



Illinois Department of Corrections

Administrative Directive

Number: 03.02.225	Title: Alternative Employment Program	Effective: 8/1/2021
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Authorized by:	<i>[Original Authorized Copy on File]</i> Rob Jeffreys Director
Supersedes:	03.02.225 effective 7/1/2020

Authority: 20 ILCS 415/8c 80 IAC 302	Related ACA Standards:
Referenced Policies: 03.01.305	Referenced Forms: CMS 95 – Physician’s Statement CMS 100 – Employment Application IL 401-1448 – Physical Residual Functional Capacity Assessment IL 401-1449 – Mental Residual Functional Capacity Assessment IL 401-1450 – Reasonable Accommodation Certification IL 401-1451 – Alternative Employment Program Application

I. POLICY

The Department of Corrections may, where appropriate, refer employees to the Department of Central Management Services for placement in the Alternative Employment Program.

II. PROCEDURE

A. Purpose

The purpose of this directive is to establish written procedures for administering the Alternative Employment Program for permanently disabled State employees. Requests for reasonable accommodation shall be processed in accordance with Administrative Directive 03.01.305.

B. Applicability

This directive is applicable to all correctional facilities, offices, programs and parole services within the Department.

C. Facility Reviews

A facility review of this directive is not required.

D. Designees

Individuals specified in this directive may delegate stated responsibilities to another person or persons unless otherwise directed.

E. Definitions

Alternative employment – means positions available at other State agencies that an employee with a permanent disability is qualified and able to perform offered through the Alternative Employment Program administered by the Department of Central Management Services (CMS).

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Permanently disabled – means a physician or other qualified individual has certified that an employee can never perform some or all of the essential duties of his or her currently assigned position.

Permanently and totally disabled – means a physician or other qualified individual has certified that an employee can never perform the essential duties of any position. Therefore, the employee would not be eligible for this program.

Reasonable accommodation – means agency modifications or adjustments to the work environment that enable qualified employees to perform the essential functions of a position including modifications of the employee's assigned duties, work site, equipment, or schedule that would enable a qualified employee with a disability to perform the job and that do not impose an undue hardship, are not prohibitively expensive or unduly disruptive, and do not fundamentally alter the nature or operation of the business of the Department.

F. General Provisions

1. Only certified employees who have been adjudged permanently disabled from their current occupation only are eligible for referral to the CMS Alternative Employment Program.
2. The Central Personnel Office shall assist employing facilities in determining whether reasonable accommodations may be offered at the facility, program, or elsewhere within the Department, and shall review and evaluate employee requests for referral to the CMS Alternative Employment Program.
3. The Department must certify that no suitable positions are available within the Department for which the employee is qualified and able to perform prior to referring an employee to the CMS Alternative Employment Program.
4. An employee who refuses a reasonable accommodation or who refuses placement in another position within the county or area of the employee's preference shall not be eligible to participate in the CMS Alternative Employment Program. Disability or other benefits may be terminated after such refusal.

G. Requirements

1. An employee who is determined by a physician to be permanently disabled from performing his or her current job duties may request referral to the CMS Alternative Employment Program within ten working days of the physician's determination, whenever possible, provided:
 - a. He or she is a certified employee; and
 - b. He or she has not been adjudged permanently and totally disabled by the Workers' Compensation Commission.
2. When an eligible employee requests placement in the Alternative Employment Program, the Central Personnel Office shall:
 - a. Provide CMS Alternative Employment Program information to the employee and provide assistance in gathering and completing the appropriate documents in the eligibility packet for participation in the program. The eligibility packet shall include:
 - (1) Alternative Employment Program Application, IL 401 1451;
 - (2) Reasonable Accommodation Certification, IL 401 1450;
 - (3) Employment Application, CMS 100;

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- (4) Current Mental Residual Functional Capacity Assessment, IL 401 1449 (to be prepared by the employee's physician); or
 - (5) Current Physical Residual Functional Capacity Assessment, IL 401 1448 (to be prepared by the employee's physician); and
 - (6) Copy of Physician's Statement, CMS 95, signed by the employee's physician.
 - (7) A coversheet that informs the employee that he or she has 30 days to return this packet to the Department. Failure to do so implies that the employee is not interested. At that time the facility shall be instructed to start termination proceedings.
- b. Verify with the State Employee's Retirement System or Worker's Compensation Coordinator that the employee:
- (1) Has been adjudged to be permanently disabled with no expectations of returning to his or her former position; and
 - (2) Has not been adjudged to be permanently and totally disabled by the Workers' Compensation Commission.
- NOTE:** The Department, CMS Risk Management Division, or State Employee's Retirement System may verify the physician's claim of disability by requiring an examination or other evaluation by an independent physician or other qualified individual as appropriate at no cost to the employee.
- c. Attempt and document efforts to accommodate the employee or to provide other employment at the employing facility that employee is qualified and able to perform, including downward mobility positions.
- (1) Such efforts shall be coordinated with the Reasonable Accommodation Coordinator prior to offering to the employee.
 - (2) An approved vacancy must exist before a different position is offered and offers shall not supersede Personnel Rules, Collective Bargaining Agreements, or Administrative Directives.
- d. Offer an available position, where possible, within the county or area of the employee's preference. Nothing shall require an offer that would cause an undue hardship on the Department or that would fundamentally alter the nature or the operation of the business of the Department.
- e. After efforts to reasonably accommodate the employee have been exhausted and where no internal position is available, submit the employee's eligibility packet to the respective Deputy Director and Director for approval for referral to CMS for the Alternative Employment Appointment Program.
- f. Forward the approved employee's eligibility packet to CMS for acceptance in the Alternative Employment Appointment Program or notify the employee if ineligible.
3. An employee denied referral to the CMS Alternative Employment Appointment Program may request reconsideration by submitting written justification to the Director within 15 working days of receipt of the denial.

H. CMS Referrals for Alternative Employment within the Department

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1. The Central Personnel Office shall review all referrals received by the Department from CMS. The Central Personnel Office shall gather information about the employee's disability and limitations, and determine the suitability of the employee referred to the position available.
 2. The Chief Personnel Officer shall forward the referral to the respective supervisor for employment or advise CMS if the employee is not suitable for the position.
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