



Equity, Inclusion, and Affordability Committee

# Focus on Disability Inclusion

Item 6d

September 24, 2024

Metropolitan Water District

ADA/FEHA Disability Compliance :

***The Revised and Realigned Disability Interactive  
Process at Met***

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Presented by Rachel Shaw

09.24.24

# Today's Topics

- Introduction
- Key Goals of MWD's Realigned ADA/FEHA Programming
- The Disability Interactive Process Hallway®
- Q&A



# Programming Highlights

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## **Realigned Disability Compliance Program includes:**

- Defined and Communicated Process for All Disabled Applicants and Employees
- Consistent Programming
- Updated and Realigned Written Communication & Documentation
  - Letters
  - Medical Questionnaires
  - Meeting Notes
- Enhanced Communication Strategies to Ensure Discussions to Improve Understanding, Collaboration and Outcomes
- Shaw HRC will Collaborate and Mentor Team to Ensure Programming Changes and Improvements are Implemented Successfully

# FEHA & ADA

## Mandates:

Where employees are eligible, including having a disability under the law:

1. Employers must engage in a Timely Good Faith Interactive Process, and
2. Employers must provide Reasonable Accommodation

*Each is a stand-alone statutory obligation*

Code Reference: 2 CCR § 11069(c)





**Disability Interactive Process Hallway®**

# Foyer

## Discuss with Employee:

- What was the trigger?
- What can they expect?
- What do they need to do?
- What will HR do?
- *Introductory Letter*
- Move down the Hallway





# Disability Interactive Process Hallway®

## Conducted by Human Resources

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### Door #1

**Gather Data:** Obtain Clear Medical Work Restrictions; May determine an Essential Functions Position Analysis® (EFPA®) document needs to be created

### Door #2

**Research Accommodations:** Call/email/discuss with employee and supervisor the restrictions and begin exploring accommodation ideas

### Door #3

**Schedule Meeting & Prepare:** Schedule meeting and invite the right people to attend; confirm attendance in advance; prepare notes for meeting; meet and make decisions

### Door #4

**Do What You Said You Would Do:** After meeting, implement decisions; do what was said would be done



# The Hallway: Door #1



## What happens at Door #1?

### Obtain Necessary Documentation/Information

- **Medical Questionnaire** with: **Key Document**
  - ✓ Serious medical condition impacting work
    - Yes/No answer
  - ✓ Clear work restrictions & duration
  - ✓ Leave needs & duration
- **Essential Functions Position Analysis<sup>®</sup> (EFPA<sup>®</sup>)** **Key Document**
  - Understand and document the Essential Functions of the job description/classification and the particular assignment

# The Hallway: Door #2



## Engage, Interact and Explore Together

### Key Conversation

- Share information received back at Door # 1
- Ensure that employee and employer understand how the clarification at Door # 1 is being interpreted so that additional clarification can be obtained if there is a substantive difference
- Seek employee ideas on accommodations to overcome/accommodate restrictions clarified at Door # 1
  - **Research ideas of employee, department or organization before interactive process meeting**
- Consult with professionals in the field for assistance to identify reasonable accommodation options
- No Decisions, but research ideas and options of all parties

# Scheduling & Holding the IPM



Door #3

## Schedule, Prepare for and Hold an Interactive Process Meeting (IPM) When Long-Term Accommodations are being Explored

- Schedule IPM and Send **Meeting Notice**  
– Have the Right People Involved in Decisions  
– Prepare and send the meeting notice to all parties  
– Call employee to confirm attendance  
**Key Document**
- Hold Interactive Process Meeting and Obtain **Notes**  
– Clearly documented decisions for all parties  
– Communicate and document next steps to ensure actions agreed to are done timely. This may include implementation of accommodations, the alternative work search process, and retirement exploration.  
**Key Document**

# The Hallway: Door #4



## Post-Meeting Activities / Close Process Correctly

- Place all documents in the accommodations file to ensure complete record is available.
- Implement Decisions and Agreements made at the interactive process meeting
- Identify Next Steps of the Interactive Process, if any.

# Questions

For additional questions contact:  
Mark Brower  
[Mbrower@mwdh2o.com](mailto:Mbrower@mwdh2o.com)