

## ADMINISTRATIVE POLICY NO. 09-01

### TRANSITIONAL DUTY PROGRAM

---

#### 1. PURPOSE AND BENEFITS

The following program has been developed to assist City departments in implementing the “Transitional Duty Program”. The Transitional Duty Program provides employees, who have an occupational injury/illness and are unable to return to full duties immediately, with safe, timely, transition from point of injury to temporary transitional position and, ultimately, to regular work duties.

Our employees are our most valued asset. Their safety and well-being are a major concern. When employees are injured or ill, it is our intent to assist them with a quick recovery and return them to meaningful employment.

The City and Borough of Juneau (CBJ) is committed to affording employees productive work in their recovery from an on the job injury or illnesses. Employees who become ill or are injured in connection with the performance of their duties shall be returned to work as soon as possible, consistent with their medical restrictions.

The Transitional Duty Program helps ensure that essential public services continue to be delivered, reduces the costs of workers’ compensation, and allows ill and injured employees to continue contributing to the mission of the City.

#### 2. PROGRAM DEVELOPMENT

##### **This Program is Being Developed To:**

- Control workers’ compensation costs
- Make use of injured employees’ skills
- Enhance safety and awareness, and
- Improve employee retention.

**We hope to create a win – win situation for both the employee and the employer**

<b>The Employee</b>	<b>The Employer</b>
Receives a regular full paycheck.	Reduces costs of workers’ compensation.
Tends to recover more quickly.	Enables trained and experience workers.
Participating in some type of active work as soon as they are medically able.	Reduces the cost associated with the loss of production and replacement of an employee.
Promotes safety awareness among coworkers.	Reduces the potential for benefit abuse.
Reinforces management’s commitment to employee welfare.	Fosters better communication with employees.

### 3. TEMPORARY TRANSITIONAL DUTY ASSIGNMENTS

A Transitional Duty Assignment is temporary work that an employee may perform during a work-related injury recovery period. It may be either a full- or part-time assignment. The rate of pay during the Transitional Duty Assignment will be the employee's regular wage in effect at the time of injury. Transitional Duty Assignments may include the following:

- Temporary modification of a regular work assignment
- Temporary reassignment to another shift
- Temporary reassignment to another position within the department or;
- Temporary reassignment to another department

Participation in the Transitional Duty Program is based on the following guidelines:

- The employee's medical condition(s) is/are due to occupational injury or illness that temporarily prevents the employee from performing the full scope of his or her regular duties.
- The workers' compensation claim has been approved or is pending coverage determination.
- The employee will only be assigned to a temporary modified duty assignment when it is medically necessary for the employee to be restricted from his or her normal work duties in the opinion of the treating physician.

The treating physician must:

- Certify that the employee has a temporary condition
- Determine the employee's current physical capabilities
- Release the employee to participate in the Transitional Duty Program
- Estimate the recovery period

Transitional Duty Assignments are temporary to facilitate return to regular work and are not intended to become permanent accommodations.

Transitional Duty Assignments should be evaluated closely and be re-assessed with the physician at least every two weeks. The appropriateness of continuing the transitional duty assignment should be continuously reviewed.

The employee may continue to participate for a period of 12 weeks, as long as the employee is making medical progress toward recovery and return to full regular duties. Transitional Duty Assignments may be extended only when it is determined that the additional time would facilitate a return to full regular duties, and would not adversely affect the organization's operational goals or the objectives of the Transitional Duty Program.

Transitional Duty Assignments shall be allocated based on the needs of the department and/or the City. An employee assigned to the Transitional Duty Program may be subject to a different work location, schedule change, shift change, and/or a change of duties. To

be referred for placement outside the employee's own department, the physician must indicate in writing that the employee will be temporarily unable to perform their regular job assignment for a period of two weeks or longer. Transitional Duty Assignments will meet the following criteria:

- Transitional Duty Assignments will be offered immediately upon release for modified work whenever light duty work is available.
- Physical restrictions must be temporary and not permanently preclude the employee from returning to regular work.
- Transitional Duty Assignments will be offered for the number of hours and days authorized by the physician. The assignment can be less than 37.5 hours per week, but cannot exceed 40 hours per week.
- No overtime is allowed.

The supervisor will communicate daily with the employee working a Transitional Duty Assignment. The supervisor is also responsible for ensuring that the employee does not exceed the specific duties or time limits of the temporary work restrictions.

**Transitional Duty employees will remain on the payroll of their employing department regardless of assignment.** The employee's employing department shall maintain and submit the official timekeeping record of the employee. In no case shall the employee be entitled to a higher rate of pay due to the Transitional Duty Assignment.

Transitional duty for each injured/ill employee will be assigned and reviewed through a **team approach**. The team will consist of the employee's direct supervisor, the department director, the workers' compensation adjuster, medical provider(s), the Transitional Duty Coordinator, and a union representative if desired and applicable.

Upon receipt of the medical provider's report, the team will meet immediately to develop a return to work strategy. The team will meet or communicate regularly regarding any changes in work status until the injured employee either returns to full duty or is determined to not be eligible for the program.

Participation in the program is **mandatory**, provided there are assignments that are available and compatible with the injury restriction. Refusal to cooperate in the Transitional Duty Program will result in uncompensated time off until the employee is eligible to return to full duty status. The employee may use accrued personal leave during this time.

Placement will be a maximum of 12 weeks and if the employee is not released to unrestricted duty within that period of time, the Transitional Duty Coordinator will continue with the interactive process to assess the employee's current work status. Placements beyond the 12 weeks maximum will be reviewed on a case-by-case basis.

Employees on a flexible work plan (4/10) may convert to a regular 37.5-hour work week at the beginning of the next pay period, depending on the Transitional Duty Assignment. Employees will not be allowed to return to their regular position until the examining physician releases them. If possible, treatments or therapy should be scheduled at the

beginning or end of the work shift to lessen the impact of the employee's absence on the temporary job. Any compensated time off requested by the employee is subject to the approval of the temporary supervisor.

#### **4. RESPONSIBILITIES**

##### **a. Employing Department Supervisor:**

All department supervisors must ensure that an injured employee's work restrictions are adhered to, and in some cases, is the primary communication link with the injured or ill employee. This supervisor must:

1. Obtain signed Injury Status Report (Attachment III) or similar doctor's note or form from the employee.
2. Assist the Transitional Duty Coordinator in identifying any available assignments for Transitional Duty Program employees.
3. Complete job descriptions and essential functions of assignments with assistance from the Human Resources/Risk Management Division if needed.
4. Assist the Transitional Duty Coordinator in the effort to place returning employees to an assignment.
5. Maintain regular communication with the injured or ill employee regarding the status of their recovery.
6. Address employee discipline needs separately from Transitional Duty Assignment issues.

For the recovering employee, the supervisor(s) has/have a key role in ensuring a successful temporary modified duty assignment.

##### **b. Receiving Department Supervisor:**

1. Provide the necessary training to the employee to enable him/her to successfully complete the assignment(s).
2. If time off is requested, the receiving department supervisor must be satisfied that the time off is not related to the workers' compensation injury.
3. When an employee has been released to full duty, the receiving department supervisor shall notify and forward a copy of the authorizing documentation to the Transitional Duty Coordinator, who shall then notify the employing department supervisor.
4. Maintain the "informal" timekeeping record for the employee.

**c. Employee:**

The employee must recognize their Transitional Duty Assignment is a critical component to their overall treatment.

1. Attendance at all scheduled physician appointments, and participation in prescribed treatment.
2. Maintain phone contact with his or her assigned supervisor.
3. Obtain the Duty Certificate (Attachment I) or similar doctor 's note or form from the physician including any restrictions which may apply to Temporary Modified Duty Status and provide it to the supervisor within three business days by personal delivery, fax or mail.
4. The employee is to report to the employing department on the date that the treating physician releases the employee to return to full and/or restricted duty. The employee's failure to do so will result in uncompensated time off and may be grounds for further disciplinary action.
5. Notify supervisor by phone within one business day of release by the doctor to return to full duty.
6. Perform assigned duties that are within the employee's capabilities as indicated by the supervisor.
7. Promptly notify the supervisor of any change in his/her work-related medical limitations.

**d. Transitional Duty Coordinator**

1. Provides overall administration of the Transitional Duty Program.
2. When feasible, will coordinate and effect a temporary reassignment of the employee on a departmental basis.
3. Develops and distributes the necessary guidelines and procedures.
4. Provides timely and accurate information on employees' work restrictions.
5. Assists departments in analyzing the restrictions as related to the employees' duties.
6. Serving as liaison between departments for inter-departmental placements.
7. Maintaining an inventory of potential city-wide assignment opportunities.
8. Forwards a copy of the following documents to the supervisors :
  - Transitional Duty Assignment Work Agreement

- Letter to Employee Advising Them of the Transitional Duty Program
  - Employee – Transitional Duty Assignment Offer
  - Return to Work – Light Duty Assignment
9. Facilitates the placement of Transitional Duty Program employees in assignments outside their department, if necessary.
  10. Liaison with the Human Resources Director/ Risk Manager to coordinate no later than three days after the initial injury of an employee and provide an update regarding the employee's progress and medical status.
  11. Based on the available information, the Workers' Compensation adjuster, along with the Human Resources Director/Risk Manager, shall make a preliminary determination on the likelihood that the employee's restrictions will become permanent and assess how the permanent restrictions will impact the essential functions of the employee's regular position.
  12. If the information is insufficient to make a determination on the likelihood that the work restrictions will become permanent, both the Workers' Compensation Adjuster and Light Duty Coordinator will continue to monitor the case for the next 120 Calendar Days. The Workers' Compensation Adjuster may need to schedule a follow-up medical assessment. If it appears the work restrictions will not be permanent and the restrictions can be accommodated within the essential functions of the employee's regular position, continue to monitor the case for potential changes and return the employee to their regular position, consistent with the work restrictions.
  13. If it appears the work restrictions will not be permanent and would preclude the employee from performing their essential functions, the Transitional Duty Coordinator should meet with the employee to begin the interactive process.

## 5. DEFINITIONS

### **Injury Status Report:**

A form used to secure clear and specific work restrictions from the injured employee's treating physician.

### **Interactive Process:**

A proactive periodic review of an injured employee's disability status to determine if the employee can perform the essential functions of the pre-injury position or determine if the employee's temporary work restrictions can be accommodated.

### **Light Duty, "LD" Code:**

LD is the payroll code which the employing department is to utilize when an industrially injured employee is working in a light-duty assignment.

**Reasonable Accommodations:**

Refers to requirements of the Americans with Disability Act. A reasonable accommodation is any modification or adjustment to a job or the work environment that will enable the qualified employee with a disability to perform essential job functions.

**Transitional Duty Assignment:**

Temporary (12 weeks) job assignment other than the employee's regular job classification and/or job assignment.

**Work Restrictions:**

Limitation on work duties and/or tasks determined by the employee's treating or City-approved physician.

**Work-Related Injury or Illness:**

Physical injury or illness, which arose out of, or in the course and scope of, an employee's duties.

**6. GENERAL PROVISIONS**

- A. **Scope:** This policy applies to all agencies and employees of the City and Borough of Juneau, Alaska.
- B. **Authority to promulgate policy:** The City Manager of the City and Borough of Juneau, Alaska, maintains the authority granted by the CBJ Charter to order policy and the guidelines for implementation.
- C. **Effective Date:** This policy will take effect on May 7, 2009.

Dated at Juneau, Alaska, this 7th day of May, 2009.



Kimberly A. Kiefer  
Interim City Manager