

Case Study

Part 1

Mr. George Douglas is a Correctional Officer. In October 2008, Mr. Douglas stepped in a deep hole while doing a perimeter fence check. The fall resulted in serious strains in the groin muscles and a broken arm. He will miss four weeks of work.

Part 2

On November 6, 2008, Mr. Douglas came to work with a note from a Health Care provider stating that he can return to work, but that he cannot lift more than 20 lbs for another two weeks so the broken arm can properly heal.

Part 3

On November 22, 2008, Mr. Douglas did not come to work in called to inform his supervisor that an old non-work injury had flared up and working caused him too much pain. He said he was going to see the doctor because of the pain. Mr. Douglas's supervisor told him, "You may be able to use FMLA leave for this absence. Call your HR Specialist if you would like to apply or if you have any questions."

Mr. Douglas called the HR Specialist, made application, and was approved for FMLA leave through the end of 2008.

Part 4

Near the end of December 2008, Mr. Douglas had used almost all of his accrued leave but still needed to be absent from work. He called the HR Specialist who told him about sick leave assistance. Mr. Douglas applied and was approved to use sick leave assistance.

Part 5

In late January 2009, Mr. Douglas's condition continued to deteriorate and he felt he might not be able to return to work. After consulting again with HR Specialist, he decided to contact PEHP to discuss the possibility of long-

term disability. He applied for long-term disability and was approved effective April 1, 2009.

Part 6

Because he is now receiving benefits from long-term disability, the department will place him in a leave without pay status. The HR Specialist sent a letter to Mr. Douglas informing him of the terms of leave without pay.

Part 7

On April 15, 2009, Mr. Douglas contacted the HR Specialist and said that he would like to return to work at the department, but in some other capacity.

Part 8

The HR Specialist sent out a questionnaire for the Health Care provider to complete so the eligibility could be established on April 16, 2009, but received no response.

On May 15, 2009 the HR Specialist sent him a letter informing him that if he did not return to work before May 22, 2009, that he would be separated from state employment. In response, Mr. Douglas claimed that the department had ignored his request to be placed in another position. The HR Specialist explained that there had been no response to the questionnaire for the health care provider and sent it out again with a deadline that the materials needed to be received by June 1, 2009.

Mr. Douglas failed to respond and on June 5, 2009, he was separated from employment because he had been absent from work for more than 6 months.