



MISSOURI DEPARTMENT OF MENTAL HEALTH

MARK STRINGER, DEPARTMENT DIRECTOR



DEPARTMENT
OPERATING
REGULATION
NUMBER

DOR
6.530

CHAPTER Human Resources	SUBCHAPTER Employee Processing	EFFECTIVE DATE 6-30-16	NUMBER OF PAGES 3	PAGE NUMBER 1 of 3
SUBJECT Essential Functions		AUTHORITY 630.050. RSMo 1CSR 20-2.010 (3)(B)	HISTORY Revised	
PERSON RESPONSIBLE Deputy Director, Human Resources			SUNSET DATE 7-1-19	

PURPOSE: Identifies functions essential to direct client care jobs and prescribes policy relating to the ability of employees to perform essential functions.

APPLICATION: Applies to all department employees responsible for providing direct care to clients, with the exception that this will not apply until July 1, 2001, to any employee currently exempted from any essential functions.

- (1) As used in this DOR, the following terms shall mean:
 - (A) "Essential Function," a job function or requirement that an employee must be able to perform, with or without an accommodation.
 - (B) "Accommodation," any modification or adjustment to a job, an employment practice or the work environment that makes it possible for an individual to perform a job.
 - (C) "Aggressive Behavior Management Function," application of techniques and procedures to counter aggressive behavior exhibited by clients, including, but not limited to, Professional Assault Response Training-Revised (PART/R) and Mandt.
 - (D) "Direct Care Staff," employees routinely responsible for providing services to clients and ensuring their safety and security and implementing habilitation/treatment activities.
 - (E) "Overtime," work in excess of eight hours per day, 40 hours per workweek, or 80 hours per 14-day period.
 - (F) "Health Care Provider," a person licensed to treat illnesses.

(2) Facilities shall have job descriptions listing the essential functions of direct care positions. The list of essential functions shall include, but not be limited to, providing cardiopulmonary resuscitation (CPR), intervening with physically aggressive clients using approved intervention techniques, responding to emergencies involving life threatening situations, and working overtime. The job descriptions will be presented to potential employees during the employment selection process.

(3) Direct care staff will be required to demonstrate that they can meet the physical requirements of the essential functions of CPR and aggressive behavior management interventions during initial training and subsequent refresher or re-certification training. Each facility will establish a standardized method of measuring this capability. The functions of CPR and aggressive behavior



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MARK STRINGER, DEPARTMENT DIRECTOR

SUBJECT Essential Functions	EFFECTIVE DATE 6-30-16	NUMBER OF PAGES 3	PAGE NUMBER 2 of 3
--------------------------------	---------------------------	----------------------	-----------------------

management intervention additionally require the employee to be able to respond to actual emergency situations.

(4) If a direct care staff is unable to perform an essential function, such as work overtime, perform cardiopulmonary resuscitation (CPR), or correctly demonstrate approved aggressive behavior management techniques, the employee may contact the employee’s supervisor and personnel office in order to explore possible accommodation(s) that will allow the employee to perform the essential function. Determinations are based upon the medical documentation provided and the facility’s ability to permit the accommodation without creating an undue hardship. The accommodation process applies to all employees unable to meet an essential function of their position.

(5) If there are no reasonable accommodation(s) that would enable successful performance of the essential functions, the employee is no longer qualified for the job and therefore can no longer work as a direct care staff. The facility and the employee will explore various options, such as employment in other job categories, long and short term disability benefits, resignation, etc.

(6) Temporary exemption from an essential function may be granted in specific situations when it is reasonable to believe the need for the exemption will be of short duration. For example, an employee returns to work following a medical leave due to a serious illness, injury, or surgery and is still in a recovery phase. A health care provider must provide an explanation as to why the employee is unable to perform the essential function(s) of the job, and provide the expected duration of the inability to do so. {DOR 6.155 on temporary modified duty will be followed in situations involving work-related injuries. The Central Accident Reporting Office (CARO) will coordinate these work-related situations.}

(7) A temporary exemption shall not exceed 60 days, will not be given more than once for the same medical event, and shall not be granted consecutively for multiple conditions with the exception that an exemption from working overtime more than eight hours in one day may be granted after the initial 60- day exemption expires if a doctor certifies that an employee may not work more than eight hours per day. In such cases, the employee is expected to work on a scheduled day off if needed. No permanent, full exemption from any essential job function addressed by this department operating regulation shall be granted.

(8) Upon the expiration of a medical exemption from an essential function, the employee shall provide a health care provider’s statement attesting that the employee is able to perform the essential functions. The employee will not be allowed to work until such time as the statement is provided. Failure to provide



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NUMBER

DOR
6.530

SUBJECT Essential Functions	EFFECTIVE DATE 6-30-16	NUMBER OF PAGES 3	PAGE NUMBER 3 of 3
--------------------------------	---------------------------	----------------------	-----------------------

the statement prior to or on the return to work date will result in the employee's absence as being considered unauthorized.

(9) Refusal to perform an essential function without an authorized temporary medical exemption shall be considered insubordination and the employee may face disciplinary action.

(10) The department and its facilities will comply with the provisions of the Americans with Disabilities Act, the Family and Medical Leave Act, Worker's Compensation laws, and any other state and federal laws that pertain to this policy.

(11) The Director of the Office of Human Resources will review and analyze any statutory, regulatory, or policy changes as they occur to determine their effect on the provisions of this Department Operating Regulation and will make changes as necessary.

HISTORY: Original DOR effective March 1, 2001. Amendment effective February 1, 2004. Renewed effective July 1, 2007. On May 17, 2010 the sunset date was extended to July 1, 2013. On June 6, 2013 the sunset date was extended to July 1, 2016. Amendment effective June 30, 2016.