Kings Community Action Organization
Administrative Policy

AP 3160
Human Resources: Admin

**Modified-Light Duty/Return to Work Policy**

**Purpose:** The purpose of this policy is to provide and establish procedures for response and handling of a modified-light duty/return to work program for employees with work-related injuries or other illnesses, which are unable, temporarily or permanently, to return to their regular position. Modified and alternate work shall be provided in conformance with the Americans’ with Disabilities Act (ADA), and the existing policies and procedure of KCAO.

**Policy**

This policy will apply to all full-time and part-time employees who have a temporary disability, which prohibits them from performing full job duties, or meeting the essential job functions of the position. This policy applies to both duty and non-duty related injuries and illnesses. However, in assigning light duty work, those employees who have suffered a duty-related injury will receive priority for any light duty work assignments.

A. **Injury or illness** — Any injury or illness which results from working conditions or from circumstances outside of work, and which occurs during, or in the scope of the employee’s service to the employer.

B. **Modified Duty/Return to Work:** A temporary assignment of duties in accordance with the treating physician’s restrictions. This assignment is usually limited to a 90 day period and occurs during recovery and before the employee is medically determined to either return to normal duties or is determined to be permanently restricted from returning to normal duties.

C. **Reasonable Accommodation:** Under the ADA, if an employee informs KCAO by means of a physician’s evaluation or report to the effect that he/she has permanent, temporary or long term impairment, KCAO will provide reasonable accommodations, unless accommodations would impose an undue hardship on the agency. Such accommodations will follow ADA guidelines. Such accommodations do not include the creation of new positions or assigning employees to positions for which they are not qualified.

D. **Light duty:** is defined as temporary work, which can be accomplished by an injured or ill employee within the stipulated medical or physical limitations, and without exposing others to the risk of being harmed. Light duty is further defined as temporary work, which when accomplished, will contribute to the fulfillment of the mission of the department as distinguished from “make work” assignments created solely to accommodate ill or injured employees.
OBJECTIVES:

A. To return injured employees to work as soon as possible, whenever feasible.

B. To assist employees in returning to work at a level as close as possible to their pre-injury productivity.

C. To retain qualified and experienced employees.

D. To increase loss control for workers’ compensation claims.

Procedures

Responsibility for the Policy:

The Human Resources Director and Department Directors are responsible for monitoring the administration of this policy. All requests for light duty assignments must include the physical or medical restrictions, which will be reviewed by the Human Resources Director, who will in turn consult with the applicable Director as to the availability of light duty work. The Director, or designee, will work with the Human Resources Director to determine the availability of assignments and monitor the employee's progress in returning to full duty status.

I. TEMPORARY/MODIFIED-LIGHT DUTY

Employees will be assigned to a modified assignment when temporarily unable to perform their normal work due to work related injury/illness, providing the following guidelines are met:

a. The assignment shall fulfill a meaningful job function within the limitations set by the attending physician and shall be a position for which the employee is qualified to perform.

b. The assignment shall not create a new job but may incorporate or modify an existing job on a temporary basis.

c. The assignments shall be handled on a case by case basis.

d. The temporary assignment will be for a period of up to 90 days. In the event the employee has not been released for full duty at the end of 90 days, a review will be conducted to determine the appropriateness of continuing the employee on the modified assignment.

e. Modified-Light duty work is temporary in nature and will not be made permanent. Light duty may be denied if injured employees do not have a reasonable expectation of returning to full regular duties within ninety (90) days from the first date eligible for a light duty assignment.
f. In the event an employee with a work related injury or illness declines to accept modified duty which has been approved by the attending physician, KCAO will contact the Workers’ Compensation Carrier for appropriate action.

g. Employees placed on modified assignments are expected to perform the duties on the job in accordance with all KCAO policies and procedures.

II. PERMANENT MODIFIED DUTY

If at any time an injured employee is considered permanently disabled due to a work injury/illness, the Human Resource Department and employee’s Department Head will review modifications to the current position which might be practicable. At such time job modifications, based on ADA guidelines when applicable, will be followed.

If an employee declines to accept a suitable, medically approved position, the employee may be subject to termination. Any further consideration for rehabilitation services will be in accordance with the Workers’ Compensation Act and/or ADA guidelines.

III. IMPLEMENTATION PROCEDURES

Upon notification by the attending physician that an employee is unable to return to his/her regular duties, the following procedures will be followed to determine the feasibility of a modified assignment:

1. Contact will be made with the treating physician to determine the exact extents of medical restrictions.

2. The Director of Human Resources and the employee’s immediate supervisor or department head will review the employee’s current position to determine if the job can be modified to the specified restrictions.

3. If the employee’s current position cannot be modified, other positions in the employee’s assigned department will be considered prior to assigning the employee to another department within KCAO.

4. When a position has been identified, a complete description of the position will be presented to the treating physician for approval. When approved, the employee will be contacted and informed of the modified assignment. The employee will be given information concerning the position as it relates to pay and hours of work. The employee will be given a copy of the job description, which was presented to the treating physician.

5. In the event the employee is assigned to another department, the employee will be under the supervision of the assigned department and will be required to perform the job duties and will be subject to all policies and procedures of KCAO.
6. The Director of Human Resources will remain in contact with the attending physician to determine when the employee may return to his/her regular position.

7. The assignment will be made for a period of up to 90 days at which time a determination will be made as to the continuation of the modified assignment. At any point during the first 90 days, the continuation of modified duties may be reviewed at the request of the supervisor of the assigned position.

8. In the event the employee is medically determined to be permanently restricted in performing his/her normal job duties, KCAO will then conduct a review of available jobs for which the employee is qualified to determine if reasonable accommodations are feasible.

9. There is no right to modified-light duty work and no employee will be removed from a KCAO job to make light duty work available for a recuperating employee. The availability of modified-light duty assignments may limit the number of individuals who can perform such work at any given time. Finally, there may be instances where light duty is not available.

IV. Transitioning From Modified-Light Duty to Regular Duties

1. Fitness for Duty Report: Employees recuperating from an injury or illness, and unable to perform essential job functions, shall have the treating health care provider complete a Fitness for Duty Report. The employee's health care provider shall review the position description applicable to the employee’s job prior to completing the Fitness for Duty Report. It is the responsibility of the employee to inform all health care providers of the KCAO's light duty policy.

2. Identification of Light Duty Work: The employee shall submit the Fitness for Duty Report to the Human Resources Director. The Human Resources Director will then consult with the employee’s Department Director and any other applicable Department Director in identifying light duty work that is compatible with the employee's restriction(s) and the duration of the light duty assignment, as determined by the health care provider.

3. Expiration of Assignment: When the light duty assignment expires as stated on the Fitness for Duty Report, the employee cannot continue to work without furnishing the Human Resources Director with a new Fitness for Duty Report that will either:

   - Recommend the continuation of light duty for a specified period of time and state the date on which the employee will next be examined, or
   - Restrict the employee from performing any work for a specified period and state the date on which the employee will next be examined, or
• Release the employee for full duty on a specified date, or
• Any continuation of a light duty assignment will be reviewed and processed like the original assignment.

References:

Adopted by Board of Directors: September 22, 2011