

ARTICLE 12: REASONABLE ACCOMMODATION

The employer is responsible for providing reasonable accommodation to otherwise qualified employees who are disabled or become disabled and need assistance to perform the essential functions of their position. The interactive process shall be used to determine what, if any, reasonable accommodation will be made.

The interactive process is a dialogue between the employee, appropriate representatives of LLNS and the Union if the employee so chooses, about possible options for reasonably accommodating the employee's disability. Options may include, but are not limited to: a modified work schedule, a leave of absence, reassignment, modified equipment, assistive devices, modification of existing facilities, and restructuring the job.

A. Beryllium-Related Medical Conditions

Employees working or who have worked in beryllium work areas are eligible for medical removal protection pursuant to 10 CFR 850.35.

1. Temporary Medical Removal

Where an employee has been tested for beryllium sensitivity and a final medical determination is pending, the Laboratory Medical Director may recommend in a written medical opinion that an individual be temporarily removed from beryllium exposure. When such a determination is made, the employee will be offered temporary reassignment (pending the final medical determination) to a comparable non-beryllium position for which the employee is qualified or can become qualified in a short period of time. If there is no such position available, then total normal earnings and seniority and other benefits shall be maintained as if the employee had not been removed for up to one (1) year.

2. Permanent Medical Removal

When the Laboratory Medical Director makes a final medical recommendation for permanent medical removal of an employee from a position with beryllium exposure, alternate placement to a comparable non-beryllium position for which the employee is qualified or can become qualified in a short period of time shall be offered to the employee if available. If there is no such position available, then total normal earnings, seniority and other benefits shall be maintained as if the employee had not been removed for up to two (2) years.

If a worker for whom the Laboratory Medical Director has recommended removal from beryllium exposure chooses to remain in a position with potential beryllium exposure, the employee will be required to participate in medical surveillance programs as determined by the Laboratory Medical Director.

B. Temporary/Limited Duty

The employer recognizes that it has a legal obligation to provide injured and disabled employees with all the rights to which they are entitled under state and federal law, including but not limited to, the Workers' Compensation Act and the Americans with Disabilities Act As Amended (ADAAA). Notwithstanding such legal obligations, the employer agrees to evaluate temporary, limited, modified or light duty assignments, not otherwise required by law, to employees who are medically restricted from fully performing the essential assigned functions of their position.

Temporary/limited duty assignments shall not normally exceed six (6) months.

The employer shall reasonably explore temporarily assigning employees to other work assignments that they may be able to perform. Light duty may be performed on any shifts as long as a position is available.