

C-22 RETURN-TO-WORK POLICY



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Page: 1 of 5

REVIEW TIME: Annually in January of each Year

22.1.0 PURPOSE

22.1.1 The purpose of the Return-To-Work policy is to provide temporary transitional work assignments that enable an employee to return to work while receiving treatment during his/her recovery process, and provides a bridge for an employee to return to his/her regular job assignment, as soon as it is medically feasible. The County of Solano recognizes the value of all its employees and the importance of returning injured or disabled employees to productive employment as early as possible. Early intervention and effective case management is critical in reducing prolonged absences, conserving human resources, and minimizing County costs. Focusing on employees' abilities to temporarily perform transitional work assignments consistent with his/her restrictions or limitations, supervisors and managers must work closely with the Risk Management Division and assist in the return to work process.

22.2.0 POLICY

22.2.1 It is the policy of the County of Solano to permit on a temporary basis transitional work assignments, as appropriate, to employees who are temporarily unable to perform the usual and customary job assignments due to industrial or non-industrial injury, illness or disability and consistent with work restrictions or limitations outlined and certified by a medical provider. Permanent restrictions do not qualify as a transitional work assignment and will be evaluated in accordance with state and federal laws.

22.2.2 Transitional work assignments are intended to address temporary medical conditions and restrictions or limitations, and are not intended to be permanent or create long-term jobs. Employees on transitional work assignments will continue his/her regular rate of pay and benefits.

22.2.3 Employees who decline to return to a transitional work assignment as a result of an accepted work-related injury, illness or disability may be subject to the discontinuation of any applicable Temporary Total Disability payments paid by Workers' Compensation.

22.2.4 Employees who decline to return to a transitional work assignment as a result of a non-industrial injury, illness or disability will be required to use all available leave accruals. Upon exhaustion of available accrual balances the employee will be subject to approval of discretionary leave.

22.3.0 DEFINITIONS

22.3.1 The following definitions are provided solely as a guide to assist in the application of this policy. The following definitions may be subject to change.

- A. "Alternative Work" A form of transitional work that involves an entirely different position and/or classification.



REVIEW TIME: Annually in January of each Year

- B. "Essential Job Function" Basic job duties that an employee must be able to perform, with or without reasonable accommodation.
- C. "Industrial injury, illness or disability" An injury, illness or disability sustained by an employee in the course and scope of his/her duties and accepted as the employer's responsibility in the workers' compensation system.
- D. "Interactive Process" A collaborative and good faith effort involving an employer and employee to determine if the employee can return to work subsequent to an industrial or non-industrial injury, illness or disability. At the employee's discretion, the employee may invite his/her union representative to attend.
- E. "Medical Case Manager" A medical professional that facilitates recommended treatment plans to assure appropriate medical care is provided to disabled, ill or injured individuals.
- F. "Modified Work" A form of transitional work that allows an employee to perform his/her essential job functions with modifications. Modifications may include, but are not limited to, location, schedule, tasks or use of equipment.
- G. "Non-industrial injury, illness or disability" An injury, illness or disability sustained by an employee not in the course and scope of his/her duties.
- H. "Reduced-hours Work" A form of transitional work that involves working fewer hours than the employee's full-time equivalency to meet the temporary work restrictions.
- I. "Temporary Total Disability" Workers' compensation benefits that are available to employees whose industrial injuries leave them totally unable to work for a temporary period of time.
- J. "Transitional Work assignment" A temporary work assignment is a light duty assignment provided by the home department for the injured worker that may allow the employee to perform some of his/her usual essential job functions or entirely new functions based upon the employee's temporary work restrictions or limitations. Any reference to the term "light duty" as referred in any Memoranda of Understanding is synonymous with this definition.
- K. "Usual and Customary" The work an employee ordinarily performs in the course and scope of employment as defined by the employee's classification description and/or position description.

22.4.0 GENERAL REQUIREMENTS

- 22.4.1 Unless otherwise permitted in an employee's Memoranda of Understanding, transitional work assignments may be assigned to an employee who is unable to perform the essential job functions of his/her job for an initial period up to ninety (90)



REVIEW TIME: Annually in January of each Year

calendar days from the date of placement of available, productive work within the scope of the employee's work restrictions.

- 22.4.2 All employee participation will be reviewed and evaluated for continuation or extension of the assignment or other alternatives every thirty (30) calendar days at a minimum.
- 22.4.3 Upon completion of the ninety (90) calendar days and in consultation with the affected Department Head or his/her designee and Risk Management, the transitional work assignment will be reviewed for a potential extension up to another ninety (90) calendar days.
- 22.4.4 Extensions beyond one hundred and eighty (180) calendar days will be considered after an individualized assessment of the employee's ability to perform the essential job functions of his/her position with or without a reasonable accommodation. All extensions beyond one hundred and eighty (180) calendar days are subject to the approval of the Director of Human Resources or his/her designee.
- 22.4.5 The availability of transitional work assignments is determined solely by the County and based upon the employee's temporary work restrictions or limitations and the availability of temporary work.

Employees may be assigned to one or a combination of the following transitional work assignments:

- A. Modified work;
- B. Alternative work; or,
- C. Reduced-Hours work

- 22.4.6 Transitional work assignments shall not be used as a means to establish ongoing assignments, positions, or displace other employees.

22.5.0 RESPONSIBILITIES

- 22.5.1 Risk Management is responsible for the following:
 - A. Serving as a liaison between employees, departments, workers' compensation claims examiners, physician, clinician, or medical case manager.
 - B. Providing consultation, advice and training to departments and assisting in the process of returning employees to work.
 - C. Coordinating, monitoring and analyzing countywide transitional work assignments and job descriptions in relation to 22.4.5



REVIEW TIME: Annually in January of each Year

- D. Providing a description of an employee's essential job functions to physician, clinician, or workers' compensation claims examiner.
 - E. Assisting supervisors or managers in identifying transitional work assignments.
 - F. Coordinating the County's reasonable accommodation process, when engaged by the supervisor or manager.
 - G. Concluding transitional work assignments within the confines of policy or Memorandum of Understanding.
- 22.5.2 Department Head or his or her designee is responsible for the following:
- A. Having discretionary approval to allow or disallow transitional work assignments.
 - B. Reviewing employee's medical certification of temporary work restrictions or limitations and engage in the interactive process with the employee in consultation with Risk Management.
 - C. Completing the Record of Reasonable Accommodation form with the employee upon their return to work and route to Risk Management within three (3) business days.
 - D. Monitoring employee's transitional work assignments and medical provider certification.
 - E. Completing, upon request by Risk Management, the description of employee's essential job function form for the job classification.
 - F. Providing written requests for any extension of a transitional work assignment beyond one hundred and eighty (180) calendar days to the Director of Human Resources or his/her designee for review and approval at least fourteen (14) calendar days in advance. Requests must include medical certification along with the anticipated date the employee is released to full duty.
 - G. Concluding transitional work assignments in accordance with policy or applicable Memorandum of Understanding.
- 22.5.3. Employees are responsible for the following:
- A. Immediately notifying his/her supervisor or manager when released to return to work with temporary work restrictions or limitations.
 - B. Providing acceptable medical certification within one (1) business day following subsequent medical appointments. Subsequent medical appointments should occur no less than once every 30-45 calendar days with updates specifying work



REVIEW TIME: Annually in January of each Year

restrictions or limitations to his/her supervisor but no later than the expiration date of the current medical certification.

- C. Complete the Record of Reasonable Accommodation/Modified Work form with the Department Head or his/her designee and route to Risk Management within three (3) business days.
- D. Returning to work when a transitional work assignment has been identified and approved by the Department Head or his/her designee.
- E. Notifying his/her supervisor immediately when work restrictions or limitations change, when released to full duty, or when unable to work.

22.5.4 Director of Human Resources or his/her designee will approve or deny all requests from the department to extend transitional work assignments beyond one hundred and eighty (180) calendar days.

22.6.0 AMENDMENTS

22.6.1 The Director of Human Resources, with concurrence of the County Administrator and County Counsel, is authorized to make periodic administrative amendments to this policy, excluding section 22.2.0 – Policy, as deemed appropriate.