

CITY OF RACINE RESTRICTED/MODIFIED DUTY POLICY

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Policy Source: City of Racine, Human Resources Department		
Special Instructions: This policy applies to all non-represented employees of the City of Racine in the event that they are temporarily disabled as a result of a work-related injury/illness.		

I. APPLICATION

This policy applies to all non-represented employees of the City of Racine in the event that they are temporarily disabled as a result of a work-related injury/illness.

This policy is not applicable to employees who are temporarily disabled as a result of a non-work-related injury/illness.

II. PURPOSE

The purpose of this policy is to establish a uniform policy and procedure for the administration of a City-wide restricted/modified duty assignment program for non-represented employees who are temporarily disabled from performing the duties of their regularly assigned positions due to a work-related injury or illness. This program is intended to provide temporary reassignment of an injured or ill employee only until such time as:

- a. The employee is medically released to perform the full range of duties of his/her/their position;
- b. The need for restricted/modified duty assignment is discontinued by the attending physician;
- c. The employee is medically determined to be permanently disabled and consideration is given to modification, transfer, termination, or retirement; or
- d. The restricted/modified duty assignment is discontinued at the option of the City.

III. POLICY

A restricted/modified duty assignment is a special short term temporary work assignment provided for employees who have temporary medical restrictions that prevent them from

performing some or all of their normal duties. In all cases, a restricted/modified duty assignment is temporary, and will have a defined beginning and ending date, and a maximum duration of 12 consecutive weeks, which shall begin on the first day an employee starts working in a restricted/modified duty assignment.

This policy is administered by the Human Resources Benefits Manager or his/her/their designee with the assistance of administrative managers and other supervisors, as needed. All employees are required to cooperate fully with the Human Resources Department, and their administrative manager(s) and supervisor(s) in the administration of and participation in this program.

Any restricted/modified duty assignments will be based on a qualified medical assessment of the employee. It is mandatory for the employee to provide the Human Resources Benefits Manager or his/her/their designee with all necessary medical information concerning the extent of the employee's work restrictions and the probable duration of the employee's restrictions. The employee is also required to submit updated work restrictions (including documentation releasing an employee to return to work without any work restrictions) to the Human Resources Benefits Manager or his/her/their designee within 72 hours (3 days) after every doctor's visit.

There is no guarantee of a restricted/modified duty assignment. All employees who have a work-related injury/illness shall be considered for a restricted/modified duty assignment if they are released to return to duty with restrictions, and no grant of a restricted/modified duty assignment shall be precedent setting. It is at the discretion of the Human Resources Benefits Manager or his/her/their designee, with the assistance of administrative managers and other supervisors, as needed, to determine whether an appropriate restricted/modified duty assignment is available. Such assignments will be made on a case-by-case basis, and assignments will depend in part on factors such as the medical limitations of the individual, the availability of suitable work, adequate funding, and the needs of the City. At no time shall a position be created for an employee as a result of a restricted/modified duty assignment. A restricted/modified duty assignment may be altered to comply with any applicable state and/or federal laws.

IV. DISCUSSION

An employee's return to work in a restricted/modified duty assignment shall comply with all applicable state and/or federal laws, including the state and federal Family and Medical Leave Acts (FMLA), the Americans with Disabilities Act (ADA), and the state Worker's Compensation laws. All assignments for restricted/modified duty shall be reviewed and approved by the Human Resources Benefits Manager or his/her designee to ensure all requirements are being met.

If the employee is unable to perform the essential functions of his/her job because of a serious health condition, the employee may take FMLA leave rather than accept a restricted/modified duty assignment. If the employee elects to turn down a restricted/modified duty assignment and exercise their FMLA rights they may no longer be eligible for Worker's Compensation benefits. That determination will be made at or after the time the employee exercises his/her/their FMLA rights. If an employee accepts a restricted/modified duty assignment, any time spent working in that assignment will not be counted against the employee's FMLA entitlement.

V. DEFINITIONS

- a. Restricted/modified duty assignment: This is a temporary assignment, which shall have a defined beginning and ending date, and a maximum duration of 12 consecutive weeks.
- b. Transitional job tasks: These are job assignments that may or may not normally be performed by the employee but fall within the restrictions as outlined by the employee's physician.
- c. Work-related injury/illness: An injury or illness that occurs in the course of and arises out of employment.
- d. Non-work-related injury/illness: An injury or illness that does not occur in the course of or arise out of employment.

VI. PROCEDURE

The following procedure is set forth to assist the Human Resources Department, administrative managers, supervisors, and affected employees in clearly understanding the requirements of the restricted/modified duty assignment policy. It is important that appropriate

communications exist at all times between the employee and the employee's administrative manager(s) and supervisor(s), the Human Resources Department, the employee's physician, and the City's Worker's Compensation insurance carrier.

1. An employee who has a work-related injury/illness must have his/her/their treating physician complete the City's "Duty Status Report" form or an equivalent physician's certification form after each doctor's visit. This form may be obtained from the Human Resources Department. This report provides the Human Resources Benefits Manager or his/her/their designee with the physician's diagnosis and the answers to the following inquiries:
 - a. Can the employee return to work with no limitations?
 - b. Can the employee return to work with work restrictions, and, if so, what are his/her limitations?
 - c. If the employee cannot return to work at this time, when is the employee expected to return to work with or without work restrictions?
 - d. What is the probable duration of the employee's total and/or partial disability?
2. The completed "Duty Status Report" form is to be returned to the Human Resources Benefits Manager within 72 hours (3 days) after the employee's doctor's visit. This form, along with all other medical information, will be maintained in the Human Resources Department's confidential files. Information about the employee's work restrictions may be shared with the employee's administrative manager(s) and/or supervisor(s) on an as-needed basis.
3. The Human Resources Benefits Manager or his/her/their designee, with the assistance of administrative managers and other supervisors, as needed, will then determine whether there are sufficient transitional job tasks available to provide the employee with a restricted/modified duty assignment. Any and all transitional job tasks assigned to the employee will be within the work restrictions as outlined by the employee's treating physician. If no restricted/modified duty assignment is available within the employee's department, the Human Resources Benefits Manager or his/her/their designee may consult

with other administrative managers and supervisors, as needed, to determine whether a suitable restricted/modified duty assignment may exist outside the employee's department. Employees do not have a right to a restricted/modified duty assignment, and there is no guarantee that every employee with a work-related injury will receive a restricted/modified duty assignment.

4. Once a restricted/modified duty assignment is determined, the Human Resources Benefits Manager or his/her/their designee will issue the assignment to the employee in writing and will specify a starting and ending date for the assignment. A copy of this written assignment information will also be provided to the affected administrative manager(s) and supervisor(s). Any modifications to the original restricted/modified duty assignment will also be done in writing and provided to the affected administrative manager(s) and supervisor(s). Any requests for an extension of the original restricted/modified duty assignment must be submitted in writing to the Human Resources Benefits Manager or his/her/their designee and will be subject to the approval of the Human Resources Benefits Manager or his/her/their designee. However, no restricted/modified duty assignment will have a duration in excess of 12 consecutive weeks total, inclusive of any extensions granted.
5. Employees shall cooperate fully with the City and return to work on either full duty or restricted/modified duty as quickly as possible. Additionally, employees shall cooperate fully with the City's third-party Worker's Compensation administrator. Employees shall comply with this policy, the City of Racine's Employee Handbook, and any applicable departmental policies while working in their restricted/modified duty assignment. Employees are responsible for working diligently and efficiently to the best of their ability or their restricted/modified duty assignment may be terminated prior to the designated ending date.
6. The employee is required to submit updated work restrictions (including documentation releasing an employee to return to work without any work restrictions) to the Human Resources Benefits Manager or his/her/their designee within 72 hours (3 days) of every doctor's visit, detailing the extent of their work restrictions.

7. At no time during the performance of the employee's restricted/modified duty assignment shall an employee exceed the work restrictions issued by the employee's physician or perform transitional job tasks that are outside of the scope of the employee's physician's recommendations. Employees with a work-related injury/illness, shall at all times adhere to their medical restrictions as established by their treating physician, both on and off duty.
8. Upon full release to return to work without restrictions, the employee must immediately submit the proper return to work authorization from the employee's treating physician to the Human Resources Benefits Manager or his/her/their designee.
9. If an employee is found to be in violation of this policy, the employee's restricted/modified duty assignment may be discontinued, and the employee may lose eligibility for Worker's Compensation benefits for the underlying work-related injury/illness. Employees may be disciplined, up to and including termination, if they are found in violation of this policy, the City of Racine's Employee Handbook, or any other applicable departmental policies.