and effective. (Board Policy 0118)
- III. BACKGROUND:**
- A. The purpose of this administrative procedure is to define the individualized assessment process and to detail the implementation of the process, which is required under the Maryland Fair Employment Practices Act and the Code of Maryland Regulations (COMAR). COMAR 14.03.02.04(B)(3) requires action akin to the interactive process; that is, an individualized assessment by the employer of the employee's abilities to perform the essential functions of a job. Failure to conduct an individualized assessment constitutes an unlawful employment practice. The "individualized assessment" requires an employer to conduct an employee-specific evaluation, provide reasonable accommodations to an otherwise qualified employee, and assess the capabilities of the disabled/injured employee.
- B. This administrative procedure will provide guidance for all employees, hiring managers, and key staff about each office involved in the process and the responsibilities of each office, as well as the employee at every step in the process. It is designed to ensure every eligible employee within Prince George’s County Public Schools (PGCPS) is afforded a fair and equitable individualized assessment when it is

determined that the essential functions of their job cannot be performed due to a disability or an injury.

IV. **DEFINITIONS:**

- A. *Benefits meeting* – A one-on-one meeting with the eligible employee and the assigned Benefits Coordinator (or designee) to discuss employee benefits such as the cost of maintaining the employee benefits, including long-term disability, and the employee's option to utilize long-term disability, if eligible.
- B. *Eligible employee* – An *eligible employee* means all permanent, benefits-eligible employees (excluding temporary hourly workers and substitutes) who are referred to the Individualized Assessment Process due to a permanent restriction that prevents the employee from performing the essential functions of the currently assigned position.
- C. *Essential functions or essential job functions* – Those job duties that are so fundamental to the position that the individual cannot do the job without performing them. A function can be "essential" if, among other things, the position exists specifically to perform that function; there are a limited number of other employees who could perform the function; or the function is specialized and the individual is hired based on ability to perform. The essential functions of a position must be determined on a case-by-case basis so that it reflects the job as actually performed (See AP 4172)
- D. *Independent Medical Exam (IME)* - An independent medical or psychological evaluation to determine the current status of an employee's medical condition, and to assess if the condition is related to employment. The evaluation is performed by a physician who does not prescribe treatment plans for the patient. An IME is used to assess an employee's ability to perform the essential job functions after being referred to the Individualized Assessment Process.
- E. *Individualized Assessment Meeting* – A meeting with the eligible employee to discuss options related to the eligible employee's permanent restriction(s).
- F. *Involuntary termination* – A decision by PGCPs to recommend terminating the employment of an employee.
- G. *Long-term or ongoing restrictions* – Continuous restrictions that prevent an employee from performing the essential functions of their position at PGCPs, but have not been determined to be permanent. These restrictions may be based upon documents submitted by an employee's healthcare provider (including, but not limited to, a Sick Leave Bank Grant form, Extended Leave of Absence Request form, Attending Physician Statement, or any other type of medical documentation completed by a

physician) or an Independent Medical Examination, and may keep an employee out of work beyond the period of time covered through their leave options. An employee's restrictions may change from long-term or ongoing to permanent.

- H. *Meeting* – An in-person or virtual assembly of the eligible employee and designee(s) from the applicable office(s). If the meeting is virtual via an online platform, such as Google Meet or Zoom, it is requested that all attendees be visible on camera.
- I. *Payroll/Absence Management meeting* – A one-on-one meeting with the eligible employee and the Payroll Services Department designee to discuss the current status of the employee's leave, and leave options.
- J. *Permanent restrictions* – Restrictions based on an injury or illness that prevents an employee from performing the essential functions of their position at PGCPS. The *permanent restriction* may be based upon documents submitted by an employee's healthcare provider (including, but not limited to, a Sick Leave Bank Grant form, Extended Leave of Absence Request form, Attending Physician Statement or any other type of medical documentation completed by a physician) or an Independent Medical Examination.
- K. *Position Assessment Meeting* – A meeting with the eligible employee and designees from HROS to review an employee's resume and other qualifications or credentials, to review/discuss vacant positions that the employee may be eligible and qualified for, and to request any additional information to assist in the extension of an offer for potential vacant position(s) to the employee. If applicable, an offer is extended within the specified time period after the *Position Assessment Meeting*.
- L. *Retirement* – An employee's voluntary decision to withdraw from active employment of their position with PGCPS through the Maryland State Retirement and Pension System (MSRPS). The four types of retirement are normal service retirement, early service retirement, ordinary disability retirement, and accidental disability retirement.
- M. *Retirement meeting* – A meeting with the eligible employee and their designated PGCPS Retirement Coordinator to discuss any applicable and appropriate retirement option(s).
- N. *Types of leave*:
 - 1. Annual Leave
 - 2. Disability Leave
 - 3. FMLA

4. Personal Leave
 5. Sick Leave
 6. Sick Leave Bank
 7. Unpaid Leave
- O. *Voluntary resignation* – An employee’s voluntary decision to end employment with PGCPs using Oracle Self-Service or in writing to HROS.

V. **PROCEDURES:**

A. The Individualized Assessment Process

1. The Individualized Assessment Process is triggered when an employee and/or PGCPs learns of a long-term, ongoing, or permanent restriction, which precludes the employee from performing the essential functions of their respective position, with or without accommodation(s).
2. Step One
 - a. The eligible employee provides the appropriate medical documentation to the Office of Absence Management (for extended leave matters) or the Office of Risk Management (*for workers compensation matters*) to inform of a medical injury or disability that results in the employee’s long-term, ongoing, or permanent restriction(s) that prohibits the employee from performing the essential functions of their position. Upon review of the medical documentation, the receiving office will determine the restrictions noted by the physician are considered long-term, ongoing, or permanent.
 - b. If an eligible employee is unable to report to work due to a long-term, ongoing, or permanent restriction. the employee must notify their immediate supervisor (time approver) of the absence within three (3) business days per PGCPs Administrative Procedure 4132 and/or the relevant negotiated agreement. If this does not occur, the immediate supervisor should enter unpaid leave on the employee’s time card.

(1) Note: The employee is not required to provide medical documentation to the immediate supervisor concerning their diagnosis or prognosis; this documentation should be given to the leave granting office. However, the employee is required to provide the immediate supervisor with a disability/injury note that states how long they must be out of work.

- c. Employees have the right to request reasonable accommodations through Administrative Procedure 4172. The completed form(s) are submitted to and reviewed by the Equal Employment Opportunity (EEO) Administrator in Equity Assurance, part of the Office of General Counsel. Upon review of the employee's request and the supporting medical documentation, the EEO Administrator may determine that the employee is unable to be approved for reasonable accommodations in the current position due to long-term or permanent restrictions.
- d. Note: Employees are expected to physically report to their worksite locations, as directed, unless they are otherwise in an approved leave status. If an employee is unable to report to work while the case is under review, the employee is required to utilize their accrued/earned leave and follow the established PGCPs absence management leave guidelines unless notified in writing by one of the above offices that another leave option will be utilized. Eligible employees may wish to contact Absence Management to determine their leave options at absence.mgmt@pgcps.org or call 301-952-6200.

3. Step Two

Designees from the offices of Absence Management, Risk Management, or Equity Assurance will provide the employee with the relevant and available internal options. (See Frequently Asked Questions – Section V.D. below)

4. Step Three

- a. If the employee is not eligible to return to work and has exhausted options available through the leave granting office, the Office of Absence Management (for extended leave matters) or the Office of Risk Management (for workers compensation matters) shall refer the employee to HROS to initiate the Individualized Assessment Process.
 - (1) If an employee has accrued/earned sick leave available, the employee may elect to utilize the earned sick leave during the pendency of the Individualized Assessment Process following the established PGCPs absence management leave guidelines. If the employee has no accrued/earned leave, the employee will be charged unpaid leave in accordance with Administrative Procedure 4132. An employee's leave may be reviewed for reinstatement at the conclusion of the process.
 - (2) If the employee reaches maximum medical improvement, or is deemed to have a permanent restriction by either the employee's health care provider or an Independent Medical Examination, the employee will be referred to HROS for the Individualized Assessment Process.

5. Step Four

- a. An HROS designee will contact the employee to acknowledge receipt of the referral to the individualized assessment process and to present the options that are available within the process. The employee will be required to provide medical documentation from a licensed physician or other appropriate practitioner which describes the employee's inability to perform the essential functions of the employee's position, with or without accommodation(s), as a result of the injury or disability that resulted in the referral to this process.
 - (1) Note: Employees that submit requests for reasonable accommodations in accordance with Administrative Procedure 4172 will be issued a determination letter to detail the outcome of the request. If the request is denied and the employee is referred to the individualized assessment process, the employee will be granted an opportunity to submit additional documentation for reconsideration of the initial determination issued by the Equity Assurance Office within ten (10) business days of the date of the letter. If the employee does not request reconsideration, the IAP will begin on the eleventh business day; if the employee requests reconsideration, no action will be taken on the IAP referral until a new determination letter is issued. Upon receipt of the final determination letter, if the original decision is upheld and the employee is referred to the IAP, the employee will have an option to appeal the decision or move forward with the IAP.

6. Step Five

- a. If the employee is interested in placement consideration for current vacant positions within PGCPSS, an HROS designee will schedule a *Position Assessment Meeting*.
- b. During the position assessment meeting, the eligible employee's resumé and other qualifications or credentials, to include areas of certification, will be reviewed. Additionally, vacant positions that the employee may be eligible and qualified for will be reviewed and discussed with the employee.
- c. If there is a vacant position within PGCPSS at the time of the Position Assessment Meeting for which the eligible employee qualifies and that meets the needs of the employee's restriction, HROS may extend an offer within the specified timeline following the meeting. If the employee declines a valid placement or there are no vacant positions for which the employee qualifies, the HROS designee will refer the employee to continue the process with the next step being Benefits, Retirement, and/or Payroll meetings.

- d. Note: This procedure does not pertain to requests for telework accommodations. Such requests may be submitted to the Office of Equity Assurance through Administrative Procedure 4172 - Request for Reasonable Accommodation. If a request has already been submitted and reviewed, please refer to the issued determination letter for an approval or denial of the request.

7. Step Six

- a. If a valid placement is not identified or accepted by the employee in Step Five, HROS will send notification to the employee to contact the following offices: (1) Benefits; (2) Retirement; and (3) Payroll to schedule meetings within ten (10) business days of HROS's written notification. Meetings within the Benefits Office to discuss benefits and retirement options may occur jointly.
 - 1) During the Benefits meeting, the assigned Benefits Coordinator (or designee) will discuss:
 - a) The status of the employee's benefits;
 - b) The cost of maintaining the employee's benefits, including long-term disability, if the employee is in an unpaid leave status;
 - c) The employee's option to utilize the long-term disability benefit, if eligible. The Benefits Office designee will provide the required application and request supporting documentation to be completed and submitted to the Benefits Coordinator within ten (10) calendar days; and
 - d) The Benefits Office designee will provide the employee and HROS with official notice of the meeting, the options discussed, and a summary of the employee's decision(s).
 - 2) During the Retirement meeting, the PGCPS Retirement Coordinator/designee will:
 - a) Discuss the appropriate retirement option(s) with the employee;
 - b) Have the employee complete and submit all necessary documents to the Maryland State Retirement and Pension System (MSRPS) within sixty (60) calendar days of the meeting;

- c) Discuss the timeframe for an initial decision from MSRPS with the employee. If approved, the employee shall proceed with retirement. If denied, the employee will be referred to HROS to schedule the Individualized Assessment Meeting;
 - d) Provide notice of such retirement to HROS; and
 - e) Provide the employee and HROS with official notice of the meeting, the options discussed, and a summary of the employee's decision(s).
- 3) During the Payroll/Absence Management meeting, the Payroll Services designee will:
- a) Discuss the current status of the employee's leave;
 - b) Discuss the employee's option to utilize earned sick leave during the pendency of their initial decision from MSRPS. If the employee does not have earned sick leave, the employee will be charged unpaid leave in accordance with Administrative Procedure 4132;
 - c) Discuss the employee's potential leave payout if the employee decides to resign or is involuntarily terminated; and
 - d) Provide the employee and HROS with official notice of the meeting, the employee's status, the options discussed, and a summary of the employee's leave payout eligibility. The employee will have ten (10) business days to affirm their decision, supported with the appropriate paperwork.

B. The Individualized Assessment Meeting

1. If an employee's initial retirement request is denied by the Maryland State Retirement and Pension System (MSRPS), or upon the exhausting of the options available with the offices named above, a meeting will be scheduled with the employee regarding the employee's options in relation to their long-term, ongoing, or permanent restriction(s). HROS will forward, within 30 business days, written notice to the employee's PGCPs email and home address as noted in Oracle (via certified and U.S. mail) to appear on a date certain, for an Individualized Assessment Meeting.
2. Step One
 - a. The **Notice of the Meeting** will advise the employee regarding:

- 1) The purpose of the Individualized Assessment Meeting;
- 2) The right to have Union representation, if applicable;
- 3) The right to submit medical or other documentation at the Individualized Assessment Meeting;
- 4) The MSRPS denial of the employee's initial application;
- 5) The employee's option to resign;
- 6) Consequences for the employee's failure to appear and participate at the Individualized Assessment Meeting; and
- 7) HROS's option to recommend termination to the PGCPSS Superintendent based on the employee's failure to resign within the designated timeframe or to appear and participate at the Individualized Assessment Meeting.

3. Step Two

After an Individualized Assessment Meeting Notice has been issued, an employee is no longer eligible to apply for or receive a sick leave bank grant.

4. Step Three

The employee and their Union representative, if desired, shall meet with a committee of representatives from HROS, Payroll Services, Absence Management, and the referring office (Equity Assurance, Risk Management, or Absence Management). The committee will review each step of the process with the employee, to include the initial decision from MSRPS and the employee's options of either voluntary resignation or involuntary termination.

5. Step Four

- a. After the meeting, HROS will forward a letter to the employee's PGCPSS email and home address, as noted in Oracle, via certified and U.S. mail, summarizing the Individualized Assessment Meeting. The letter will contain:
 - 1) Information regarding Consolidated Omnibus Budget Reconciliation Act (**COBRA**);
 - 2) Status of any unused, earned leave;

- 3) The option to submit a resignation via Oracle based on the initial decision from MSRPS or a recommendation for termination from PGCPS' Superintendent to the Board of Education within 15 business days after the Individualized Assessment meeting; and
- 4) Appeal rights for certificated and non-certificated employees, if the Superintendent recommends termination.

D. Frequently Asked Questions

1. The questions below are intended to provide additional guidance for employees, immediate supervisors or the leave granting authority about the Individualized Assessment Process.

- a. *What should an employee do if they will be absent for three days or more from their position?*

The employee should submit their leave request via Oracle and notify their immediate supervisor. If the employee does not have leave or is unable to submit their leave request via Oracle, the employee should contact their immediate Supervisor regarding approving their leave.

- b. *What should an employee do if they receive an evaluation from a medical professional that they are unable to work due to a long-term or permanent restriction?*

The employee must notify the appropriate PGCPS office (Absence Management or Risk Management), that approved the current leave status within three (3) business days that they are unable to return to work. All medical documentation should be submitted to the appropriate PGCPS office. The employee is not required to share any medical information with their Supervisor but they are required to notify the supervisor of the absence.

- c. *Should an immediate Supervisor or the leave granting authority request medical documentation from an employee that states the employee is unable to work due to a long-term or permanent restriction?*

No, the immediate Supervisor should refer the employee to the appropriate office to submit medical documentation.

- d. *To which office should the immediate Supervisor/leave granting authority refer an employee that is unable to work due to a long-term or permanent restriction?*

- 1) For absences of ten (10) or more days, the employee should contact Absence Management at absence.mgmt@pgcps.org or schedule an appointment at 301-952-6200.
- 2) If the employee is seeking accommodations based on their restrictions, the employee should contact the Equity Assurance Office at 301-952-6156.

e. *What should an employee do if they are injured on the job?*

The employee should contact the Injured Employee Hotline at 1-855-364-9861—prior to seeking medical attention for all work related non-life threatening injuries. After following the reporting protocol in Administrative Procedure 4146.1 – Workers Compensation and Disability Leave, and receiving a worker’s compensation claim number, the employee must inform their immediate supervisor of the injury.

f. *What should an employee do if they are assaulted on the job?*

The employee must call the *Injured Employee Hotline* at 1-855-364-9861 within 24 hours of the incident, to report their work-related injury and file a Workers’ Compensation claim with the Maryland State Workers’ Compensation Commission.

VI. MONITORING AND COMPLIANCE:

The Chief Human Resources Officer (CHRO)/designee will conduct an annual review of this administrative procedure by randomly selecting at least three (3) employees that participated in the Individualized Assessment Process to ensure that the process is implemented in compliance with this administrative procedure.

VII. RELATED ADMINISTRATIVE PROCEDURES AND OTHER RESOURCES:

- Administrative Procedure 4132 – Timekeeping and Leave Reporting
- Administrative Procedure 4146.1 – Workers’ Compensation and Disability Leave
- Administrative Procedure 4154 – Assault Leave
- Administrative Procedure 4172 – Processing Requests for Reasonable Accommodation

**VIII. LEGAL REFERENCE: Md. Code Ann., St. Gov’t. §§ 20-601, et seq. (Maryland Fair Employment Practices Act (MFEPA))
COMAR 14.03.02.04(B)(3)**

IX. MAINTENANCE AND UPDATE OF THIS ADMINISTRATIVE PROCEDURE:

This Administrative Procedure 4184 originates with the Department of Human Resources Operations and Staffing within the Division of Human Resources, and will be reviewed and updated as necessary.

X. **CANCELLATIONS AND SUPERSEDURES:** This administrative procedure supersedes the February 1, 2017, version titled Elections Conference as well as the October 5, 2020, version titled Individualized Assessment Process - Permanent Restrictions.

XI. **EFFECTIVE DATE:** September 13, 2024.

Attachments: