



**POLICY TITLE:**                    **Modified Duty Procedure**

**POLICY NO.:**                    **PR-17**

---

**I.     PURPOSE**

This Policy establishes a formal process for identifying modified work assignments, as well as authorizing and supervising employees' performance of modified work assignments.

**II.    GENERAL POLICY**

The Board of County Commissioners recognizes that occupational and non-occupational injuries and illnesses occur and may prohibit employees from performing certain functions of assigned job classifications. This Policy establishes guidelines for enabling employees, on a case-by-case basis, to return to work in temporary modified work assignments until fully recovered from injury or illness.

**III.   PROCEDURE**

**A.     Occupational Injuries and Illnesses**

1.     When an employee suffers an occupational injury or illness that requires medical treatment, the employee or employee's supervisor must immediately notify the Department of Human Resources so that arrangements for treatment may be made with the County's designated or authorized physician.
2.     If an employee is injured on a weekend or after normal doctor office hours, the employee should seek treatment from the nearest emergency medical treatment facility. A follow-up visit should then occur with the County's designated or authorized physician.
3.     If the employee's treating physician determines that the employee is able to return to work without restrictions, the employee must return to his or her normal duties.
4.     If the County's designated or authorized physician determines that the employee is eligible for consideration for a modified duty work assignment under the eligibility criteria listed in this Policy, the work restrictions will be indicated in writing and forwarded to the Department of Human Resources for review.

**B.     Non-Occupational Injuries and Illnesses**

1.     When an employee suffers a non-occupational injury or illness that

requires medical treatment and results in documented work restrictions, the employee must provide to the Department of Human Resources the work restriction documentation from his or her treating physician in order to be considered for a modified work assignment.

2. The work restriction documentation must be specific and satisfactory to the County. The County has the right to request further examinations or additional medical evidence at the County's expense when deemed necessary.
3. Upon receipt of satisfactory work restriction documentation, the Department of Human Resources will determine whether the employee is eligible for a modified work assignment.

C. Identification of Potential Modified Work Assignments

1. If the Department of Human Resources determines that an employee is eligible to participate in the modified work program, a representative of the Department of Human Resources will contact the employee's department head to review the employee's work restrictions.
2. After reviewing the work restrictions, the employee's department head will determine whether a modified work assignment is available. If the department head determines that the County can reasonably accommodate the employee's work restrictions, the Department of Human Resources will notify the employee and arrange an immediate date upon which the employee will return to work.
3. The Department of Human Resources will compare the physical requirements of the modified work assignment with the employee's work restrictions to ensure compliance with the treating physician's guidelines. If necessary, the County may seek the treating physician's approval prior to placement of the employee in a modified work assignment.

**IV. ELIGIBILITY CRITERIA**

All employees are eligible to participate in the modified work program if the following conditions are met:

- A. The temporary work restriction(s) results from an occupational or non-occupational injury or illness which prevents performance of essential job functions [employees with permanent restrictions will not be eligible under the modified work program and will be handled in accordance with

- applicable federal, State, and local laws];
- B. The temporary work restriction(s) does not preclude working on available modified work assignments;
- C. Modified work assignments are available; and
- D. Medical prognosis reveals ability to return to normal, unrestricted duties within ninety (90) calendar days from the start date of the modified duty assignment.

**V. MODIFIED WORK ASSIGNMENTS**

- A. The Director of Health and Human Services is responsible for identifying modified work assignments and authorizing eligible employees to perform modified work assignments.
- B. No modified work assignment will exceed ninety (90) calendar days in a twelve (12) month period. However, if a recovering employee anticipates a return to full duty within a reasonable time beyond the ninety (90) day period, the employee may make a request to extend the modified work assignment. The Director of Health and Human Services will evaluate and decide all such requests on a case-by-case basis.
- C. No modified work assignment will place a department in any budgetary hardship.
- D. Employees on modified work assignments cannot work overtime.
- E. Unless prohibited by federal, State, or local law, working a modified work assignment is a condition of employment; therefore, refusal to return to work in a modified duty assignment may result in disciplinary action up to and including termination.
- F. Abuse of the modified work program will not be tolerated. Violators will be subject to disciplinary action up to and including termination.

