

UNIFIED PERSONNEL BOARD POLICY #9 **Transfer to Inactive Status**

As a general rule, it is expected that all employees will perform the essential functions of their assigned positions and be present for duty on a timely and regular basis in order to continue their County employment. The Appointing Authorities require regular attendance by their employees in order to operate effectively.

Requests for accommodations as contemplated under the Americans With Disabilities Act (ADA) and other applicable laws will be considered by Appointing Authorities to assist an employee in the full performance of the essential functions of his or her position, or another position within the Appointing Authority. However, it is understood that on occasion no accommodation may be available or effective and some employees will be unable to perform the essential functions of their position and/or unable to be present for duty due to illness and/or injury.

In such situations, an employee may be eligible and qualified to take leave under the Family & Medical Leave Act (FMLA) and/or ADA. If not, or if approved leave under such laws is exhausted and the employee remains unable to return to performance of the essential functions of his or her position even with an accommodation, the Inactive Service is available as an alternative to termination as provided herein.

If, after exhaustion of any available authorized leave under the FMLA or ADA, an employee has provided documentation establishing continued inability to work in his or her position or in another available position in the Appointing Authority at the same or lower classification (available position) for which the employee is otherwise qualified and is deemed not to be a qualified person with a disability entitled to an accommodation under the law, or if there is no reasonable accommodation that can be granted to enable the employee to perform the essential functions of his or her position or another available position under the Appointing Authority, the Appointing Authority may offer the employee Inactive Status designation in conjunction with his or her termination for inability.

An employee who accepts the designation voluntarily waives his or her right to appeal the termination to the Unified Personnel Board.

An employee who rejects the designation and does not return to work within three working days of the deadline specified in the offer, shall be considered to have voluntarily resigned in accordance with Personnel Rule 4.

The Inactive Status designation shall give the individual a right of first refusal to an available position within his or her former classification with his or her former Appointing Authority for one year from the date of designation.

This right may be exercised by the individual within one year from the date of the designation by submitting a request accompanied by written documentation from his or her treating medical provider to the Appointing Authority requesting the placement.

Transfer to Inactive Service

The documentation must establish the individual's ability to return to the position/classification, with or without accommodation and, if with accommodation, provide details of the accommodation being requested. The Appointing Authority will engage in an interactive process to determine whether the requested accommodation or some other accommodation is available and may require additional documentation as necessary to determine the individual's ability to return. The individual is expected to cooperate in this process.

If no position is available at the time of the individual's request, the Appointing Authority shall let the individual know. The individual may submit subsequent requests, so long as they are within the one year time period.