



STATE OF HAWAII
DEPARTMENT OF HUMAN RESOURCES
DEVELOPMENT
POLICIES AND PROCEDURES

POLICY NO. 300.005 ESD/Recruitment	NO. of PAGES 4
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TITLE: PLACEMENT OF DISABLED CIVIL SERVICE EMPLOYEES WITH ENVIRONMENTAL RESTRICTIONS OR NON-WORK RELATED INJURIES OR ILLNESSES	APPROVED: Kathleen N. A. Watanabe, Director
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I. POLICY

A civil service employee who is unable to return to his/her usual and customary occupation because of an environmental restriction or a non-work related injury or illness may be placed in another suitable position.

II. RATIONALE

The State of Hawai'i, as an employer, is committed to retaining employees who become disabled due to environmental restrictions or a non-related work related injury or illness. Returning an injured employee to work as soon as possible greatly enhances the employee's recovery.

III. DEFINITIONS

"Civil service employee" means an employee who has met all requirements for membership in the civil service under §§76-1 and 76-27, HRS.

"Environmental restriction" means a restriction stated by a physician that precludes the employee from returning to his/her original worksite. Such restriction, which is non-physical in nature includes, but is not limited to, the inability to work in a particular department or facility with co-workers, supervisors, and other factors.

"Physician" means a doctor of medicine, a dentist, a chiropractor, an osteopath, a naturopath, a psychologist, an optometrist, or a podiatrist, as defined by §386-1, HRS.

IV. SCOPE

These procedures shall apply to civil service employees in the executive branch who are disabled by a work-related injury or illness with an environmental restriction or by a non-work related injury or illness, provided that for civil service employees serving an appointment with a not-to-exceed ("NTE") date, these procedures shall apply only up to their NTE date.

The placement of employees disabled by a work-related injury with restrictions that are not of an environmental nature shall be done in accordance with the *Return to Work Priority Program* procedures, Policy and Procedure No. 902.001.

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V. GENERAL PROVISIONS

- A. The State may require that the employee be evaluated to determine his/her qualifications for the present position, to assess the employee's current physical and psychological/emotional capacities, or to be evaluated to determine his/her qualifications for placement in a suitable position.
- B. To be eligible for placement, an employee must be able to safely perform the duties of the position without undue interruption or hardship to the work program or its operations.
- C. The appointing authority shall be responsible for placement of the employee in a suitable position.
- D. The appointing authority may, consistent with the examination reports and the needs of the department:
 - 1. Modify the employee's duties to retain the employee in the present position; or
 - 2. Modify the duties of a vacant position in order to place the employee in such position.
- E. In order to assess the disabled employee's ability to perform the duties of a position, the employee may be placed in the position or be detailed to perform the duties of the position on a temporary basis.
- F. The following placement conditions shall apply:
 - 1. The employee is a member of civil service;
 - 2. The placement action shall not result in either a promotion or a higher base salary;
 - 3. The employee meets the minimum qualification requirements of the class and position;
 - 4. The employment conditions desired by the employee and of the position are similar; and
 - 5. A current medical statement demonstrates that the employee is able to perform the duties and responsibilities of the position.

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- G. A disabled employee may waive his/her placement rights and elect to resign or retire from State service.

VI. PROCEDURE

A. JOB SEARCH PROVISIONS

1. The appointing authority shall attempt to place the employee who is disabled by a work-related injury or illness with an environmental restriction in a suitable civil service position within the department. If the job search or placement effort is unsuccessful, HRD shall conduct a one-time search for a suitable civil service position within the executive branch.
2. A disabled employee with a non-work related injury or illness is entitled to one job search for a suitable civil service position that shall be confined to the employee's department.
3. A disabled employee serving an appointment with a NTE date may be placed into a temporary civil service position, the duration of which shall not exceed the employee's NTE date.
4. A disabled employee may also initiate his/her own request to be considered for placement in a suitable position.
5. If there are two or more disabled employees eligible for a position, all such employees shall be considered for placement into the position.
6. An appointing authority may not reject the referral or deny the appointment of a disabled employee without good cause as determined by the director.
7. A disabled employee who is placed in a suitable position will not serve a new probation period.
8. A disabled employee with a work-related illness or injury who is placed in a position as a result of a departmental job search shall be eligible for a placement search at the jurisdiction level when the employee is deemed incapable of performing the duties of the new position due to the work-related injury or illness.

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B. TERMINATION PROVISIONS

A disabled employee may be discharged for any of the following reasons:

1. The departmental and jurisdictional job searches failed to identify a suitable civil service position for the disabled employee with an environmental restriction;
2. The departmental search failed to identify a suitable civil service position for the disabled employee with a non-work related injury or illness;
3. The disabled employee refused placement in a suitable position; or
4. The disabled employee is unable to satisfactorily perform the duties and responsibilities of the new suitable position.

VII. AUTHORITIES AND REFERENCES

§ 386-142, Hawai'i Revised Statutes, *Employment rights of injured employees*

§ 14-1-3 (3) (K), Hawai'i Administrative Rules, *General responsibilities of director*

Administrative Directive Number 94-02, *On Returning Injured and Disabled Employees to Work*, dated April 21, 1994