

# Georgia State Patrol Policy Manual

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| <b>SUBJECT</b><br><b>DISABILITY RETIREMENT/FITNESS FOR DUTY</b> | <b>POLICY NUMBER</b><br><b>5.16</b> |
| <b>DISTRIBUTION</b><br><b>ALL EMPLOYEES</b>                     | <b>DATE</b><br><b>2/24/2004</b>     |

## 5.16.1 Purpose

To establish policies and procedures for employees who have determined that they are unable to perform their duties or have filed for disability retirement.

## 5.16.2 Policy

It is imperative that all employees are fit to perform all essential duties of their positions. This is especially critical when dealing with public safety issues. No employee should be permitted to remain on active duty when he is not fit to perform his duties.

The Employees Retirement System of Georgia has asked that, whenever an employee has determined that he is no longer able to perform his duties due to a disability and has therefore made an application for disability retirement benefits, the Commissioner review and sign an Employer's Disability Report.

To meet these two needs, it is necessary for every employee who receives a medical determination that he is no longer able to perform an essential duty of his job or who applies for disability retirement benefits to immediately notify the Commissioner, through the chain of command, that the employee is no longer able to perform the duties of the current position along with the medical and other documentation that supports that determination.

This policy applies to all physical or other medical or psychological inability to perform an essential duty except for those short term disabilities that are covered in policy #5.12, the Modified Duty Assignments Policy.

## 5.16.3 Procedures

- A. Notification of inability to perform duties
  1. The Employees Retirement System (ERS) Employer's Disability Report Form shall be completed by the employee's immediate supervisor.
  2. The original ERS Employer's Disability Report Form shall be submitted to ERS. (A copy of this form shall be attached to the documentation needed in bullet 3 below.)
  3. Upon submitting an application to the ERS for disability retirement benefits, or upon receiving medical documentation that he is no longer able to perform an essential duty of his job, an employee must notify the Commissioner, through his chain of command, that he is unable to perform the duties of his position. The

notification should be made on the Disability Notification and Certification form (DPS-110) that is attached as Exhibit #5.16-1. To be completed and accepted, it must have copies of all supporting documentation (e.g. doctor's statement or report, etc.). The employee shall attach a copy of the ERS Employer's Disability Report to the notification for the Commissioner's consideration.

4. Such notification shall be delivered to the employee's immediate supervisor on the day that the application for disability benefits is filed with ERS or as soon as reasonably possible after the employee has received medical documentation that he is no longer able to perform at least one of the essential duties of his position, whichever is earlier. Failure to submit the Disability Notification and Certification form (DPS-110) to the immediate supervisor in a timely fashion shall be considered a violation of this policy and an act of misconduct.
  5. The immediate supervisor will make his comments and observations concerning the employee's ability to perform his duties on the form, sign and date his comments and observations and transmit the form up the chain of command.
  6. Each member of the chain of command shall, in like fashion, provide his signed and dated comments and observations on the form as it is transmitted through the chain to the Commissioner.
  7. Each member of the chain of command shall process this form as expeditiously as reasonably possible.
  8. The Commissioner will not consider, review nor sign the ERS Employer's Disability Report needed for ERS to process the employee's application for disability benefits until the DPS Disability Notification and Certification form (DPS-110) has been properly completed and reviewed through the chain of command.
- B. Employment status
1. Upon submitting application for disability retirement or upon receiving medical documentation that he is unable to perform an essential duty of his position, the employee will immediately apply for leave. If the employee does not apply for a paid leave, then it will be presumed that the employee is requesting leave without pay and he will be placed on a leave without pay.
  2. The employee, who is on leave pursuant to this policy, shall not be allowed to return to active duty until there has been a change in his condition such that he is fit for duty, as verified by a bona fide statement from a Physician licensed to practice medicine by the Georgia Composite State Board of Medical Examiners (or similar licensing authority of another State).