

Guide to
**CIGNA Workplace
Accommodation ServicesSM**

Providing employer support for
Americans with Disabilities Act
Amendments Act (ADAAA) compliance



Examples of Common Workplace Accommodations

Problem

Bank teller with multiple sclerosis – has difficulty standing for long periods.

Solution

- Provide stand/lean stool
- Use anti-fatigue matting
- Allow the employee to take breaks as needed



The Job Accommodation Network (JAN) is a service provided by the U.S. Department of Labor's Office of Disability Employment Policy. JAN assists employers, people with disabilities, rehabilitation professionals, and others to improve the employment ability of people with disabilities.

Accommodation Process

JAN recommends a systematic approach to handling workplace accommodations:

1. Define the situation
2. Explore accommodation ideas
3. Choose accommodation
4. Implement accommodation
5. Monitor accommodation

Problem

Manager with macular degeneration and vision loss – has difficulty reading text from paper and computer.

Solution

- Provide screen-reading software



CIGNA's vocational rehabilitation counselors can help guide employers through the accommodation process to help employees stay at work and return to work quickly following a disability. CIGNA is the only company with vocational rehabilitation counselors who spend 100 percent of their time working directly with employees to help bring them back to work.¹

CIGNA Workplace Accommodation Services

Providing Employer Support for ADAAA Compliance

On January 1, 2009, Congress enacted the *Americans with Disabilities Act Amendments Act (ADAAA)* and now is a good time for employers to review their policies and procedures to make sure they meet their obligations under the amended law.

Building on CIGNA's demonstrated skill in helping employees stay on the job and return to work quickly and safely following a disability, we have put together a comprehensive program to help employers develop a solid foundation for ADAAA compliance, and most of these services have no cost.

Put our disability expertise to work for you with CIGNA Workplace Accommodation Services that feature:

- **Expert consultation and resources** – a dedicated helpline with trained professionals and access to extensive resources
- **Valuable programs and services** – support that ranges from developing comprehensive job descriptions to designing job accommodations
- **Suitable plan features** – provisions and features that can facilitate compliant workplace accommodation initiatives

As your disability carrier, CIGNA can offer valuable support to help you meet your ADAAA compliance needs, save time and increase workplace productivity.



How CIGNA can help

This guide describes CIGNA's services to help employers with ADAAA compliance, and also includes a list of additional resources. After reading this guide, we recommend you discuss this information with your CIGNA representative.

What Has Changed With ADA Legislation?

The Americans with Disabilities Act (ADA), originally signed into law in 1990, prohibits discrimination against disabled employees and job applicants. On January 1, 2009, the Americans with Disabilities Act Amendments Act (or the "ADAAA" for short) went into effect and substantially broadened the class of individuals who may seek protection from discrimination under the ADA. Specifically, the ADAAA emphasizes that the definition of disability should be construed in favor of broad coverage of individuals to the maximum extent permitted by the terms of the ADA and generally shall not require extensive analysis. The Act makes important changes to the definition of the term "disability" by rejecting the holdings in several Supreme Court decisions and portions of Equal Employment Opportunity Commission (EEOC) ADA regulations. The effect of these changes is to make it easier for an individual seeking protection under the ADA to establish that he or she is disabled or is perceived as disabled within the meaning of the ADA.

While the full effects of the ADAAA will not be known for some time, one reasonable assumption is that the amendments will result in increased numbers and types of workplace accommodation requests employers will be required to consider. In the short term and until the EEOC issues regulations to clarify the scope of the definition of disability under the ADAAA, employers are well advised to exercise caution and err on the side of making employee accommodations. Importantly, there are steps that employers can take to demonstrate their intent to comply with the amendments to the ADA, including ensuring that they have a solid foundation for ADAAA compliance and having the right tools and resources available to address requests and issues. Of course, CIGNA cannot provide legal advice, and we encourage employers to discuss the ADAAA with their counsel to understand the impact to their business practices.

Expert Consultation and Resources

CIGNA's ADA Helpline

The trained professionals at CIGNA's free ADA Helpline can help your supervisory, human resources, risk management, and safety and medical staffs get expert assistance with:

- Understanding if and how ADAAA guidelines generally apply at your company
- Suggesting programs and services to support ADAAA compliance
- Helpful referrals to additional resources that can assist with individual situations

Our phone counselors are well versed about CIGNA disability plans and programs, and the needs of our employer customers and their employees. While they can't offer legal advice or guidance on individual situations, our counselors can help to identify your needs, suggest programs and services that would be helpful, and will stay on the line with you if a transfer to another resource would be beneficial.

CIGNA's Resource Partnership with the Job Accommodation Network

The Job Accommodation Network (JAN) is a service provided by the U.S. Department of Labor's Office of Disability Employment Policy. JAN is a free, confidential, national, technical assistance resource that provides information about job accommodations. JAN's mission is to facilitate the employment and retention of workers with disabilities by providing employers, employment providers, people with disabilities, their family members, and other interested parties with information on job accommodations, entrepreneurship, and related subjects.

JAN's professional consultants provide prompt, individualized consultation on all aspects of the job accommodation process and the ADA and its amendment, as well as other disability-related laws, assistive technologies, and referral to relevant localized resources. JAN's free, online resources include more than 220 technical assistance publications about the accommodation process, disability-specific accommodation ideas, vendors for assistive technology, referral to localized resources, ADA compliance assistance, and information about specific conditions.

Warm transfer assistance is available from CIGNA's ADA Helpline to help you get to the right JAN resource(s) quickly. JAN's consultants can help CIGNA employers identify accommodation options to help retain employees with disabilities and improve workplace productivity.



Call toll-free at 800.435.7030,
Monday through Friday, 9:00 am to
5:00 pm ET (excluding holidays)

Our helpline is staffed with certified and Masters'-prepared vocational rehabilitation counselors, who have also attained Certified ADA Administrator designations and completed professional training from the Job Accommodation Network.

Valuable Programs and Services

Helping Employees Stay at Work

Recognizing the central role work plays in people's lives, CIGNA's vocational rehabilitation counselors provide services that focus on having employees stay at work with "pre-disability" interventions. These services are designed to help individuals who may be struggling because of physical and psychological limitations associated with a progressive illness or condition to decrease their likelihood of going on disability.

CIGNA vocational rehabilitation counselors designated as stay at work specialists lead a team effort, collaborating with the employee, his or her health care professional and the employer, who all work together to secure workplace accommodations.

The goal of these services for CIGNA disability customers is to assist employees to remain productive and at work, while managing any limitations associated with their condition. The particular services offered would depend on the employee's condition and other factors as determined by the vocational rehabilitation counselors on a case-by-case basis, but may include:

- Identification of job duties and functional capacity
- Ergonomic accommodations
- Individual assessments and recommendations
- Assistance with equipment purchases²
- On-site workstation assessments

Employers can refer candidates to their claim manager or directly to a designated vocational rehabilitation counselor. CIGNA will collect some basic information and will work directly with the employer and the employee (if he or she agrees to participate and signs a release of information).

Using these services provide real value in helping employers meet their ADA compliance obligations and increase productivity by providing accommodations to individuals, before a disability occurs. And it's easy for employers to begin using these services with a simple service agreement.



CIGNA works with Yankelovich³ to conduct ongoing national consumer surveys on "Health and Well-being in America." One 2009 survey focused on understanding people's attitudes toward work and disability. We learned the following:

- Americans have a strong work ethic and derive satisfaction from their jobs.
- Americans feel unproductive, worried, afraid, anxious, and depressed when they're out of work because of an injury or illness.
- When asked how they view their job, 65 percent gave responses that were categorized as "Live to Work;" 31 percent said they like their job and get a sense of satisfaction from going to work each day; 21 percent said they love their job and would continue working even if they won the lottery; and 13 percent said their work gives their life structure and purpose.

Valuable Programs and Services

CIGNA's Job Analysis Service

According to the Job Accommodation Network (JAN), the ADA does not require employers to hire unqualified applicants with disabilities, nor does it require employers to retain employees who can no longer perform the essential functions of their jobs because of a disability. However, the ADA does prohibit employers from:

- Using unnecessary qualification standards to limit applicants with disabilities
- Relying on inaccurate job descriptions to determine that an employee with a disability can no longer perform his or her job
- Failing to provide reasonable accommodations if there is no undue hardship

Sound and accurate job descriptions serve as a foundational element for employers to comply with ADAAA. To effectively provide reasonable accommodations, employers need to have well-written job descriptions to guide in assessing the ability of employees and applicants to perform a job function. Therefore, it is important for employers to review their job descriptions, qualification standards, and accommodation procedures to make sure they comply with the ADAAA.

CIGNA can help employers develop and review ADAAA-compliant job descriptions through our Job Analysis Service. We do this by analyzing the functions, physical and cognitive demands of each job, and documenting the essential functions that comprise those jobs. In addition, CIGNA offers many other return-to-work services and has a database of more than 15,000 transitional duty alternatives and job analyses that can be used to build a customized job database for the employer.

Job Analysis Service package

Includes on-site employer visit(s) to complete groups of up to 10 job analyses. The job analysis is a detailed compilation of job tasks and skills, including essential functions of the job, physical requirements associated with each essential function, job summary, job qualifications, tools and materials used, physical demands, job conditions, sensory requirements, and environmental exposures. Your CIGNA representative can provide details about costs for these services.

We will work with employers to determine their needs and provide the right level of support in developing new job descriptions or reviewing current job descriptions both before and after disability claims. This can help employers meet their ADAAA compliance, prevent absences, shorten disability durations, and improve workplace productivity.



Practical Tips

JAN offers these tips for employers to help make sure they have compliant workplace practices. Employers should:

- Review their job descriptions, qualification standards, and accommodation procedures
- Focus on performance and conduct
- Train frontline supervisors and managers
- Document actions and decisions

Suitable Plan Features

Workplace Accommodation Support

Under the ADA and its amendments, an employer must make “reasonable accommodations” for employees or job applicants who are disabled or perceived as disabled within the meaning of the ADA and ADAAA, but who are otherwise qualified to perform a job, unless the employer can show evidence that the accommodation would result in undue hardship (i.e., significant expense or difficulty in the operation of its business).

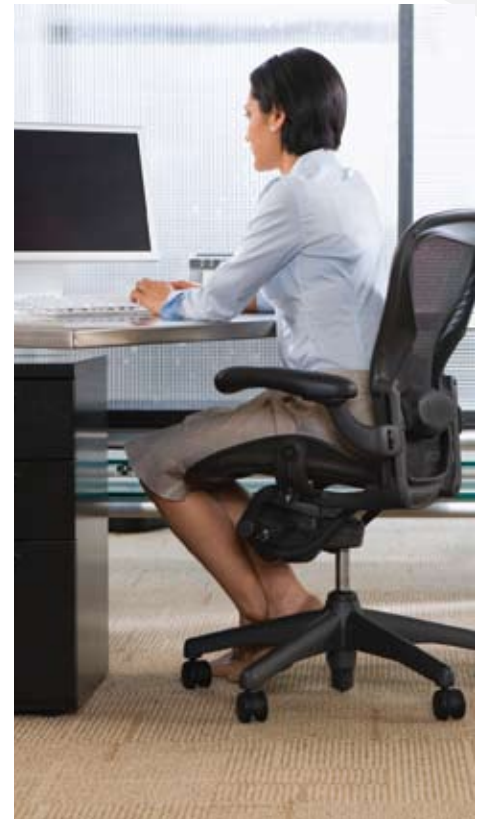
Fortunately, CIGNA disability plans offer support for making reasonable accommodations for employees returning to the workplace after a disability by providing access to our professional vocational rehabilitation counselor staff to identify and implement appropriate employee accommodations. CIGNA’s certified and Masters’-prepared vocational rehabilitation counselors get to know the people they are helping – not only their education, training, skills and interests, but also their strengths, aptitudes, resources and how they cope with change. Counselors proactively partner early with CIGNA’s disability claim managers and nurses, and work with employees’ doctors as needed, to ensure that everyone involved understands the employees’ capabilities and limitations. Together, they develop customized return-to-work plans and goals, and work to implement job accommodations.

CIGNA’s Reasonable Accommodation benefit is available for inclusion in all of CIGNA’s employer-paid and core/buy-up long-term disability plans **at no additional cost**. This benefit assists employers with the expenses related to making a reasonable accommodation for an employee who is attempting a return to work after a disability. CIGNA’s disability contracts also include a provision for Rehabilitation During a Period of Disability, which can also assist in the accommodation process when an employee is participating in an approved CIGNA program of rehabilitation. Employers can work with their CIGNA representative to learn more about how to maximize plan benefits and provisions to ensure reasonable job accommodations.

The Benefits and Costs of Compliance

According to a 2006 survey conducted by JAN the benefits to businesses that make workplace accommodations outweigh the costs. Consider this:

- Almost half of accommodations (46 percent) were made at no cost
- Typical one-time accommodation costs averaged \$500
- 86 percent that made an accommodation were able to retain a valued employee
- 71 percent increased the employee’s productivity
- 67 percent saw improved interactions with coworkers
- 56 percent saw an overall increase in company productivity



Put CIGNA to work for you today

Managing compliance with the ADAAA can be a daunting task for employers, especially when faced with fewer resources and less time. CIGNA can help with advice, programs and plans that work together to assist our employer customers.

Talk to your CIGNA representative today or send your questions to reply@cigna.com. Please include “ADAAA” in the subject line of your email.

Additional Public Resources

U.S. Department of Justice

The U.S. Department of Justice is responsible for the enforcement of the ADA and may file lawsuits in federal court to enforce the ADA. They also maintain a website dedicated to the ADA, including guides to disability rights laws and ADA questions and answers. Visit www.ada.gov.

U.S. Equal Employment Opportunity Commission

The Equal Employment Opportunity Commission (EEOC) is a five-member commission and a General Counsel. The General Counsel is responsible for conducting EEOC enforcement litigation, the Equal Pay Act (EPA), the Age Discrimination in Employment Act (ADEA), and the ADA. The EEOC maintains an up-to-date website with a section devoted to the ADA, its amendment and the EEOC's enforcement of the law. Visit www.eeoc.gov.

Job Accommodation Network (JAN)

Information about job accommodations is available through JAN – a free, confidential, national technical assistance resource. JAN's professional consultants provide prompt, individualized consultation on all aspects of the job accommodation process, the ADA and its amendments, as well as other disability-related laws, assistive technologies and referral to relevant local resources. Their website also has a Searchable Online Accommodation Resource (SOAR) system that allows users to explore various accommodation options by condition. Visit www.jan.wvu.edu.

¹ Comparative data based on 2008 LIMRA Market Scan report, Vocational Rehabilitation Practices.

² CIGNA retains the discretion to determine the appropriateness of any spending and sole authority to approve any expenditure to provide an individual with the Stay at Work Program services.

³ "Understanding Views of Disability Insurance Plans," prepared for CIGNA by Yankelovich, a part of The Futures Company, February 2009.

"CIGNA," and the "Tree of Life" logo are registered service marks, and "CIGNA Workplace Accommodation Services" is a service mark, of CIGNA Intellectual Property, Inc., licensed for use by CIGNA Corporation and its operating subsidiaries. All products and services are provided exclusively by such operating subsidiaries and not by CIGNA Corporation. Such operating subsidiaries include Life Insurance Company of North America, CIGNA Life Insurance Company of New York, and Connecticut General Life Insurance Company. CIGNA Workplace Accommodation Services does not provide legal advice or services and makes no representations or warranties as to the quality of the information contained in this brochure or the services described herein. The information described herein should not be considered a substitute for the advice of an attorney.

