

Sample Language. \* indicates necessary language to meet the legal obligations.

Please be advised that your FMLA (ltd etc.) leave expires on (date). If you wish to extend leave into an approved leave without pay status (insert whatever is necessary or simply extend to the 6 month date but say why.. ie based on the medical information we have and your pending application for LTD, etc. quote the DRHM Rule).

If you intend to return to work on or before (**date FMLA expires and/or 6 mos date**), you must provide documentation from your treating health care provider releasing you to return to work. \*If you believe you may qualify for an accommodation under the ADA and would like to request an accommodation, please complete and return **the \*enclosed forms** no later than (**date 16 days from date issued**). Please contact me so that I may send a copy of your job description to your healthcare provider to review as s/he completes and signs the healthcare provider form.

Note that qualified employee under the ADA must still be able to perform the essential functions of the position with or without an accommodation. The U.S. Equal Employment Opportunity Commission has indicated that an **employer never has to remove an essential function of the job** as an accommodation. Additionally, **an employee with a disability must meet the same performance and production standards, whether quantitative or qualitative**, as a non-disabled employee in the same job. Lowering or changing a production standard because an employee cannot meet it due to a disability is not considered a reasonable accommodation. Similarly, **an employee who is chronically, frequently, and unpredictably absent may not be able to perform one or more essential functions of the job**, or the employer may be able to demonstrate that any accommodation would impose an undue hardship, thus rendering the employee unqualified. **Employers generally do not have to accommodate repeated instances of tardiness or absenteeism** that occur with some frequency, over an extended period of time and often without advance notice. *The Americans with Disabilities Act: Applying Performance and Conduct Standards To Employees With Disabilities.*

\*While attendance is an essential function of your position, limited additional leave may be an appropriate accommodation if the leave does not pose an undue burden on Corrections. If you believe you need additional leave related to your qualifying condition, your healthcare provider must specify frequency and duration of expected leave and demonstrate how that leave will help you to be able to perform all of your essential functions on a regular basis. (copy the FMLA frequency and duration box for intermittent FMLA right in ADA physician form).

\*If a qualified employee is unable to perform the essential functions with an accommodation, reassignment to an open, vacant position for which you possess the knowledge, skills and abilities is also a possibility. As we discussed on (**April 28, date you met**) Corrections is actively looking for open, vacant positions for which you qualify and will notify you of any positions that become available for next (#) days. You are also encouraged to search for correctional positions at <https://statejobs.utah.gov/>

and notify me if you have interest in a particular position for a determination of suitability.

If you do not return to work on or before **(date)**, the Department will separate you from state employment. Please be aware that your separation from employment would **not** affect any benefits you are currently receiving or may receive from the Long Term Disability program. If you have any questions about LTD, please call PEHP at:

In accordance with DHRM Rules, you have a right to appeal this Notice of Intent to Separate Employment in writing to **(name)** within five (5) working days from receipt of this letter. In addition, if you wish to schedule a meeting with **(name)** regarding this action, please contact **(name)**, at **(801)** .

If you have any questions, please call me at 801- .