

Work Connections and ADA Process Overview

November 2021



WORK CONNECTIONS
UNIVERSITY OF MICHIGAN

Purpose

Work Connections helps employees and supervisors when an employee experiences an injury or illness and works with other programs within the University to provide disability management services to ensure that employees and supervisors have convenient and centralized access to a variety of resources and support.

- Services are provided in connection with employees' own health conditions.
- Assistance and support for issues unrelated to employees' own health conditions are not within the scope of Work Connections.

Purpose

- Work Connections History
- Provide an overview of Disability Management
- ADA Overview
- Explain instructional accommodation review process



History (Pre-Work Connections)

- Management of disability was left primarily to supervisors, resulting in inconsistency
- Lack of confidentiality
- Delayed access to medical treatment
- Confusion about processes (FMLA, ADA, Leaves of Absence)
- Delays in LTD benefits
- Decentralized culture of UM – Multiple points of contact
- No Return to Work Program
- Lack of reliable metrics



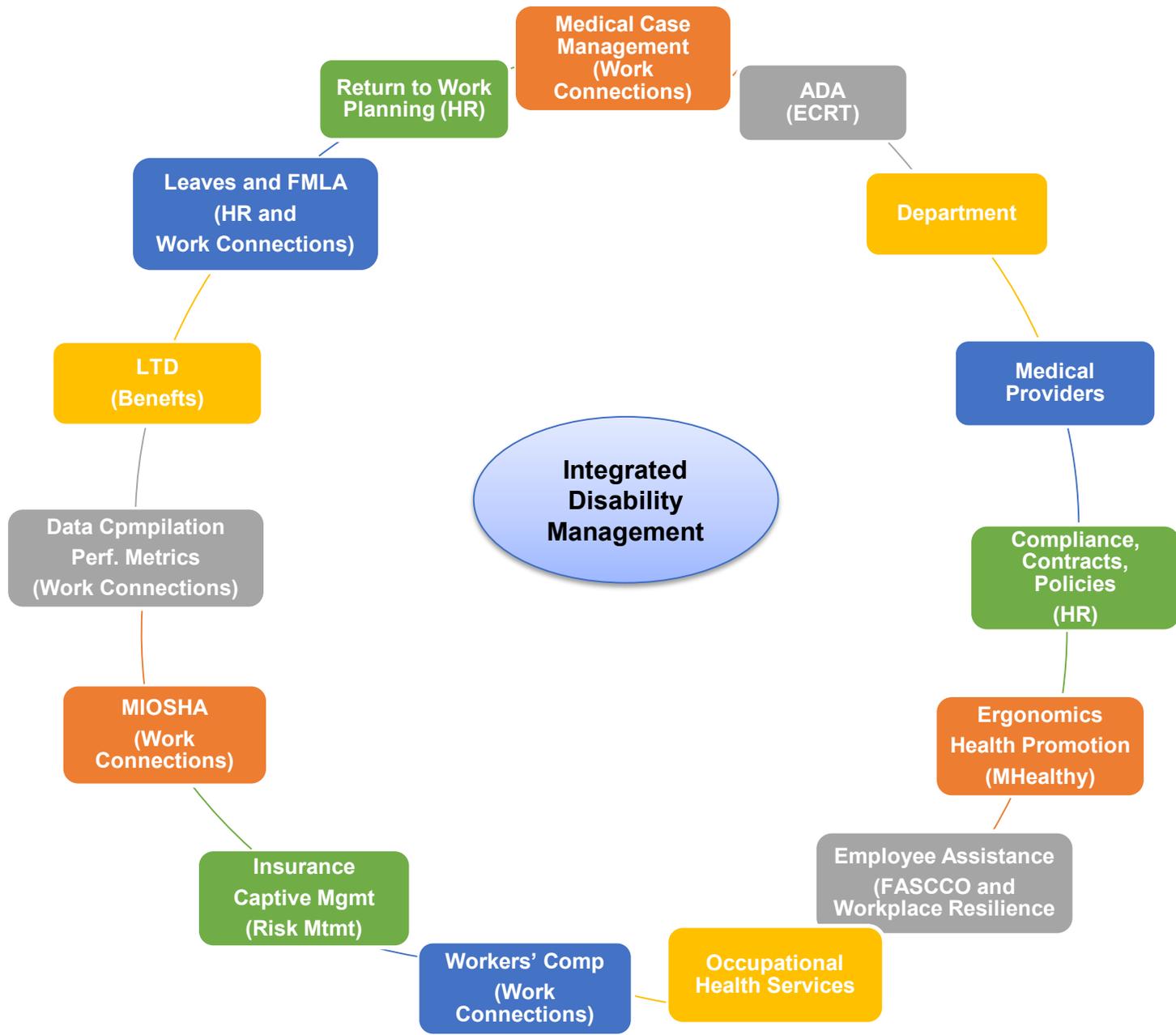
History (Work Connections Creation)

- Collaboration between Risk Management and Benefits
- Created in 1998 by a cross functional work team including SACUA representatives
- Build on experience with disability management
- Established Work Connections objectives and scope of services

Work Connections Objectives

- Maintain confidentiality of health issues/concerns
- Medical review and early intervention to support recovery
- Coordinate services, resources, benefits and collaboration among stakeholders
- Provide a supportive and caring environment
- Minimize impact of disability on employees' personal and professional lives
- Simplification - Provide a single point of contact to identify and facilitate receipt of University benefits
- Identify and facilitate referrals for LTD benefits
- Administer Workers' Compensation program
- Worksite/job analysis - Implement interventions
- Benchmarks, Metrics (e.g. Disability frequency, types, durations, outcomes)





Work Connections Services

- Services provided to employees with 10+ days of disability
- Holistic approach to disability management
- Provide coverage analysis & benefit assessment
- Collaboration among stakeholders
- Worksite/job analysis
- Medical review
- Development of individual RTW programs
- Implement interventions
- Team devoted to instructors in recognition of unique needs
- Staffing Expertise:
 - 4 Nurse Case Managers
 - 13 Certified Case Managers
 - 3 Physician Advisers
 - (Occupational Health, OB/GYN and Psychiatry)

How does Work Connections help?

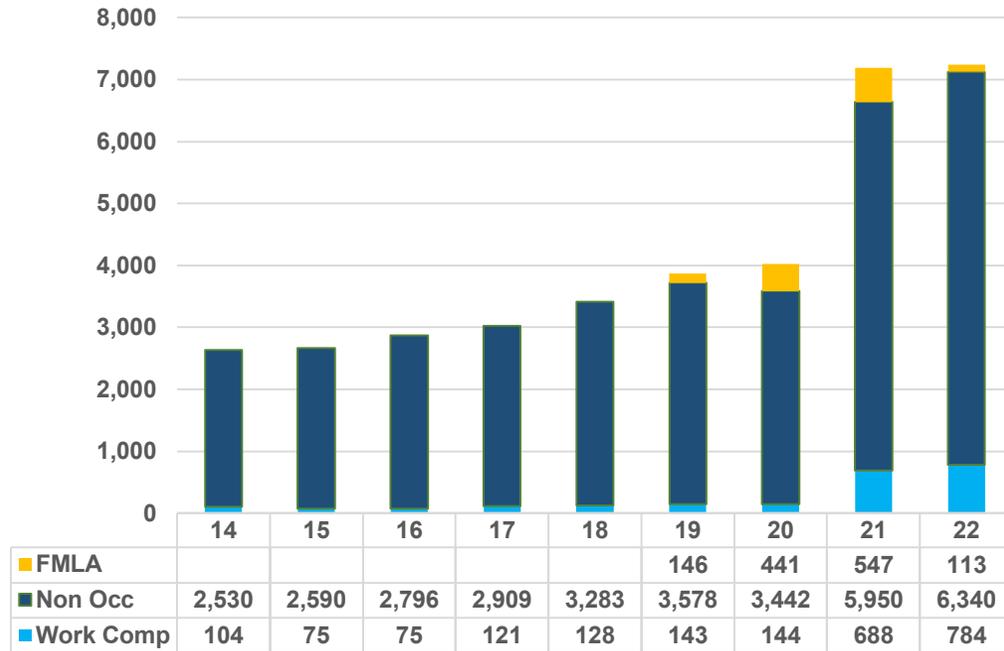
- Clarify or explain treatment and/or plan to employees
- Address concerns regarding medical care and identify options with medical providers
- Coordinates communication and assistance to employee, family, supervisor
- Direct communication with treating physician
- Review medical documentation for completeness and reasonableness
- Assist with obtaining medical information/documentation
- Provide regular updates to departments
- Provide resources (e.g., Functional Capacity Evaluations/Occupational Therapy)
- Second opinions
- Refer for accommodated return to work options – Return With Accommodations Committee



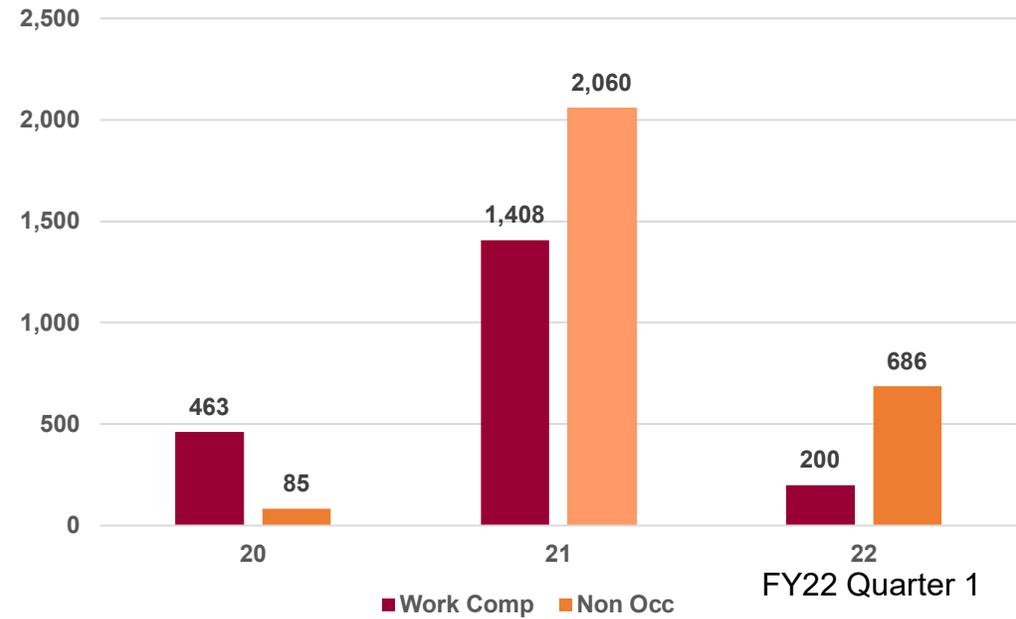
Work Connections Cases

Excludes 28 Instructional Accommodation Requests

Disability Cases by Fiscal Year



COVID Cases by Fiscal Year



FY22 Quarter 1

ADA Overview

The Americans with Disabilities Act (ADA) is a civil rights law that provides certain protections to qualified individuals with disabilities, including: (1) a prohibition against discrimination, (2) a prohibition against harassment, and (3) a duty to provide reasonable accommodations.

Under the ADA, an individual is considered to have a “disability” if they:

- (1) have a physical or mental impairment that substantially limits one or more major life activities;
- (2) has a history or record of such an impairment; or
- (3) is regarded as having such an impairment.

ADA Accommodations Overview

The ADA requires the University to, in part, provide reasonable accommodations to qualified individuals with disabilities in order to ensure equitable access to the University's programs, services, benefits, etc.

The individualized, collaborative effort where an employee and employer work together to determine what, if any, reasonable accommodations to provide is called the "interactive process."

For an employee to be eligible for reasonable accommodations:

- The employee must be "qualified" in that they must have the skills, education, and experience for the job as well as the capability to perform the "essential functions" of the job with or without a reasonable accommodation.
- The employee must disclose enough information to alert their employer that they require a disability-related accommodation.
- The accommodations provided must be reasonable.

Accommodation Considerations

Whether an accommodation is “reasonable” must be determined on a case-by-case basis with due consideration to the individual circumstances of the employee, job, and unit.

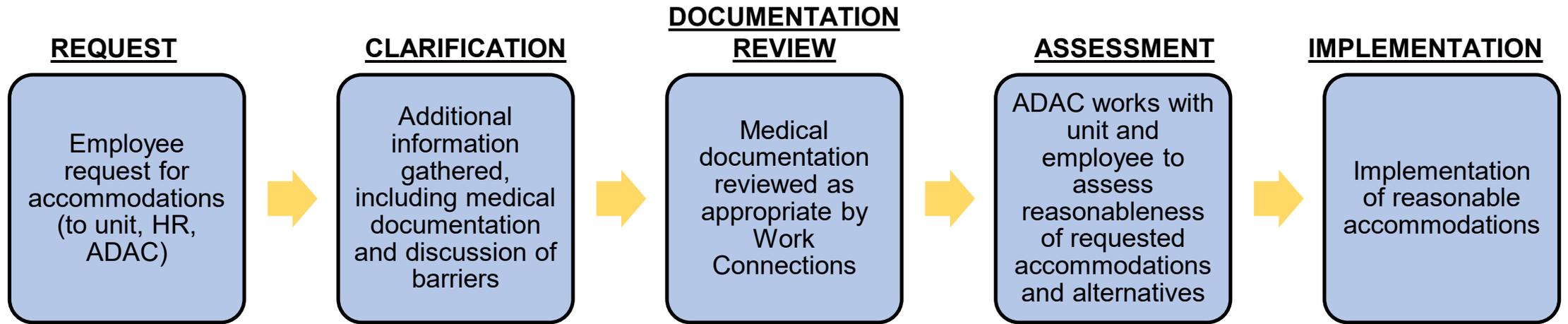
An accommodation is typically not considered reasonable if:

- The accommodation would require that the “essential functions” of the job be modified, transferred, or waived.
 - Conversely, it might be considered a reasonable accommodation to modify, transfer, or waive “marginal functions” of a job.
- The accommodation would pose a direct threat to the health or safety of the employee or others.
- The accommodation would impose an undue hardship, based on consideration of all relevant details such as the impact the accommodation has on the unit, the nature of the accommodation, etc.

Accommodation Decision-Making and Implementation

- In assessing which accommodations will be provided, it is important to understand what about the job, how tasks are performed, the environment, or other circumstances create a barrier for the employee based on their disability.
- The accommodation options then need to be tailored to address the barrier, the nature of the person's disability, and the impact on the person within the context of the essential functions of their job.
- Although an employee may have a preference with regard to a particular accommodation, an alternative may be provided so long as it is effective.
- Should the job, the employee's disability, or other factors change, the interactive process can be revisited to explore alternate or additional accommodations.
- An employee may decline accommodations that are offered.

Interactive Process Overview



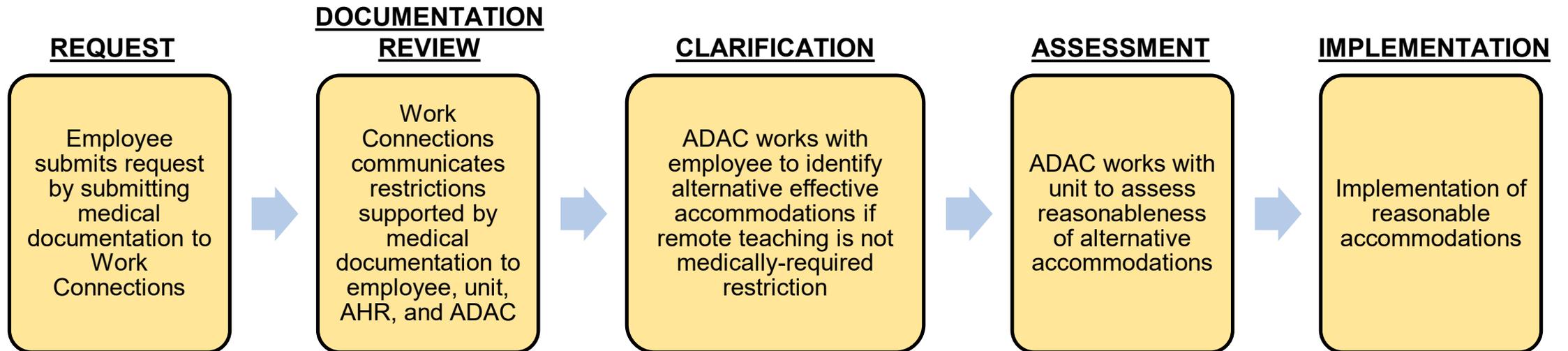
Requests for Instructional Accommodation

Specific to Employee's Own Health Condition
Related to COVID Risk



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Instructional Accommodation Process Overview



Review Process Objectives

The instructional accommodations process was intended to provide an additional path for accommodating instructors whose *own health condition* places them at greater risk for severe COVID.

The process is in addition to:

- Work Connections services for disability management.
- The current process for requesting accommodations under the ADA.

Review Process Development

- Recognized need to address accommodation requests specific to COVID.
- Work Connections developed a team to address specific faculty needs recognizing that their work is different than staff work overall.
- Assists instructional faculty and the academic units with assessment of medical documentation that the faculty member provides to support their request to teach in remote or hybrid modality due to their own disability or health condition related to COVID-19.
- Requests for teaching modality accommodations that are not specific to own health conditions or are unrelated to COVID follow the standard accommodation request process with the ADA Coordinator at institutional.equity@umich.edu.



Roles and Responsibilities

Instructor

- Submit an online request, including:
- The specific physical restrictions requested
- Medical documentation from health care provider must be attached.
 - Encouraged to provide copies of medical records for the past 6-12 months. In most cases, this information can be obtained quickly by accessing the provider's healthcare portal.
 - Alternatively, provide a report from the medical provider including diagnosis, treatment rendered, objective findings, ongoing treatment plan, the specific physical restrictions recommended and an explanation as to the medical necessity for restrictions.

Work Connections

- Assists instructors and academic units with assessment of medical documentation that is provided by the instructor to support the instructor's request to teach in remote or hybrid modality due to their own health condition related to COVID-19.
- Based on medical documentation, informs about the medical necessity for specific restrictions.



Roles and Responsibilities

Academic Human Resources

- Provides guidance and support.
- Receives and reviews recommended restrictions.
- Consults with ADA Coordinator and academic unit/department regarding reasonable accommodation options.
- Ensures consistency and compliance with U-M policies.
- Facilitates communication with all parties.

ADA Coordinator

- Works with instructor and their department to explore what appropriate accommodations or other measures could be considered and implemented.

Academic Units and Departments

- Determination or decision about the appropriateness of accommodations or other measures.



Medical Review Standards

- Based on guidelines established by the CDC and Michigan Medicine.
- Reviewed by medical professionals (Work Connections nurses and consulting physicians).
- Indicators of the potential need for restrictions include (but are not limited to):
 - Persons who are *severely* immunocompromised, including:
 - Persons with primary or acquired immunodeficiency
 - Persons on anti-rejection therapy following solid organ transplant or bone marrow transplant
 - Persons on biologic therapeutic agents such as tumor necrosis factor inhibitors
 - Persons with malignancy and ongoing or recent chemotherapy
 - Persons receiving systemic immunosuppressive therapy, including corticosteroids
 - Persons with severe chronic illnesses
 - Persons 65 years of age or older
 - Inability to be vaccinated

References:

Centers for Disease Control: <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/index.html>

Michigan Medicine: [file:///C:/Users/kmrychli/Downloads/c-19_employee_info%20\(1\)%20\(1\).pdf](file:///C:/Users/kmrychli/Downloads/c-19_employee_info%20(1)%20(1).pdf)



Medical Review Process

- Instructors submit a request including:
 - The specific physical restrictions requested
 - Medical documentation from a health care provider
- Instructor may provide an Authorization to Release Medical Information to allow Work Connections to contact physicians to obtain clarification, if needed, and expedite the review process.
- If insufficient information is provided, Work Connections is unable to make a determination as to the medical necessity of restrictions requested.
- Work Connections informs instructor, the academic unit/department, AHR and the ADA Coordinator:
 - Medical documentation does not support the need for restrictions, or
 - Provides *restricted work recommendations* to instructor, department, ADA Coordinator and AHR

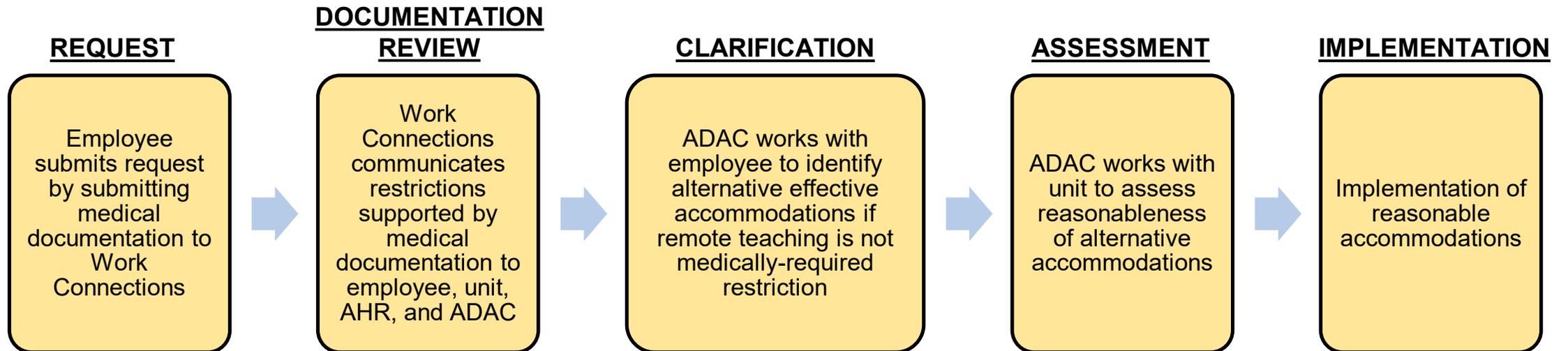


Accommodation Review Process

- Managed by the ADA Coordinator.
 - Work Connections informs HR, unit and ADA Coordinator if the medical documentation confirms health condition that restricts employee's ability to obtain a vaccine and puts the employee at greater risk in an instructional setting and physician support for some type of an accommodation.
 - Units are encouraged to seek guidance and support from ADA Coordinator (ECRT), AHR and/or OGC to assess obligations under the ADA
- ADA Coordinator and unit receives restriction recommendations from Work Connections.
- ADA Coordinator engages the instructor in the interactive process to explore accommodation options.
- ADA Coordinator explores reasonable options with academic unit/department.
 - Online teaching (or other remote employment)
 - Physical distancing or barriers in a teaching/working environment?
 - Staggered work schedules or work hours, including alternating remote and in-person work
 - Redeployment to another unit or into alternative in-person work that decreases risk of exposure.
- Department determines accommodations.



Instructional Accommodation Process Overview



Instructional Accommodation Requests Metrics

Status of Request	Total
Medically supported inability to work in person due to risk of severe COVID based on own health condition	4
Not supported by medical documentation <ul style="list-style-type: none"> • Cited issues with stress and anxiety in connection with on-site work as the basis for consideration of the request. • Did not include complete medical documentation supporting request. <ul style="list-style-type: none"> • Could be reassessed if more medical documentation is provided and this has been communicated to each individual. • 15 of these faculty were referred back to the ADA Coordinator and the unit. <ul style="list-style-type: none"> • Work Connections determined restrictions were medically supported. • 10 of these 15 were granted remote teaching or an equally effective accommodation. • The department determined the restrictions for 5 of these 15 did not require accommodation – normal duties met restriction requirements. 	20
No medical documentation provided	2
Unrelated to COVID	1
Withdrawn	1