

WORKPLACE DISABILITY ACCOMMODATIONS: Documenting the Interactive Process, Essential Job Functions, and Disciplinary Issues

Presented By Jane Kow, Founder of HR Law Consultants &
Roberta Etcheverry, CEO of Diversified Management Group (DMG)



9:30 a.m. – 4:30 p.m. on Thursday, October 3, 2013

Alameda County Training and Conference Center | 125 Twelfth Street – 4th Floor | Oakland, CA

OVERVIEW

Learn a step-by-step approach to documenting the interactive process when providing workplace accommodations and medical leaves for employees with disabilities. Understand how an effectively crafted job description with clearly defined job qualifications, work demands and essential functions, is critical to the entire process. Review how to document employee requests for accommodations, when an offer of accommodations is made, when employee requests are unreasonable or result in undue hardship, and also when performance, misconduct and absenteeism issues warrant disciplinary action. Two workplace disability experts will provide easy to follow guidelines on: 1) preparing clear, accurate and effective job descriptions; 2) documenting the 6 steps of the interactive process to determine reasonable accommodations; and 3) disciplinary memos when addressing employee attendance, performance and misconduct issues that will help minimize the risk of a disability discrimination lawsuit.

WHO SHOULD ATTEND: Human resources, employee/labor relations, disability and leave of absence managers, and job developers

SCHEDULE

9:30 a.m. – 10:00 a.m. Registration, Coffee, and Networking
10:00 a.m. – 12:00 noon Part I – *Preparing Effective Job Descriptions: Focusing on Job Qualifications and Essential Job Functions*
12:00 noon – 1:15 p.m. Lunch (on your own)
1:15 p.m. – 4:30 p.m. Part II – *Documenting Requests for Accommodations: The Interactive Process and Disciplinary Issues*

4 EASY WAYS TO REGISTER

- 1) Mail in registration to:
HR Law Consultants
750 Van Ness Avenue - Suite 1204
San Francisco, CA 94102
- 2) Fax registration to: (415) 441-0366
- 3) Email registration to: info@HRLawConsultants.com
- 4) Online registration at: <http://www.dmgworks.com/>

REGISTRATION & FEE

Early bird discount rate – register by September 13, 2013: \$300
Registration received September 13, 2013 and later: \$350

10% DISCOUNT

- For registration of 2 or more participants from one company.
- For attendees of past training programs presented by Jane Kow of HR Law Consultants or Roberta Etcheverry of Diversified Management Group (DMG).

HRCI GENERAL CREDIT FOR HR PROFESSIONALS

Approved by the HR Certification Institute for 5.25 hours of HRCI general credit.

*The use of this seal is not an endorsement by the HR Certification Institute of the quality of the program. It means that this program has met the HR Certification Institute's criteria to be pre-approved for recertification credit.

CANCELLATION POLICY

- Full refund if written cancellation request is received *by 5:00 p.m. on Friday, September 13, 2013.*
- An alternate may attend in place of the original registrant, but must register in order to receive HRCI credit.

CONTACT US

Registrations, directions and parking:
Jennifer Perez Torre | HR Law Consultants
750 Van Ness Avenue, Suite 1204, San Francisco, CA 94102
Phone: (415) 567-0367 | Fax: (415) 441-0366
Email: Jennifer@HRLawConsultants.com

Program information:

Jane Kow, Esq. | HR Law Consultants | Phone: (415) 567-0367
Email: JaneKow@HRLawConsultants.com or
Roberta Etcheverry | DMG | Phone: (800) 746-4364 ext. 6105
Email: RE@dmgworks.com

REGISTER

Complete a separate form for each attendee and return along with registration fee. Confirmation will be sent upon receipt of payment. Bring copy of completed form as proof of registration.

Name _____

Title _____

Company _____

Address _____

City, State & Zip _____

Phone _____

Fax _____

Email _____

Check # _____ enclosed (payable to Jane Kow & Associates.
Tax ID# 76-0721515)

To pay by credit card, please provide an email address where a PayPal invoice can be sent: _____

10:00 a.m. – 12:00 noon **PREPARING EFFECTIVE JOB DESCRIPTIONS - QUALIFICATIONS AND ESSENTIAL JOB FUNCTIONS**

Roberta Etcheverry draws from over 20 years of experience as a workplace consultant to provide a step-by-step approach to developing accurate and detailed job descriptions that can be used to:

- Effectively recruit, hire and evaluate employees to determine whether they meet the qualifications for the position.
- Determine essential job functions as part of the reasonable accommodations process for employees with disabilities and medical conditions.
- Determine whether an employee should be classified as exempt or non-exempt from overtime and other pay obligations.

This “hands on” interactive training will introduce participants to the tools and resources available to help you craft well-written, accurate and effective job descriptions. This program also provides guidance for human resources professionals and managers on how to succinctly describe employees’ essential job functions, which will help determine whether an employee with a disability can be provided with reasonable accommodations.

Course Objectives:

- Identify “essential functions” as defined under federal and state disability laws.
- Identify qualifications that are job-related and consistent with business objectives and operational needs.
- Use neutral and appropriate wording of job qualifications and essential functions to minimize the risk of discrimination claims.
- Use available resources and tools for compiling job functions, job demands and job qualifications.



Roberta Etcheverry, a renowned workplace consultant, trainer and expert on how to prepare effective job descriptions is the CEO of Diversified Management Group (DMG), a statewide network of consultants who train and assist employers on workplace ergonomics, job descriptions, essential job functions, and job accommodations for employees with injuries and disabilities. Ms. Etcheverry has over 20 years experience providing employers with detailed job descriptions that include an analysis of essential job functions and job qualifications for both wage and hour audits and disability accommodations. She trains employers on how to use federal and state guidelines to determine essential job functions, and has been a trainer at the EEOC Annual Conference. She provides guidance to employers on how to craft job descriptions to be used in phases of employment, including hiring, performance management, job accommodations, and classification of exempt and non-exempt employees. She has analyzed job positions for Kaiser Permanente, Whole Foods Market, Ghirardelli Chocolates, American Airlines, Pacific Gas & Electric, and numerous other public and private organizations.

Ms. Etcheverry attended West Point and Stanford University and is certified as a Professional in Disability Management (CPDM). She was a key contributor to the State of California Return to Work Guide (2010) in collaboration with the Commission on Health, Safety and Workers’ Compensation and served as a moderator for a panel presentation on Return-to-Work at the International Forum on Disability Management in September 2010. Ms. Etcheverry is an active member of the California Consortium Promoting Stay-at-Work/Return-to-Work (www.CASAWRTW.org), Northern California Human Resources Association (NCHRA), Society for Human Resource Managers (SHRM), Public Agency Risk Management Association (PARMA), and California Public Employer Labor Relations Association (CALPELRA).

12:00 p.m. – 1:15 p.m. LUNCH (ON YOUR OWN)

1:15 p.m. - 4:30 p.m. **DOCUMENTING DISABILITY ACCOMMODATIONS: THE “INTERACTIVE PROCESS” AND DISCIPLINARY ISSUES**

Workplace disability claims are the most prevalent type filed under any federal or state anti-discrimination laws, and have increased by 75% in California in the past decade alone. Presented by a seasoned workplace disability law expert and nationally sought after speaker, this interactive program will present a step-by-step guide on what to *document* when an employee with a disability or medical condition requests an accommodation. This program will show you how to document the following critical situations:

- The 6 steps of the “interactive process” to determine appropriate and reasonable accommodations
- When requesting necessary medical information related to the employee’s work restrictions (without violating medical privacy rights under the Americans with Disabilities Act, the Genetic Information Non-Discrimination Act (GINA) and CA state laws)
- When the employee can no longer meet perform essential job functions due to their disability or medical condition
- When the requested accommodation would result in an undue hardship
- Disciplinary issues that may stem from the employee’s disability, including attendance, performance, and misconduct issues (e.g., chronic absenteeism, use of medicinal marijuana and threats of violence)
- If all possible accommodations fail to enable an employee to perform essential job functions and the employee must be terminated



Jane Kow, founder of HR Law Consultants, leading California disability law expert is an employment lawyer who specializes in providing employers with advice, consulting and training on all aspects of employee relations. She has advised and represented employers of all sizes and across industries in all phases of employment disputes and litigation. Ms. Kow provides legal advice and customized training for clients on sexual harassment prevention, managing employee medical leaves and disability accommodations requests, and compliance with wage and hour laws. Jane Kow received her B.S. at Cornell University in 1984 and her J.D. at New York University School of Law in 1993. Notably, she was an early contributor to the California Practice Guide on Employment Litigation, published by the Rutter Group and widely used by judges and lawyers throughout California. Jane Kow has

taught "Employment Law" at the University of California at Berkeley Extension Program in Human Resources and "Legal Issues of Supervision" at San Jose State University. She is a frequent speaker at seminars and conferences sponsored by various human resources, disability, government, small business, non-profit, professional, and bar associations, including: Disability Management Employers Coalition (DMEC), Equal Employment Opportunity Commission (EEOC), HR Star Conference, Judicial Council of California, Northern HR West Conference, Silicon Valley Women in Human Resources, Lawyers Club of San Francisco, Bar Association of San Francisco, State Bar of California, and the American Bar Association.