

**TO: ALL COUNTY PERSONNEL**

**FROM: VERDENIA C. BAKER  
COUNTY ADMINISTRATOR**

**PREPARED BY: HUMAN RESOURCES**

**SUBJECT: EMPLOYEES UNABLE TO PERFORM ASSIGNED  
DUTIES DUE TO ILLNESS/INJURY/DISABILITY**

**PPM #: CW-P-054**

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**ISSUE DATE**  
**December 18, 2023**

**EFFECTIVE DATE**  
**December 18, 2023**

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**PURPOSE:**

To establish a uniform policy for dealing with employees who are unable to perform the essential duties of their current position due to either personal or work-related illness/injury/disability, or who cannot be reasonably accommodated.

**UPDATES:**

Future updates to this PPM are the responsibility of the Fair Employment Programs.

**AUTHORITY:**

- The Rehabilitation Act of 1973, as may be amended
- The Americans With Disabilities Act of 1990, as may be amended, and
- Workers' Compensation Law, FS 440, as may be amended

**POLICY:**

Permanent status employees may be granted a maximum of six (6) months leave of absence for medical reasons based on verification by the Occupational Health Clinic ("OHC"). This is to be calculated as 180 calendar days from the first date of absence. Union employees may be granted leave in accordance with the collective bargaining agreement. Probationary status employees may be granted a maximum of either 60 calendar days, or 120 calendar days leave of absence, dependent upon length of employment, for medical reasons based on verification by OHC.

If an employee cannot return to the essential duties of the employee's position with or without a reasonable accommodation, or cannot secure an alternative placement, a recommendation of

separation from employment shall be made.

**Note: Union members, including those members of the IAFF, and CWA should consult the bargaining unit for additional information on their rights and benefits while on medical leave.**

**PROCEDURES FOR PERMANENT-STATUS EMPLOYEES:**

**1. ILLNESSES/INJURIES/DISABILITIES RESULTING IN ABSENCE FROM WORK.**

Following an illness/injury/disability, whether personal or work-related, a permanent status employee has a maximum of 180 calendar days, beginning with the first date of absence, to return to the essential duties of the employee's position with or without a reasonable accommodation. The ability to perform the essential duties of a position is determined by the employee's healthcare provider and verified by the OHC.

a. Modified Duty

An employee may be returned to a modified-duty assignment by their healthcare provider, if such an assignment is available within the employee's current department. A modified-duty assignment is defined as duties other than those in the employee's current classification. Modified-duty assignments are temporary. An example of a modified-duty assignment would be a Traffic Construction Worker who is answering telephones and filing.

b. Light Duty

An employee's healthcare provider may also return them to work "light duty," performing some of the duties of the employee's current classification.

The total time absent, including modified and light-duty assignments must not exceed 180 calendar days.

For example, if an employee's last day worked is March 15th, the employee would be scheduled to return to work no later than September 11th. If the employee's healthcare provider releases the employee to modified-duty on September 2nd, the employee is still expected to return to full duty performing the essential functions of the position, with or without an accommodation, by September 11th.

c. Notice to employee – 90-day letter

After 90 days of absence, the Head of the Department shall issue a 90-day notice (see attached) informing the employee of their expected return-to-work or release of light duty/modified work restrictions date. That notice outlines the options available if the employee is unable to return to the essential duties of the position with or without a

reasonable accommodation. A mailed notice shall be sent certified mail to the address on file in the official personnel records, and shall constitute full and complete notice even if the mail is refused or ignored by the employee. It is the responsibility of the employee to notify the County of any change of address.

If a healthcare provider advises the County, and the OHC verifies that an employee will be unable to return to the essential duties of the employee's position by the end of the 180 days, the 90-day notice will refer the employee to the Fair Employment Programs ("FEP"). The 90-day notice also informs the employee of the date a recommendation for separation of employment shall be made, if the employee cannot be reasonably accommodated in their current classification.

d. Fair Employment Programs

Employees may consult with FEP, the department, and/or the OHC regarding the employee's limitations to determine what, if any, accommodations can be made in accordance with the guidelines of the Rehabilitation Act of 1973, as may be amended, and the Americans with Disabilities Act of 1990. FEP may also contact the County Attorney's Office for a legal opinion.

FEP will make a written recommendation to be signed by all parties based on all the circumstances presented. The Head of the Department and supervisors are expected to comply with the recommendations. Any objections to a recommendation for accommodation can be appealed through the FEP Manager.

e. Reoccurring absences

If an employee returns to work within the 180 calendar day period and subsequently has a recurrence of the same illness/injury/disability or one of a different nature within 45 days of returning to work, the 90-day notice previously issued will continue where it left off. For example, if an employee returns to work 30 days prior to the expiration date of the 90-day notice and again goes on a leave of absence two (2) weeks from the date of returning, the employee has 30 days from the last day worked to return to the essential duties of the employee's position.

If an employee returns to work for more than 45 days and subsequently has a recurrence of the same illness/injury/disability or one of a different nature within 12 months of returning to work, the 90-day notice will immediately be sent.

**Note: The total combined lost time from work for all illnesses/injuries/disabilities may not exceed nine (9) months in the most recent 12 month period.**

**2. OTHER ILLNESSES/INJURIES/DISABILITIES WITHOUT ABSENCE FROM WORK**

Permanent-status employees who have not been absent from work, but who become unable to perform the essential duties of their position due to an illness/injury/disability as determined by a healthcare provider and verified by the OHC Clinic, will be issued a 90-day notice beginning with the date the OHC verifies the employee's inability to perform the essential functions of the job .

For example, if a healthcare provider determines and the OHC verifies on June 5<sup>th</sup> that an employee is unable to perform the essential duties of the current position, a 90-day notice will be issued by the department on June 5<sup>th</sup> with the aforementioned referrals and a recommendation for separation of employment on September 5<sup>th</sup>.

**PROCEDURES FOR PROBATIONARY EMPLOYEES:**

Probationary employees are defined as newly hired employees within the first 12 months of employment. An employee on probation due to performance, promotion, demotion, lateral transfer, re-employment, or for any reason other than new hire probation will be covered under the procedures for permanent-status employees. Probationary employees who have an on-the-job injury which is covered by the County will be covered under the procedures for permanent-status employees.

A probationary employee who has worked more than 30 days, but less than 6 months will be permitted 60 days of leave of absence for medical reasons based upon verification by the OHC. The Head of the Department shall issue a 30-day notice (see Attachment C) following an absence of at least 30 days and/or light/modified duty assignment of at least 30 days.

Probationary employees with more than 6 months and up to 12 months of employment will be permitted 120 days of leave of absence for medical reasons based upon verification by the OHC. The Head of the Department shall issue a 60-day notice following an absence of at least 60 days and/or light/modified duty assignment of at least 60 days.

Probationary periods will be automatically extended to at least the expiration date of the 30 or 60-day notice where the expiration date of the notice extends beyond the probationary period.



**VERDENIA C. BAKER  
COUNTY ADMINISTRATOR**

**Supersession History**

1. PPM# CW-P-054, effective 3/1/93
2. PPM# CW-P-054, effective 7/15/94
3. PPM#CW-P-054, effective 6/1/23

**ATTACHMENT A**

**Use for Probationary employees with more than 30 days and up to 6 months of County service who have been absent or on light/modified duty for at least 60 calendar days.**

(Date)

(Name)

(Address)

Dear ( ):

Pursuant to Palm Beach County PPM CW-P-054, this letter is to inform you that you must return to work full duty, find alternative placement, or obtain an accommodation under the ADA no later than (Date).

You have either:

\_\_\_\_ Been absent from your regular duties as a (Position Title) since (Date); or

\_\_\_\_ Been in a light/modified duty assignment since (Date).

As a probationary employee between 30 days and six (6) months of employment, you are allowed a total of 60 calendar days absence from your essential job duties. At this time you are encouraged to review with County staff and your healthcare provider viable opportunities which will allow you to return to work with or without reasonable accommodation.

To initiate this interactive process, you should contact your immediate supervisor. If you need further assistance, you may contact the following representatives from Fair Employment Programs:

Mitchell Vinokur, Equal Employment Compliance Specialist, at 616-6858.

Sandra Warner, Equal Employment Compliance Specialist, at 616-6926.

Ana Guerrero, Human Resources Technician, at 616-6897.

Vanessa Steelman, Manager – Fair Employment Programs, at 616-6860.

It is recommended that you make all contacts referenced above to enhance your possibilities to continue employment with Palm Beach County. The maximum allotted time under CW-P-054 will expire on (Date), however, should your healthcare provider release you to return to work with or without reasonable accommodations prior to that date, you are expected to return when released by your healthcare provider. Should you not be able to return to the essential duties of your position; be accommodated in your current classification; or find alternate placement by (Date) or your release date, whichever is earlier, termination may be recommended by (Date).

Sincerely,

(Head of the Department)

c: Wendy Summers, Occupational Health Clinic

**ATTACHMENT B**

**Use for Probationary employees with more than 6 months and up to 12 months of County service who have been absent or on light/modified duty for at least 120 calendar days**

(Date)

(Name)

(Address)

Dear ( ):

Pursuant to Palm Beach County PPM CW-P-054 this letter is to inform you that you must return to work full duty, find alternative placement, or obtain an accommodation under the ADA no later than (Date).

You have either:

\_\_\_\_\_ Been absent from your regular duties as a (Position Title) since (Date); or

\_\_\_\_\_ Been in a light/modified duty assignment since (Date).

Per CW-P-054, as a probationary employee between six (6) months and twelve (12) months of employment, you are allowed a total of 120 calendar days absence from your essential job duties. At this time, you are encouraged to review with County staff and your healthcare provider viable opportunities which will allow you to return to work with or without reasonable accommodation.

To initiate this interactive process, you should contact your immediate supervisor. If you need further assistance, you may contact the following representatives from Fair Employment Programs:

Mitchell Vinokur, Equal Employment Compliance Specialist, at 616-6858.

Sandra Warner, Equal Employment Compliance Specialist, at 616-6926.

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Sincerely,

(Head of the Department)

c: Wendy Summers, Occupational Health Clinic

**ATTACHMENT C**

**Use for permanent status employees who have been absent or on light/modified duty assignment for at least 90 calendar days**

(Date)

(Name)

(Address)

Dear ( ):

Pursuant to Palm Beach County PPM CW-P-054 this letter is to inform you that you must return to work full duty, find alternative placement, or obtain an accommodation under the ADA no later than (Date).

You have either:

\_\_\_\_ Been absent from your regular duties as a (Position Title) since (Date); or

\_\_\_\_ Been in a light/modified duty assignment since (Date).

As a permanent-status employee, you are allowed under CW-P-054 a total of 180 calendar days leave of absence or inability to perform your essential job duties. At this time, you are encouraged to review with County staff and your healthcare provider viable opportunities, which will allow you to return to work with or without reasonable accommodation.

To initiate this interactive process, you should contact your immediate supervisor. If you need further assistance, you may contact the following representatives from Fair Employment Programs:

Mitchell Vinokur, Equal Employment Compliance Specialist, at 616-6858.

Sandra Warner, Equal Employment Compliance Specialist, at 616-6926.

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It is suggested that you make all contacts referenced above to enhance your possibilities to continue employment with Palm Beach County. The maximum allotted time under CW-P-054 will expire on (Date), however, should your healthcare provider release you to return to work with or without reasonable accommodations prior to that date, you are expected to return when released by your healthcare provider. Should you not be able to return to the essential duties of your position; be accommodated in your current classification, or find alternate placement by (Date) or your release date, whichever is earlier, termination may be recommended by (Date).

Sincerely,

(Head of the Department)

c: Wendy Summers, Occupational Health Clinic