

Reasonable Accommodation Case Study – Tampa Electric Company (TECO)

Positive Labor Relations and Communication

The Tampa Electric Company (TECO) employs approximately 2,500 workers according to Mr. Bill Gregory, Director of employee Relations. From three power plants, the company generates 17 million megawatt hours of electricity to 600,000 customers in a 2,000 square mile radius of Florida's west coast. Half of the power company's employees are covered under collective bargaining agreements with the International Brotherhood of Electrical Workers (IBEW) or the Office and Professional Employees International Union (OPEIU).

Best Practices: Positive Labor Relations

At TECO, Mr. Gregory's purview includes labor and employee relations, and return-to-work programs. He believes employees are best served in an environment of positive labor relations where agreements are negotiated in good faith toward mutual gains. Even in a difficult economy, if both parties focus upon needs (vs. wants), it is possible to address and resolve challenging issues, including those relating to disability and return-to-work. If disability issues were not addressed in explicit contract terms, only few of the following activities would be possible. Mr. Gregory is particularly proud of the company's Return- to-Work Program, which focuses upon short-term disability (STD). Administered by Ms. Luly Martin, the program includes numerous ingredients that contribute to its success:

- Enhancing communication as a result of an integrated STD-LTD benefits administration and case management service by Liberty Life Assurance Co. of Boston, featuring a single point of contact that has become familiar with all TECO jobs.
- Creating a partnership development between Liberty, IBEW and OPEIU has resulted in a active management of disability claims and issues by TECO.
- Developing an absence management program with financial incentives for good attendance.
- Fostering an organizational culture where whenever possible, workers on STD can and will be returned to employment at the earliest possible time.
- Promoting an organizational culture where it is undesirable for employees to progress from STD to LTD and SSDI, in spite of the offset provided by SSDI because it is a lose-lose situation for everyone involved.
- Increasing the use of vocational rehabilitation programs for employee retraining and utilizing TECO's tuition reimbursement when necessary.
- Maximizing the use of transitional employment on a time limited basis for employees with temporary medical restrictions, including a wage loss provision.
- Implementing reasonable accommodations, especially job restructuring and job modification.
- Providing workplace modification benefit of \$1,000 or two months of disability benefits, whichever is higher, to ameliorate undue hardship for job modifications.

- Ensuring flexibility in the system to voluntarily extend disability benefit beyond the contract maximum if special circumstances demonstrate that the employee needs a "bridge" that will result in re-employment.

Unique Best Practices: Return to Work Article of the Collective Bargaining Agreement

On April 29, 2002, the Supreme Court ruled that an employer is not ordinarily required to distort a valid seniority system in order to accommodate the needs of a disabled worker for a transfer to another job (U.S. Airways v. Barnett, No.00-1250). For TECO and the unions, the Supreme Court decision was interesting but inconsistent with their own priorities with respect to permanent reassignment to a vacant position, an accommodation of last resort when job restructuring or job modification are insufficient.

Together, the parties had negotiated a Return-to-Work Article in their collective bargaining agreement. In brief, the Article applies when TECO's physician determines that a regular employee is disabled to the extent that he/she cannot perform the normal duties of their classification. TECO will endeavor to assign the employee to another available job if he/she has the qualifications, ability, and fitness to perform such work with accommodations. This assignment may be made without following the seniority provisions of the contract, and is not subject to the Grievance procedure.

The Article also recognizes the employees obligation to make a conscientious attempt to achieve a normal rate of recovery and keep the period of temporary disability to a minimum. One dozen TECO employees were re-employed in 2002, eight of whom benefited from the creative and collaborative approach in the Return-to-Work Article. This represents a significant benefit to all concerned in terms of maintained productivity, cost-savings, and positive employee relations. Mr. Floyd Suggs, Business Agent, IBEW Local 108, regards the Return to- Work Article as an important element of the collective bargaining agreement with TECO.

Conclusion

TECO provides an excellent example of how matters of disability and employment can be successfully addressed in a unionized environment, especially in the short-term disability arena. For Mr. Gregory, Ms. Martin and Mr. Suggs, the key ingredients are ongoing communication with all stakeholders, the expectation of re-employment, absence management practices, proven Integrated Disability Management strategies, positive labor relations, and collaborative problem solving to create new and effective solutions to such entanglements as priority access to vacant positions.

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McMahon, B., Wehman, P., Brooke, V., Habeck, R., Green, H., and Fraser, R. (2004). Business, Disability and Employment: Corporate Models of Success. A Collection of Successful Approaches Reported from 20 Employers. Richmond: Virginia Commonwealth University, Rehabilitation Research and Training Center on Workplace Supports and Job Retention.