

Maricopa County Policies and Procedures	Subject: Modified Duty Program	Number: A2225 Issue Date: 11/92
Approved: Roy Pederson	Initiating Department: Risk Management	

A. Purpose

To maintain ill or injured employees on the job, or return individuals with a disability to work as soon as possible in order to best serve those employees with a disability, and to minimize liability and workers' compensation losses.

B. Policy

1. Categories of Work Restriction and Work Status

Following a work related injury, or any illness or accident that renders an employee unable to perform his/her job due to a disability, the employee will be in one of three categories:

- NOT RELEASED FOR RETURN TO ANY TYPE OF WORK: Employee is still recovering from an injury or illness. This status is usually temporary, but can become permanent. Employees not released for work shall come under the provisions for Industrial Leave, or if non-industrial, the appropriate Sick, Annual, or Leave Without Pay provisions.
- RELEASED WITH RESTRICTIONS: Employee is released to return to work, but has specific restrictions outlined by the health care provider. These restrictions may be temporary or permanent. Employees in this category shall come under the provisions of the Modified Duty Program as outlined below.
- RELEASED FOR WORK WITH NO WORK RESTRICTIONS: Employee can perform his/her regular job. Employees in this category shall return to work according to the provisions of the leave under which they are covered.

2. Modified Duty Program

Employees who cannot be safely accommodated in the position occupied at the time of injury will be afforded the opportunity to perform other work within the employee's capabilities. This work should be of benefit to the County, and not "make work", but may include any duties or tasks the department needs to have performed that are within the employee's capabilities.

A department that cannot offer an employee modified duty within the employee's restrictions will immediately refer the employee for suitable placement in another department.

An effort will be made to determine at the earliest possible date if an employee will be permanently restricted from returning to his/her full duties due to an injury or illness, and if the employee can be permanently accommodated in the position.

If accommodation is not possible, a review will be conducted to determine all other County positions for which the employee qualifies, and every effort will be made to place the employee in another County position.

3. Employee Status while on Modified Duty

- a. Employees on modified duty will continue to occupy the same position held prior to the disability, and will continue to be paid the same calculated base hourly rate. This will apply regardless of whether the employee has been accommodated in the same position, or has been given a completely different assignment.

- b. The employee's salary will continue to be paid by the employee's department, even if the department was unable to accommodate the employee and the employee was then placed in another department in a modified duty position.
- c. Any legal or other significant problems presented by this provision shall be resolved by the appropriate assistant county manager, elected official, presiding Judge, or by the Case Management Review Council.
- d. Employees whose work hours are reduced in order to accommodate a disability will be treated as follows:

Industrial- Employees on modified duty whose hours are reduced will receive compensation according to the Income Protection Plan.

Non-Industrial- Employees on modified duty whose hours are reduced will receive compensation according to the hours worked.

4. Time Frames for Modified Duty Program

- a. Employees are eligible for modified duty for a period of six months.
- b. Eligibility for the six months of modified duty shall commence on the day the employee is first released by the health care provider with restrictions, or 90 days after the employee first takes leave due to an industrial or non-industrial accident or illness, whichever comes first.

C. Definitions

Covered Employees: Any employee who is unable, in whole or in part, to perform his/her job due to a disability resulting from an illness or injury.

D. Authority and Responsibility

1. Employee Responsibilities

The employee is expected to notify the appointing authority of the expected date of return to work from an industrial or non-industrial leave due to a disability; any work restrictions related to a disability and the anticipated duration of such restrictions; any known accommodations that would enable the employee to safely perform the job; and any change in the work status or restrictions.

Upon release to return to work, the employee will provide a copy of the physician's release to return to work.

2. Program Responsibility

a. Industrial

An Industrial Case Manager, under the direction of Risk Management, will be responsible for coordinating the Modified Duty Program.

Industrially injured employees in permanently budgeted positions will come under the provisions of the Income Protection Plan.

The appointing authority (or designee) will coordinate with the Industrial Case Manager to ascertain the employee's specific work restrictions, and to determine a suitable placement for the employee.

A department that cannot accommodate an injured worker will notify Risk Management for suitable placement in another department.

During the period of Modified Duty assignment, the employee's status will be monitored by the Industrial Case Manager in coordination with the department(s) involved, according to the time frames noted below.

b. Non-Industrial

The ADA Coordinator (or designee) will be responsible for coordinating the Modified Duty Program.

c. Both

The Human Resources Director will be responsible for coordination of placement in another department for those employees who cannot be placed in the same department.

E. Procedure

1. Modified Duty Assignments

Employees with restrictions will be accommodated as follows:

- a. The appointing authority will first determine if the employee can be reasonably accommodated in his/her own position. This accommodation may include:
 - 1) Changing or reducing the work hours or schedule as necessary
 - 2) Performing the work in a different way
 - 3) Using adaptive equipment or other devices to assist the employee in the performance of the job.
 - 4) Modifying the employee's duties through the shifting of duty assignments among a group of employees
 - 5) Any other accommodation that is reasonable
- b. A department who cannot offer an employee modified duty within the employee's restrictions will immediately refer the employee for suitable placement in another department. The original department will continue to pay the employee's salary during the assignment period.
- c. During the period of modified duty assignment, the employee's status will be monitored weekly by the current supervisor to ascertain the employee's ability to perform the modified duty, and any changes that need to be made in the assignment. If the employee was placed in another work unit, monitoring the employee's status will be the joint responsibility of both the current and former supervisor.
- d. Monthly meetings will be held with the supervisor, employee, and department director or his/her designee, and as appropriate the Industrial Case Manager or the ADA Coordinator to discuss:
 - 1) The anticipated date the employee will be able to return to work
 - 2) Any projected permanent or extended restrictions

- 3) The employee's performance in the modified duty position; and
 - 4) Any problems with the modified duty assignment
- e. At the end of 90 days, if the employee has not yet been released for full duty, a formal evaluation will be conducted to determine the viability of continued modified duty placement. Modified duty may be continued for an additional 90 days only under the following conditions:
- 1) The employee is still improving medically, and is expected to return to full duty.
 - 2) The employee has been given permanent restrictions that preclude the employee from returning to his/her position, but a permanent placement suitable for the employee has not yet been found.

2. Permanent Placement

- a. Employees who need permanent transfer to another County position may be referred to another supervisor or Department for evaluation in a new position.
- 1) Referral will be made for such evaluation only if an open position exists for which the employee qualifies and the supervisor is willing to accept the employee for evaluation.
 - 2) The period of evaluation shall be established for a period not to exceed the time remaining for the employee in the Modified Duty Program. The employee's status and performance will be evaluated regularly as per the schedule for the Modified Duty Program.
 - 3) Upon demonstration of satisfactory performance, the employee will be permanently transferred to the new position, with any needed salary adjustment.
 - 4) If the employee cannot perform the job satisfactorily, the employee will be referred back to the appointing authority for placement elsewhere.
- b. The Human Resources Director will develop procedures to provide appropriate placement assistance to employees who need such assistance due to a disability. These procedures will be developed in coordination with the Industrial Case Manager and the ADA Coordinator.