



COUNTY OF TUOLUMNE RETURN TO WORK PROGRAM

The Return to Work program provides opportunities for any employee of Tuolumne County who sustains a compensable injury during the course and scope of employment to return to work at full duty. If the employee is not physically capable of returning to full duty, the Return to Work Program provides opportunities when available for the employee to perform a temporary modified or alternate duty assignment in which the employee's regular position is modified to accommodate the employee's physical capacities, or to perform an alternate duty position.

The objective of the Return to Work Program is to reduce and eliminate the number of lost work days and increase the potential for a faster recovery for the employee and expedite an early return to the employee's usual and customary position. The Return to Work Program will offer an alternative to the potential erosion of skills, loss of confidence and other difficulties that may occur if there is a prolonged absence from the workplace.

Temporary modified or alternate duty, limited or restricted work is intended to be a **temporary** job placement during recovery from a temporary disability due to an injury or illness. The Return to Work Program involves temporary work assignments that will be identified and arranged by the department head(s) or designee(s). Modified or alternate duty will be discontinued upon the employee being released by their treating physician to return to regular full duty, or upon completion of a maximum of 90-calendar days from the time the employee returns to work in the modified or alternate duty assignment, whichever occurs first. The department head or designee shall review all cases where the employees has not been released to full duty within the 90-calendar day period and determine if an extension of the modified or alternate duty assignment is possible. If it is determined that the employee is unable to be released to full duty within the subsequent 90-calendar days, the department head or designee reserves the right to extend modified or alternate duty as appropriate.

A temporary modified or alternate duty assignment shall be offered when the following conditions are met:

1. There is work, part time or full time, to be performed, as determined by the injured employee's department head or designee or another department can provide a suitable alternate duty assignment.
2. The work can be performed within the medical limitations and restrictions identified by the employee's treating physician.
3. The employee's physician projects the disability will last less than 90 days.

All employees, departments, and divisions of Tuolumne County are expected to support and fully comply with this program.

Definitions – The following definitions apply to the Return to Work Program.

- *Full Duty* – Performance of all duties and tasks of the position for which the employee is employed. Full duty entails performing all essential and non-essential functions of the employee’s regular job.
- *Temporary Assignment* – Performance of a temporary job assignment that is intended to return an injured employee to work at less than his or her full duties when a compensable injury prevents the employee from working full duty. Two types of temporary assignments are modified duty and alternate duty.
- *Temporary Modified Duty* – Performance of some of the essential and non-essential functions and tasks of the regular job duties for which the employee is employed. Modified duty allows the employee to return to current employment in his or her regular job, and perform those duties and tasks that are within the capabilities of the employee, given the restrictions to duty imposed by the treating physician. Modified duty is a temporary arrangement to last a maximum of ninety (90) calendar days or until the injured employee can resume full duty, whichever comes first.
- *Temporary Alternate Duty* – Performance of the essential functions of a job or position other than the position for which the employee is employed. Alternate duty allows the employee to temporarily perform other duties and tasks that are within the restrictions to duty imposed by the treating physician. Such alternate duty may be physically located in the same department or in some other department. Alternate duty is a temporary arrangement to last a maximum of ninety (90) calendar days or until the injured employee can resume full activities of his/her regular job, whichever comes first.
- *Permanent Accommodation* – Accommodation will be made in a permanent modified or alternate position, as long as the employee is able to perform the essential functions of the job with reasonable accommodations and a job is available.
- *Periodic Status Reports* – If an employee is certified by a treating physician to be off work, the employee is required to submit periodic status reports to his/her supervisor to report the employee’s status and intention to return to work. Such status reports are required at the time of each scheduled visit with the treating physician and are due immediately following the visit. The status report should be provided to the supervisor within 24 hours of the scheduled visit, or if a weekend or holiday is involved, before close of business on the next scheduled workday. The supervisor then sends the original to the Human Resources/Risk Management Division.

PROGRAM CRITERIA

Employee Participation in the Return to Work Program: In order for an employee of Tuolumne County to be eligible to participate in the Return to Work Program, the employee must have:

1. Sustained a compensable injury as defined in the California Workers' Compensation Act that results in lost time away from work.
2. Work can be performed within the medical limitations and restrictions identified by the employee's treating physician or health care provider.
3. There is work, part time or full time, to be performed, as determined by the injured employee's department head or designee or another department can provide a suitable alternate duty assignment. If modified or alternate duty assignment is not available, the employee will be referred to the Department of Social Services, Employment and Training Unit for skills assessment and development.
4. Employees will be paid the same hourly rate of pay during a modified or alternate duty assignment as paid in his or her regular classification at the time of injury or illness. It is not the County's intent to assign an employee the full range of duties of a higher classification.
5. Sick leave, vacation leave, or personal leave and other benefits will continue to accrue while on modified or alternate duty assignment, and consistent with existing MOU provisions.
6. The employee's home department will be responsible for the employee's payroll during **temporary** modified or alternate assignment. The department to which the employee is assigned will be responsible for providing supervision. Time cards will be initialed by the department where the employee is assigned and then forwarded to the home department for department head signature.

Non-Industrial Related Injuries:

Employees who suffer from a non-industrial related injury or illness may voluntarily join the Return to Work Program. All aspects of this program will apply to all employees who are in the program, whether they have an industrial or non-industrial injury.

PROGRAM COORDINATION

1. An employee must provide the department head or designee with written work restrictions including prognosis from their treating physician. The department will forward the original work restriction to the Risk Management Analyst.

2. The Risk Management Analyst will coordinate with the workers' compensation Third Party Administrator (TPA), employee and department in placing the employee in modified or temporary duty assignment. If necessary, the Risk Management Analyst will contact or meet with the treating physician to discuss the work restrictions. The Risk Management Analyst will continuously evaluate all modified and alternate duty assignments.
3. The department head or designee in consultation with the Risk Management Analyst must grant approval for an employee to return to work in any modified or alternate duty assignment. The employee must sign an agreement accepting the modified or temporary duty assignment.
4. Such approvals shall be based on the ability of the employee to perform some of the essential functions of the assignment within the restrictions imposed by the treating physician and without aggravating the existing injury or illness or cause an exacerbation of the injury or illness based on the treating physician's evaluation.
5. A modified or alternate duty assignment should fulfill, to the extent possible, the tasks and duties of the employee's regular job duty assignment and/or enable other employees to perform other duties.
6. Based on the treating physician's written opinion, employees may be offered modified or alternate return to work positions, as identified through this program, to any work, which accommodates their restrictions. **Failure to accept modified or alternate duty assignments may result in the loss of temporary workers' compensation benefits.**

The Risk Management Analyst will monitor the employee's progress while performing temporary modified or alternate duty assignments.

CONFIDENTIALITY

Confidentiality shall be assured for all workers' compensation files handled. Treating physician written notes and medical release forms will be maintained in a separate file in the Human Resources/Risk Management Division. The following will be considered before disclosure of information:

- The type of information to be shared, with whom and for what purpose;
- Potential risks and benefits of sharing information;
- Assurance that the information shared will be done in a responsible manner;
- Whether disclosure of the information would violate any laws, established policies and ethical standards; and
- Whether disclosure would set any undesirable precedents regarding confidentiality.

QUALIFIED INJURED WORKER PLACEMENT

All efforts will be made to accommodate an employee with permanent work preclusions in their current job assignment. If permanent accommodation is not possible in the current assignment, Tuolumne County will make every effort to assist the employee in obtaining a permanent alternate position. In order for a permanent accommodation to be made the following criteria must be met:

1. The employee must meet the minimum qualifications of the position.
2. The employee must be able to meet the physical demands of the job with reasonable accommodation.
3. There must be a vacant position available for the employee to fill.

The County of Tuolumne will not create a position, or bump another employee from a position in order to accommodate the injured or ill employee.

The Return to Work Program applies to all employees with appropriate documentation of injury or illness from their treating physician. If necessary, the Human Resources/Risk Management Division will determine the most appropriate form of permanent alternate work.

The home department will accommodate whenever possible. If the home department is not able to accommodate the injured or ill employee, the Human Resources/Risk Management Division will ascertain if a permanent accommodation is available in another department.

The County's obligation under the American with Disabilities Act is to return qualified individual with disabilities to employment whenever they are qualified and able to perform the essential functions of their current position or a vacant alternate position within the County.

When the injured employee is determined to be a Qualified Injured Worker unable to perform the essential functions of his or her job, the supervisor must first determine if a modification of the injured employee's duties, or the way their duties are performed, would enable the employee to perform the essential functions. This can sometimes be accomplished by sharing tasks with a co-worker. If the job cannot be modified, the supervisor together with other department personnel must look within their department. Following are criteria, which must be established:

1. Determine if there is an alternate position for which the injured employee is qualified;
2. Determine the availability of an alternate position;
3. Determine if the job is physically appropriate; and
4. Determine if the employee is qualified for the position.

The employee will be given the opportunity for employment in a vacant alternate position. If the department does not have an alternate position available, the Human Resources/Risk Management Division will determine if other departments have an open

position for which the injured worker is qualified. In some instances the injured employee may be eligible for on-the-job training. Each affected employee must be evaluated on a case-by-case basis.

When the injured employee is qualified for an alternate position, the following procedure will be followed:

1. Human Resources/Risk Management will administer testing when applicable and/or the receiving department will interview the affected employee to determine if he/she possesses all skills required for the vacant position.
2. Once the determination has been made that the injured employee is qualified, the receiving department will provide the Risk Management Analyst with a written job description of the essential functions of the job.
3. The Risk Management Analyst will request that the injured worker's treating physician review the essential functions and if the treating physician believes the employee can safely perform the functions of the job, the job offer will be extended to the affected employee.

Appendix:

Medical Work Restriction Agreement
Medical Provider Work Status