

EXECUTIVE ORDER



DISTRICT OF COLUMBIA

Subject:
Member Rights and Responsibilities Concerning Disability Retirement and Americans with Disabilities Act Accommodations
Number
EO-18-009
Effective Date
July 26, 2018
Related To:
GO-PER-100.11 (Medical Services) GO-PER-201.09 (Equal Employment Opportunity) GO-PER-100.14 (Compliance with Title I of the Americans with Disabilities Act)
Rescinds:
EO-17-020 (Members Rights and Responsibilities Concerning Disability Retirement and Americans with Disabilities Act Accommodations, Effective Date June 30, 2017)

I. PURPOSE

The purpose of this executive order is to remind members of their rights and obligations concerning the “Americans with Disabilities Act” (“ADA”), as amended, and the “Omnibus Public Safety Amendment Reform Act of 2004” as it pertains to a member’s temporary and permanent disability.

II. BACKGROUND

In September 2004, the Council of the District of Columbia enacted the “Omnibus Public Safety Amendment Reform Act of 2004”, D.C. Official Code § 5-632 *et seq.* Title VI of the Omnibus Act governs the Department’s implementation sworn members’ disability compensation program responsibilities, including setting parameters for a member’s case to be presented to the D.C. Police and Firefighters Retirement and Relief Board (PFFRB) for disability retirement and allowing the Chief of the Metropolitan Police Department (MPD), under certain circumstances, to extend the amount of time a member can be in a non-full-duty status.

III. REGULATIONS

The Director of the Medical Services Division shall process for retirement, pursuant to the “Omnibus Public Safety Amendment Reform Act of 2004”, those MPD sworn members who spend all or part of 172 cumulative work days in a less-than-full-duty status over any two-year period as a result of any one performance-of-duty (POD) or non-performance-of-duty (Non-POD) injury or illness, including any complications relating to that injury or illness.

IV. PROCEDURES

A. Notification to Members Via the "86-Day Letter".

1. Members, who are in a less-than-full-duty status for approximately 86 days, shall be served an "86 Day Letter" by an official of the Medical Services Division, as designated by the Director of the Medical Services Division, if deemed appropriate.

NOTE: The 86th day signifies the half-way point to the 172 days indicated in the "Omnibus Public Safety Amendment Reform Act of 2004".

2. The official of the Medical Services Division serving the letter shall ensure the letter enumerates some of the rights and responsibilities of members facing the potential of referral for disability to the PFFRB.
 - a. When presented with the letter, members shall sign and return the "86-Day Letter" to the Medical Services Division official as confirmation of notification.
 - b. The Medical Services official shall provide the member with a copy of his or her signed letter.
3. **Irrespective of being served the "86 Day Letter", members are reminded that at ANY point they are in need of a reasonable accommodation, they may contact the ADA Coordinator.**

B. Members Rights under the Americans with Disabilities Act (ADA)

1. Members shall be afforded the opportunity to make a request to the ADA Coordinator for a reasonable accommodation in the workplace regarding their disability.
2. The ADA Coordinator, in accordance with GO-PER-201.09 (Equal Employment Opportunity), shall make a determination as to whether an accommodation is feasible, and if so take the appropriate action to offer that accommodation to the member.

C. Members who spend 172 cumulative workdays in a less than full duty status over any 24-month period as a result of any one POD or non-POD injury or illness, including complications related to the injury or illness, except as provided in GO-PER-100.11 (Medical Services), shall be referred to the PFFRB for disability retirement at the end of the following process:

1. After service of the "86-Day Letter", or prior to the member being in a less than full duty medical status for 120 days, members who are unable to return to full duty shall:

- a. Be scheduled by the Medical Services Division for an Initial Disability Evaluation (IDE).
- b. Be scheduled by Medical Services Division for a Labor Market Survey (LMS).
- c. Expect their case to be referred to the PFFRB within 30-45 days of completion of the IDE and LMS.

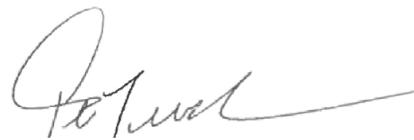
V. POINTS OF CONTACT

- A. Members with questions concerning the procedures of the Medical Services Division may contact:

Director
Medical Services Division
202-854-7731
msd.adminbox@dc.gov

- B. Members with questions concerning the ADA rights and provisions may contact:

ADA Coordinator
Professional Development Bureau
Human Resource Management Division (HRMD)
MPD Headquarters, Room 6061
Contact Phone: (202) 727-4261
Contact Email: ada.adminbox@dc.gov



Peter Newsham
Chief of Police