

COUNTY OF LOS ANGELES CIVIL SERVICE RULE 16 APPLICATION FOR DISABILITY AND REASONABLE ACCOMMODATION PROCESS



Most Common Triggers
(Validated by DHR RTW)

- AP determines EE misrepresented the cause for granting the leave.
- AP determines conditions/reasons justifying the leave no longer exist, and is supported by objective medical evidence from EE's PTP, WCAB, STD/LTD TPA, OHP, and/or LACERA.
- AP determines such leave is longer than 12 months, and EE is not approved for STD/LTD benefits.
- EE is out on approved LTL of Absence for disability as a RA and refuses to furnish satisfactory Med-Cert. to justify the continued need for leave.

CSR 16.01
LEAVES OF ABSENCE WITH PAY
(May Be Granted)

AP Determines

- Conditions/reasons justifying the leave no longer exist; or
- The cause for granting the leave was misrepresented (**County Code 6.20.120**); or
- Such leave is not in the best interest of the County in delivery of Public Service; and
- DHR RTW and County Counsel have been consulted:**

CSR 16.02
LEAVES OF ABSENCE WITHOUT PAY
(May Be Granted)

AP Determines

- Conditions/reasons justifying the leave no longer exist; or
- The cause for granting the leave was misrepresented (**County Code 6.20.120**); or
- Such leave is longer than 12 months (Requires approval by DOP), and
- DHR RTW and County Counsel have been consulted:**

CSR 16.03
MILITARY LEAVE OF ABSENCE WITH OR WITHOUT PAY
(Shall Be Granted)

NOTE
AP Determines

Upon expiration of the Military Leave of Absence, and EE fails to comply with the reinstatement right requirements as prescribed by the applicable provisions of the:

- County Codes
- California Military and Veterans Codes
- Federal USERRA, and

After consulting with DHR RTW and County Counsel, EE may be subjected to CSR 16.04 Action.

Upon return to work from CSR 16.03 Leave, if it is determined that EE is unable to perform the EJJ of the position held or the duties of other positions satisfactorily because EE is partially or fully incapacitated (**CSR 9.08**); and EE is in a **LACERA** contributory plan, immediately engage in **IPM** and consult with DHR RTW to explore **CERL benefits** pursuant to section **31720.4(a)** and **31721 of CGC**. If EE is in LACERA Plan E, consult with DHR to explore Medical Release per **CSR 9.08(c)** as appropriate.

Dept. **must** engage EE in an IPM to establish agreement and/or understanding as appropriate before executing **CSR 16.04 action**

CSR 16.04
EXPIRATION OR TERMINATION OF LEAVES OF ABSENCE

EE is notified of leave termination as a RA and provided with CSR 9.08 RTW opportunities.

EE's failure to report to duty as required may be considered: **ABSENCE WITHOUT LEAVE (Cause for CSR 16 action with appeal rights)**

Dept. **must** initiate IPM with EE to explore RTW with or without RA using WHTAA or CAA as appropriate and document. Consult with DHR RTW as needed.

Department should continue to explore the provisions of CSR 9.08, CSR 15, County Code 2.06.070, PPG 621 RTW opportunities and other available RTW options under CERL. At any time during the process, Dept. **must** initiate IPM as appropriate and document.

Upon medical re-evaluation or if other competent medical or legal evidence indicates EE is unable to RTW and perform in any-occupation satisfactorily due to a partial or full medical incapacity of a continuing nature: Dept. **must** immediately engage EE in IPM and consult with DHR RTW to explore medical release (CSR 9.08C) or apply for disability retirement on EE's behalf as appropriate pursuant to CGC section 31721.

CSR 16.05
REVIEWS AND APPEALS
(All **Rule 16 Actions** are subject to CSR 16.05 appeal rights via DOP)

DOP upholds Department's decision.

EE leave continues as a RA and/or EE RTW with or without RA (RTW **must** initiate IPM as appropriate and document).

Department refers EE to PM for appropriate plan of action pursuant to the applicable CSR.

KEY ACRONYMS

AP	Appointing Power
CERL	County Employees Retirement Law of 1937
CGC	California Government Code
CSR	Civil Service Rule
Dept.	Department
DOP	Director of Personnel
EE	Employee
EJJ	Essential Job Functions
IPM	Interactive Process Meeting
LACERA	Los Angeles County Employees Retirement Association
LTD	Long-Term Disability
LTL	Long-Term Leave
Med-Cert.	Medical Certification
OHP	Occupational Health Program
PM	Performance Management
PTP	Primary Treating Physician
RA	Reasonable Accommodation
RMB	Risk Management Branch
RTW	Return to Work
STD	Short Term Disability
TPA	Third Party Administrator
USERRA	Uniformed Services Employment and Reemployment Rights Act of 1994
WCAB	Workers' Compensation Appeals Board