

SAMPLE MODIFIED DUTY/RETURN TO WORK PROGRAM

It is the desire of the _____ Fire Protection District to contain workers' compensation costs. A modified duty/return to work program is an essential part of a cost containment effort. Modified duty/return to work assignments are temporary assignments to assist injured or ill employees to progressively escalate to full duty status.

The District has established this modified duty/return to work program with the following objectives:

1. To return all injured employees/volunteers to work as soon as possible without danger of re-injury.
2. To reduce the number of employee days lost from work and the cost of workers' compensation temporary disability benefits.
3. To increase communication with injured employees/volunteers and eliminate any perception of indifference on the part of the employer.
4. To reduce the number and expense of litigated cases.
5. To diminish the feelings of unproductiveness and depression which often accompanies an employee's injury and reinstate self-confidence and dignity in their place.
6. To meet the District's obligations under the Labor Code and employee contracts.
7. To perform tasks for the District that can be supplemental, enhance services, or that currently go undone or which would otherwise require extra help, while at the same time providing productive work for a temporarily injured employee/volunteer.

Modified duty/return to work assignments are only temporary assignments designated for employees who were injured in the course of District employment (or volunteer duties) and who can return to work within the physical restrictions set forth by their doctor. These assignments are established for a period not anticipated to exceed three months. Assignments created for modified duty/return to work participants are not permanent assignments and are not funded in the most recently approved budget. It is in no way the intent of the District to make modified duty/return to work assignments permanent assignments.

It is the intention of the modified duty/return to work assignments that they be reviewed by the District and the treating physician during the course of the assignment with a focus on increasing the employee's abilities focused on a return to regular duty.

It shall be the policy of the District that all supervisors implement, maintain, and adhere to the modified duty/return to work program guidelines.

PROGRAM GUIDELINES:

1. Injured employees/volunteers will be medically treated as deemed appropriate. The District's designated medical provider will be aware of the District's modified duty/return to work program so they can assist the District in placing the injured employee in an appropriate assignment.
 - a. Upon return from the doctor's office, the employee/volunteer and supervisor will meet to discuss the work restrictions as reported by the doctor. If the work restrictions require modified/light duty work, then such assignment will be evaluated and made available in the work unit if possible.
 - b. If any question should arise concerning the injured employee's ability to perform a specific modified/light duty assignment, the doctor who authorized the modified/light duty work must be contacted for clarification.
 - c. If no modified duty/return to work assignment is available within the injured employee's regular department, the supervisor will contact the personnel division within one working day following the meeting with the employee. If modified/light duty work is not available within the employee's normal work area, oral notification shall be given by the personnel division as to the availability and location of modified duty/return to work assignments.

Information regarding an employee's return to work on modified duty will be provided to the designated FASIS Third Party Administrator (TPA).

If no assignments can be found, the injured employee/volunteer will be placed on temporary disability until such time as appropriate work, within the work restrictions, is available, or the restrictions are lifted pursuant to direction from the treating physician. The District has the duty to reasonably accommodate an injured employee/volunteer within their current structure, but no duty to create a position specifically for the injured employee/volunteer.

A letter or memorandum notifying the injured employee/volunteer of the modified duty/return to work assignment must always follow the oral notification.

If the injured employee/volunteer refuses the modified/light duty assignment then the TPA will be advised by the District and the employee's temporary disability benefits may be impacted.

2. If it appears that the injured employee will not return to their regular job within a reasonable period of time (not to exceed three months), the personnel department will contact the workers' compensation TPA to request that an appointment be scheduled with the treating physician to address return to modified duty or provide the administrator with a copy of a job description/list of modified duties that can be faxed to the treating physician to address return to modified duty.

TYPES OF MODIFIED DUTY/RETURN TO WORK ASSIGNMENTS:

The following modified duty/return to work assignments may be available to injured employees (EACH DEPARTMENT SHOULD CREATE THEIR OWN LIST OF ASSIGNMENTS):

- Prepare a District inventory of property
- Catalog films and books
- Assemble employee packets
- Filing
- Photocopying
- Typing
- Computer data entry
- Furniture repair
- Paperwork (reports)
- Light cleaning (windows, bathrooms, railings, dusting)
- Stamping or stuffing envelopes
- Read safety or policy manuals for updates to the data
- Review safety films for viewing by other District employees/volunteers
- Paint (railings, fire extinguishers, etc.)
- Graffiti cleaning
- Check fire extinguishers
- Engrave property for identification in case of misplacement or theft
- Messenger
- Inspect buildings
- Receptionist/take telephone messages/public contact
- Proofreading documents
- Code enforcement

- Other special assignments

Any modified duty/return to work assignments, in addition to those listed above, may be made as long as it conforms to the following:

1. The assignment is not designed to be demeaning or punitive in any manner whatsoever.
2. The assignment should benefit the employee by giving them an opportunity to return to work and benefit the District by providing supplemental tasks, enhancing services, or having tasks accomplished which may not have otherwise been completed without additional cost.

It may be helpful to the District and the employees/volunteers involved in a modified duty/return to work program if the person coordinating the program works with the employee/volunteer to determine which duties he or she is capable of performing. This adds "ownership" to the program, and the employee/volunteer may be more willing to make the program work if he or she is instrumental in its design.

This policy was established to benefit employees and the employer.