

## APPENDIX J

Sampson County	Personnel Policies
Worker's Compensation Transitional Duty Policy	Page 1 of 4 Adopted : October 6,2008

### **PURPOSE**

An employee who is temporarily disabled from their regular job as a result of an on-the-job injury/illness may be able to be productive and return to a light work assignment (transitional duty) during the temporary disability period. The purpose of this policy is:

To provide, if possible, transitional duty assignments to employees with temporary work limitations as determined by a medical provider.

To provide a safe and cost effective system of utilizing personnel resources.

To limit and control the nature of duties assigned to personnel with known temporary medical limitations.

To maintain an orderly procedure for monitoring employees on transitional duty assignments.

To limit the duration of expense of workers compensation losses.

Use of transitional duty work assignments is not intended to include other sickness or injury experienced away from work by the employee.

### **GOAL**

To ensure that all parties are working as a team to return an injured/ill employee to a productive position as soon as medically possible.

### **DEFINITIONS**

***Transitional Duty Assignment:*** A temporary alternate duty assignment for an employee recovering from an occupational injury or illness that can be performed in conformance with the employee's medical restrictions. Transitional duty assignments allow the employee to remain gainfully employed during the recovery period.

***Reasonable Accommodations:*** Any change in the work environment or in the way the work is customarily performed that enables a qualified individual with a disability, as defined by the Americans with Disabilities Act (ADA) and the Fair Employment and

Housing Act (FEHA), to perform the essential functions of a position. Examples may include job restructuring, identifying part-time or modified work schedules, reassignment to a vacant position, acquisition of special equipment or devices, hiring readers or sign language interpreters, redesigning workload patterns, or making any other reasonable change that enables the qualified individual to perform the essential functions of the job.

## **POLICY**

Employees who are recovering from a work related temporary injury or illness and cannot resume the full work requirements of their regular positions may be eligible for a transitional duty assignment.

The treating physician under the County's Workers' Compensation program shall be encouraged to release temporarily disabled employees to a light work status and describe the employee's physical limitations in sufficient detail to enable the County to determine a suitable work or task assignment.

The Program Coordinator shall initiate transitional duty assignments for medically cleared injured/ill employees following consultation with the Workers' Compensation Insurance Administrator and appropriate Department Heads.

Each Department shall attempt to locate and assign productive, light work for employees who are temporarily disabled for their regular job from an on-the-job injury/illness. All such light work assignments will be within the physical limitations described by a physician. Employees may be assigned to appropriate transitional duty elsewhere in the County if such work is not available within their department. Transitional duty assignments to departments other than their regular department are subject to approval of the Program Coordinator, the Workers' Compensation Insurance Administrator and the Department Head. Operational issues such as budget constraints, staffing requirements, scheduling, etc. will be considered prior to approval.

## **SCOPE**

An employee's entitlement to or denial of benefits under this program shall be in compliance with North Carolina Workers' Compensation law, applicable County policies, and State and Federal law.

Transitional duty, if available, may be provided to accommodate a temporary illness or injury. Reasonable accommodation should be requested for disabilities that limit the individual's ability to perform a major life activity as defined in the Americans with Disabilities Act and/or the Fair Employment and Housing Act.

## **PROGRAM**

Department heads are responsible for the administration of transitional duty assignments within their respective departments. Department Heads may initiate a transitional duty

assignment unilaterally within their own departments. The Workers' Compensation Insurance Administrator shall be notified when an employee is placed on transitional duty and/or returned to full duty, and when transitional duty is revoked. Any medical reports, or work restriction notices shall be forwarded to the Workers' Compensation Insurance Administrator.

When transitional duty is unavailable within the home department, the Program Coordinator and the Worker's Compensation Insurance Administrator shall be notified.

The Program Coordinator, Department Head, and the Workers' Compensation Insurance Administrator will identify and, when available, make appropriate transitional duty assignments within the employee's medical restrictions. All departments shall assist, when possible, in meeting the program's objectives.

The County reserves the right to exercise its prerogative to protect itself against excessive future liability and insurance risk, and the employee against further aggravation and/or injury.

## **PROCEDURES**

The Workers' Compensation Insurance Administrator shall consult in advance with the Program Coordinator and Department Head about the employee's availability for transitional duty assignment. If it is determined that the employee can be temporarily assigned to transitional duty, the Workers' Compensation Insurance Administrator will instruct the employee where and when to report for transitional duty. If the employee fails to report for transitional duty then the Program Coordinator shall immediately contact the County Manager. The County Manager and the Department Head shall decide what action, if any, shall be taken under the Personnel Policy.

Particular transitional duty assignments will be based on departmental needs and priorities, individual capabilities, medical limitations and estimated duration of illness/injury.

Working conditions, including the number of hours worked and/or shifts and classifications of the employee assigned to transitional duty may be varied to meet the objectives of this program.

If no transitional duty is available within the limitations set by the physician, the employee will remain on "no work" status.

Assignments to transitional duty shall be for a period of up to six months unless the employee, the Program Coordinator, the worker's Compensation Insurance administrator, and the involved department/s agree to a longer period of time, and as long as medical evidence indicates the employee is improving and is likely to return to full duty. The Workers' Compensation Insurance Administrator may revoke any transitional duty assignment if the employee's medical condition, based on medical documentation, is not

improving. The Workers' Compensation Insurance Administrator will periodically review the status of employees assigned to transitional duty to ensure compliance with all work limitations and that the employee is meeting all medical appointments. Employees assigned to temporary transitional duty shall conform to the work procedures, practices, dress requirements and regulations of the workplace, division or department where assigned, and shall perform all work in conformance with their medical restrictions. Failure of the employee to satisfactorily perform the required duties may terminate the transitional duty assignment.

If the employee's medical condition is determined to be permanent or permanent and stationary, precluding work for which the employee was hired, the employee's assignment, if any, will be governed by applicable County policies, Workers' Compensation law and/or state and federal law. If the employee believes he or she is eligible for reasonable accommodation under the ADA or FEHA, the Workers' Compensation Insurance Administrator will coordinate a meeting with the employee, the Program Coordinator, and the home department head to evaluate the employee's eligibility and determine whether or not a reasonable accommodation is available. The employee may invite a representative to attend this meeting with them, if they wish.

Once an employee has been on a continuous transitional duty assignment for a period of 90 days, the Workers' Compensation Insurance Administrator will set up a meeting with the employee, the Program Coordinator, and the involved department head/s to determine the status of the employee's recovery and whether the transitional duty assignment will continue. The employee may invite a representative to attend this meeting with them, if they wish. A transitional duty assignment, if available, may extend beyond the six month period only if medical evidence indicates the employee's return to work is imminent.

If at any time which an employee is on a temporary transitional duty assignment the treating physician determines that the employee is able to perform regular work activities within current restrictions or without restriction, the employee shall return to his or her regular duties.

### **COMPENSATION**

While temporarily assigned to transitional duty, the injured/ill employee will be paid his or her regular base pay and be carried on the payroll of the home department even though the employee may be assigned to another department. The employee's time sheet will be turned in to his/her regular work unit and coded "MDWC" (Medical Disability Workers' Compensation) and his/her pay-stub will continue to be distributed to his/her regular work unit.

While an injured/ill employee is temporarily assigned to transitional duty, time associated with physician appointments shall be included on time sheet for that week. If the Workers' Compensation claim is denied, then the employee must use sick or vacation time for all appointments.