

MEDICAL RIF GUIDELINES FOR HR ADMINISTRATORS

These guidelines have been created in order to promote statewide uniformity and consistency in the administration of the Medical Reduction in Force (RIF) process. The Labor Relations Division reviews all other RIF situations to ensure compliance with pertinent provisions of the labor contracts, and other State and/or federal requirements (such as ADA, etc.). The need for that review is as great, if not greater in Medical RIF cases; consequently, they must also review Medical RIF situations as well.

Agencies and departments who are contemplating a Medical RIF for an employee must first contact the Labor Relations Division of the Department of Human Resources to discuss the details of the situation. The final authority to authorize a Medical RIF rests with the DHR Commissioner.

The Labor Relations Division must authorize all Medical RIF letters, prior to being sent to an employee, and can provide assistance in drafting these letters. Minimally, there are two letters that must be provided to the employee:

1. Options Letter – This letter is issued when the department is contemplating the employee's separation for medical reasons, and serves as a "Loudermill" letter. The letter outlines several options that the employee may consider. An employee may receive more than one of these letters over time, depending upon the response and the particular circumstances involved. This is not a matter that can be addressed with a "one size fits all" form letter – Labor Relations and/or DHR Legal must review to make sure that the letter fits the particular circumstance presented. Options that are customarily included in the letter are:
 - a. Reasonable Accommodation
 - b. Use up current leave balances
 - c. Leave of absence
 - d. Medical RIF
 - e. Retirement

2. Final Decision Letter – This letter is issued when it has been finally determined that the employee will be subject to the Medical RIF and notifies him/her of the effective date of separation, and of any residual reemployment rights he or she may have. This letter is normally sent at least thirty (30) calendar days prior to the contemplated effective date of separation.

The DHR Recruitment Services Division will become involved once an employee has actually received a Final Decision Letter with an effective date for the Medical RIF. The Final Decision Letter should include the direct phone number to a Recruitment Specialist or the 1-800-640-1657 phone number for the Recruitment Services Division. The Recruitment Specialist must be copied on the letter.

The Recruitment Services staff will not have access to any individual's medical information. Mandatory offers of employment will be based upon the parameters set by the individual, provided it is determined that the individual meets the minimum qualifications of a particular position. It is the responsibility of the hiring manager to explain the essential functions of the position to the individual, and inquire as to

whether the individual can perform the essential functions of the job, with or without a reasonable accommodation. If the mandatory offer of employment is declined, the hiring manager should immediately notify the DHR Recruiter. If the mandatory offer of employment is accepted, but requires a reasonable accommodation, the normal ADA accommodation process would apply. Once an offer of employment is accepted, the DHR Recruiter should also be notified and the employee will be placed in a 90-day working test period.

If the hiring department has questions related to the position or the RIF placement, the DHR Recruiter should be contacted.

If the hiring manager has questions regarding the Reasonable Accommodation process, fitness for duty issues, or other concerns related to a medical RIF rehire situation, he or she should contact the department's HR Administrator or the Chairperson of the State's Reasonable Accommodation Committee (John Berard) in the Labor Relations Division.

Please note that no actions for medical RIF will be approved for entry in HCM unless an agency or department has adhered to these guidelines. Substantial delay may result in the event DHR determines that revised letters must be provided to the employee.