

RETURN TO WORK/INABILITY TO RETURN TO WORK POLICY

This policy works in conjunction with the Leave Policy and the Employee shall refer to the appropriate Leave Policy for defined terms. This policy covers a number of scenarios relating to an Employee's ability to return to work after experiencing an Injury, personal Sickness or Disability. The scenarios include but are not limited to:

- Returning to work on a regular schedule with no restrictions;
- Returning to work on a regular schedule with restrictions and receiving a Modified Duty Assignment, if available;
- Returning to work on a reduced schedule basis with or without restrictions and potentially being placed in a Modified Duty assignment, if applicable.
- Inability to return to work.

Employees who are released to return to work on a regular or reduced schedule basis but with temporary job restrictions, as supported by medical evidence documented on the "Physician's Release to Return to Work" form, may be eligible for a Modified Duty assignment as defined in this section. The department head or designee, with the concurrence of the Human Resources Department, may require the Employee to perform certain Modified Duty assignments on a temporary basis. Failure of an Employee to report for Modified Duty assignments shall terminate the injury leave, short-term disability leave, or other leave benefit. The goal of this program is to enable Employees to continue using skills and abilities temporarily limited by Injury, Sickness or Disability when modified duty positions are available. This shall apply to any Employee who has a temporary Injury, Sickness or Disability, that prevents him/her from performing his/her full duties or meeting the minimum standards established for his/her position.

In cases where the Employee is not able to return to work, the Employer may rely on the information contained in the "Certification of Health Care Provider" form to determine appropriate next steps.

An Employee must adhere to any restrictions noted on the "Physician's Release to Return to Work" form even if the Employee has not missed any work.

Definition: Modified Duty is an assignment which is for a specified and limited period and fulfills a necessary job function, appropriate to the Employee's skills and level of experience as determined by the Employer, and which the Employee can perform without violating any medical restriction imposed as a result of a temporary Disability, Sickness or Injury, for which the Employee is compensated at his or her normal rate of pay and benefits.

Modified duty assignments are not a matter of right. The number, availability and duration of such assignments are limited by departmental needs as defined by the department head or designee.

If restrictions as noted on the Physician's Release to Return to Work form or "Certification of Health Care Provider" form are determined to be permanent, the Employee is not eligible for a Modified Duty assignment.

Limitation of Modified Duty Assignment: The Modified Duty assignment ends on the earliest of:

1. The date the Employee is released to his/her regular schedule with no restrictions as evidenced on the Physician's Release to Return to Work form;
2. The date the Physician determines the Employee has permanent restrictions;
3. The date the Maximum Assignment Period ends;
4. The date the Employee fails to take a required medical examination, without good cause.

Maximum Assignment Period: For full-time employees, no Modified Duty assignment may last for a cumulative period exceeding 1,560 work hours excluding any hours charged to over-time on on-call pay. For part-time benefited employees, no Modified Duty assignment may last for a cumulative period exceeding work hours equivalent to the hours the employee would normally be scheduled to work in a 39 work week period. For part-time non-benefited and temporary employees, no Modified Duty assignment may last for a cumulative period exceeding the lesser of 1) the duration of the employee's appointment, or 2) 90 calendar days. Assignment to a Modified Duty assignment does not in any way create a right for the Employee to occupy that or any other position on a regular basis. At the end of the Modified Duty assignment, if an Employee is unable to return to work without restrictions, he/she may be placed on the appropriate leave.

Procedure:

The "Physician's Release to Return to Work" form will be completed by a Physician (For injury leave, the Physician is one of the designated providers selected for the Employer's workers' compensation insurance) and shall include the probable length of the restrictions and the nature of the restrictions. An additional statement confirming the ability to perform the Modified Duty assignment may also be required.

Once the Employee has seen a Physician and the Physician has completed the "Physician's Release to Return to Work" form indicating that the Employee can return to work, the procedures below will be followed:

Return to Work with Regular Hours and No Restrictions:

- The Employee obtains the completed "Physician's Release to Return to Work" form from his/her Physician noting no restrictions and the ability to work his/her regularly scheduled hours. This form must be presented to the Supervisor and Human Resources upon the Employee's return to work.

Return to Work with Restrictions:

- Restrictions noted by the Physician on the "Physician's Release to Return to Work" form may be:
 - Restricted duties (For example, limitations on lifting, walking, stooping, bending, etc.), and/or

- Restricted number of hours worked per day or per week, with or without limitations on the duties performed.
- If the Physician releases the Employee to return to work with restrictions, as evidenced by completion of the “Physician’s Release to Return to Work” form, the form must be submitted to the Employee’s supervisor and Human Resources prior to or immediately upon return to work for consideration of a Modified Duty assignment. The supervisor and a representative from Human Resources will review the restrictions and determine if the Employee is eligible for a Modified Duty assignment. The Employee must report for work at the designated time.
- If the Employee is approved for a Modified Duty assignment, the Employee must make sure that he/she complies with the restrictions outlined in the “Physician’s Release to Return to Work” form. If the Employee’s restrictions change at any time, he/she must notify his/her supervisor immediately and give the supervisor and Human Resources a copy of the revised “Physician’s Release to Return to Work” form.

While working a Modified Duty assignment, the Employee may be required to provide periodic updates from his/her Physician up to every 30 days. In conjunction with such review, the Employee may be required to submit to a periodic physical examination as a condition of continued modified duty status.

- If a Modified Duty assignment is not available, a representative from Human Resources will determine what remaining leave benefits are available to the Employee, if any.

If the Employee is unable to perform the Modified Duty assignment, he/she will contact the Physician to review and potentially update the “Physician’s Release to Return to Work” form.

Inability to Return to Work:

- If the Employee is unable to return to work, with or without restrictions, as noted on the “Physician’s Release to Return to Work” form or the “Certification of Health Care Provider” form, the Employee must notify Human Resources as soon as possible, and may be required to provide periodic updates from his/her Physician every 30 days. In conjunction with such review, the Employee may be required to submit to a periodic physical examination as a condition of continued leave.
- While off work, it is the responsibility of the Employee to supply Human Resources with a current telephone number (listed or unlisted), email address and a mailing address where the Employee can be reached.
- The Employee will notify Human Resources as soon as practicable of all changes in medical condition.

- Once available leave programs are exhausted, the Employee will meet with a representative from Human Resources to determine next steps. Those steps may include:
 - A review of the Employee's restrictions as noted on the "Physician's Release to Return to Work" form or the "Certification of Health Care Provider" form.
 - A review of the Employee's essential required tasks as noted in the Employee's job description and job site evaluation form. The Employee will be given an opportunity to review the duties and discuss how he/she can perform the duties with or without accommodation.
 - If reasonable accommodation is not possible, the Employee and the representative from Human Resources will review the Employee's qualifications and look for other employment opportunities with the Employer. Any appointment to a new position must comply with the requirements of the Personnel Merit System.
 - If another employment opportunity is not available, the Employee will be advised of the Inability Hearing process as described in the Personnel Merit System. The Employee may also consider a voluntary resignation as described in the Personnel Merit System.