



## **OJI Permanent Restrictions**

### **Q1. If I am medically unable to return to work what are my options?**

After an employee's physician-determined recovery period for an injury, exposure or illness, employees who have been determined to be medically unable to perform the full scope of their job duties and unable to return to full duty, must consider and exercise one or more of the following options within **thirty (30)** days of being advised by the treating physician that return to full duty will be impossible:

1. Apply for **job reassignment** under the Americans with Disabilities Act Amendments Act (ADAAA).
2. Apply for Long Term Disability Income Plan Benefits and/or Social Security Disability Benefits, if eligible. The employee must meet the requirements of the benefits as set forth in the Plan document
3. Apply for a Line-of-Duty Disability Retirement, subject to the rules and regulations of the City of Memphis Retirement System. The employee must meet the requirements of the benefits sought as set forth in the plan document. Employees may apply for this benefit by contacting the Human Resources Division's Benefits Department

### **Q2. I have OJI permanent restrictions. What should I do next?**

Contact the leave department to initiate discussions about possible ADAAA accommodations. The employee may select/apply for Job Reassignment, Ordinary Disability or Line of Duty Disability.

### **ADAAA The Americans with Disabilities Act Amendments Act**

#### **Q3. What is the ADAAA?**

**The Americans with Disabilities Act (ADA)** became law in 1990. The ADA is a civil rights law that prohibits discrimination against individuals with disabilities in all areas of public life, including jobs, schools, transportation, and all public and private places that are open to the general public. The purpose of the law is to make sure that people with disabilities have the same rights and opportunities as everyone else. The ADA gives civil rights protections to individuals with disabilities similar to those provided to individuals on the basis of race, color, sex, national origin, age, and religion. It guarantees equal opportunity for individuals with disabilities in public accommodations, employment, transportation, state and local government services, and telecommunications. The ADA is divided into five titles (or sections) that relate to different areas of public life.

In 2008, the Americans with Disabilities Act Amendments Act (ADAAA) was signed into law and became effective on January 1, 2009. The ADAAA made a number of significant changes to the definition of "disability." The changes in the definition of disability in the ADAAA apply to all titles of the ADA, including Title I (employment practices of private employers with 15 or more employees, state and local governments, employment agencies, labor unions, agents of the employer and joint management labor committees); Title II (programs and activities of state and local government entities); and Title III (private entities that are considered places of public accommodation).



**Q4. Who is eligible for ADAAA?**

A fulltime or part-time employee or applicant who is disabled as defined by the ADAAA, is qualified for the position and can perform the essential functions of the position with or without a reasonable accommodation.

**Q5. What is a disability?**

The ADAAA defines a person with a disability as a person who has a physical or mental impairment that substantially limits one or more major life activity. This includes people who have a record of such an impairment, even if they do not currently have a disability. It also includes individuals who do not have a disability but are regarded as having a disability. The ADAAA also makes it unlawful to discriminate against a person based on that person's association with a person with a disability.

**Q6. What is a reasonable accommodation?**

A reasonable accommodation is one that enables the employee to complete the essential functions of the job and does not cause an undue hardship to the business. A reasonable accommodation request may be made in the application for employment process, interview process or on the job. A reasonable accommodation process could also be job-protected leave (even beyond the end of FMLA leave); however, there is no need to provide leave should the employee's health care provider be unwilling to provide an estimated return date, as this does not indicate that the accommodation's purpose is to assist the employee to return to the essential functions of the job.

**Q7. What is an ADAAA job reassignment**

A type of reasonable accommodation that is provided to an employee who, because of a disability, can no longer perform the essential functions of their current position, with or without reasonable accommodation, or when both the employer and the employee voluntarily agree that reassignment is preferable to remaining in the current position with reasonable accommodation

**Q8. What is the interactive process?**

A reasonable accommodation is determined by an interactive process between the employer, the employee, and the employee's health care provider. Employees will be asked to provide their health care provider with an accommodation form and their job description. The health care provider can then assist with describing what limitations the employee may have and how the employer could support them in performing the essential functions of the job.

**Q9. How do you request an ADAAA accommodation?**

Call the Leave of Absence Office at 901-636-6578 or [leavecoordinator@memphistn.gov](mailto:leavecoordinator@memphistn.gov). Or visit the Total Rewards website: <https://totalrewards.memphistn.gov/fmla-adaaa/> for additional information



### **LOD Line of Duty**

#### **Q10. What is the process if I want to apply for Line of Duty (LOD)?**

You will call 901-636-6800 to inquire about Line of Duty application.

The Retirement Team will counsel you on the Line of Duty Disability Retirement

#### **Q11. What happens once I submit my Line of Duty application to the Retirement Office?**

Once you completed your application with your attached documents and has been received by the Retirement Office it will be sent to Sedgwick.

Documents needed:

- ✓ Line of Duty Disability Application package
- ✓ Physician statement stating he/she is totally and permanently disable from performing job duties and what the disability is
- ✓ Birth Certificate, Driver License, US Passport or Record of Military Service
- ✓ Preprinted Voided Check

Sedgwick will assign a Case Manager to your case to setup your Individual Medical Examination (IME) with two physicians.

#### **Q12. What happens once I complete the Individual Medical Examination's (IME)?**

- ✓ Upon the receipt of reports from the evaluating physician, the Case Manager will submit a copy of the applicant's packet to the Retirement Manager for review.
- ✓ The Retirement Manager will decide if the applicant disability application will go before the Pension Board for approval.
- ✓ If the Retirement Manager approves the applicant's disability application, the application will go before the Pension Board to be voted on for approval.

#### **Q13. What is the next step once the Pension Board approves/denies my Line-of-Duty Disability application?**

- ✓ If the Line-of-Duty application is approved by the Pension Board, the Total Rewards Retirement Office will send your division a retirement approval letter.
- ✓ Total Rewards Retirement Office will send you a Line-of-Duty Disability approval letter and estimate of your
- ✓ Your Line-of-Duty Retirement application will be submitted to Pension Payroll for a final calculations and setup on pension payroll.



**Q14. How long will it take before I receive my first (1<sup>st</sup>) pension check?**

- ✓ You will receive your first (1<sup>st</sup>) pension check after you receive your final pay (vacation, sick, etc).
- ✓ Once your active employee status changes to a retired employee, your payday will be semi-monthly (15<sup>th</sup> and 30<sup>th</sup> or 31<sup>st</sup>).
- ✓ Your first (1<sup>st</sup>) pension check will be retro back to the date of your retirement.

**Q15. What if the Pension Board or Retirement Manger deny my Line-of-Duty Disability Application?**

- ✓ You may request a copy of your Line-of-Duty Retirement Application material, including records from the reviewing physicians.
- ✓ You have 14 days from the date of your Line-of-Duty Application to provide materials that are made available to you to notify Total Reward Retirement Office if any of the information contained is incorrect or incomplete.
- ✓ Any corrective notice provided by you will be reviewed and determined if further consideration of the application by the reviewing physicians is necessary.
- ✓ You have 30 calendar days from the date of the denial letter to appeal the denial or you will lose your right to appeal the decision.

**Q16. More questions?**

Call the Retirement Office at 901-636-6800 or [retirementquestions@memphistn.gov](mailto:retirementquestions@memphistn.gov)

**FMLA Family Medical Leave Act**

**Q17. When should I report an FMLA absence?**

Contact The Standard if you are or will be absent from work due to any of the following reasons:

- Your own serious health condition (including pregnancy)
- To care for your newborn child
- The placement of your adopted or foster child
- To provide care for a qualifying family member with a serious health condition
- To care for a covered service member injured in the line of duty
- For qualifying military exigency, allowing family members to take leave to prepare for or deal with issues that arise as a result of a family member being called to serve in the military
- For leave due to your own military service
- For a work-related injury or illness that prevents you from working

For all other absences, please follow the normal City of Memphis absence reporting procedures and notify your department head or manager.

**Q18. Who is responsible for notifying The City of Memphis of my FMLA absence?** It is your responsibility to follow the normal City of Memphis absence reporting procedures and to notify your manager of your absence.



**Q19. How do I notify The Standard about an FMLA absence/disability?**

- Call the Absence Management Service Center at 833-878-9034; or
- Login at [www.standard.com/absence](http://www.standard.com/absence)
- *Note:* First-time users will need to create an account. A step-by-step guide on how to do this is available on [www.standard.com/absence](http://www.standard.com/absence) under the section of “Need Help” You are required to notify The Standard of any initial absences within 14 days of missing work\
- For ongoing intermittent absence, you are required to notify The Standard within 7 days of missing work

**Q20. What are the Absence Management Service Center’s operation hours?**

The Absence Management Service Center is available Monday through Friday between 8:00 a.m. and 8:00 p.m. Eastern Time at 1-833-878-9034.

**Q21. When I call to report my absence, what questions will I be asked?**

In addition to answering other questions about your absence, you will be asked to provide the following information.

- Employer Name: **City of Memphis**
- Group Policy Number: **640754**
- Social Security Number
- Last day you were at work
- Reason leave is requested
- Physician’s contact information  
(name, address, phone and fax number)

**Q22. As a City of Memphis leader how can I request training for myself or team regarding the OJI process?**

Please contact the City of Memphis OJI office: [OJIQuestions@memphistn.gov](mailto:OJIQuestions@memphistn.gov) or 901-636-6459

**Q23. Will I receive any notification after I initiate an FMLA leave?**

After initiating a request for time off, The Standard will send you a letter confirming receipt of your leave request. If you called to request a leave, you will receive a Certification of Health Care Provider form. These forms should be returned to The Standard by the due date indicated in your letter.

**Q24. Where do I send the completed forms?**

If you are required to submit paperwork, please send the completed forms to:  
Standard Insurance Company  
Employee Benefits Division  
PO Box 3877  
Portland OR 97208  
Or you may fax completed forms to 866.751.5174.



**Q25. How long does it normally take for an FMLA?**

It will take approximately one week to make a claim decision once your completed claim application is received. If we have not made a decision within one week, you will be notified as to why.

**Q26. What are intermittent FMLA and reduced leave schedule?**

FMLA may be taken intermittently or on a reduced leave schedule under certain circumstances. **Intermittent leave** is FMLA leave taken in separate blocks of time due to a single qualifying reason. A **reduced leave schedule** decreases an employee's usual number of working hours per workweek or per workday. A reduced leave schedule is a change in the employee's schedule for a period of time, normally from full-time to part-time.

**Q27. How do I report an FMLA intermittent absence?**

Don't forget to notify your manager and follow your employer's normal absence reporting process.

**Q28. How am I paid during FMLA Leave?**

FMLA time is unpaid protected leave. You may use your available sick time to supplement your pay during your leave. If you are out of sick time and have previously enrolled into the Short Term Disability plan offered by The City you may be eligible for a percentage of your pay through a Short Term Disability claim. When you file your FMLA leave with The Standard they will automatically review your eligibility for Short Term Disability benefits.

Please note that if you have enough sick time banked to supplement your pay for the entire length of your leave then The Standard will deny your Short Term Disability claim. If you subsequently run out of time you can simply call The Standard and advise them that you are still out on leave and they can re-review your eligibility for Short Term Disability Benefits.

**Q29. What Happens if I Cannot Return to Work after my FMLA has Exhausted?**

When FMLA Benefits are exhausted you may require an accommodation under the Americans With Disabilities Act (ADAAA) in order to continue to be provided with job protected leave or a worksite accommodation. The Standard is the City's administrator for ADAAA services. When you near exhaustion of the 12 weeks of FMLA leave provided under the law, The Standard will reach out to you and inquire if you require ADAAA assistance to return to work or for additional leave time.

**Q30. More questions?**

Call The Leave of Absence Office at 901-636-6578 or [leavecoordinator@memphistn.gov](mailto:leavecoordinator@memphistn.gov)