FOR INFORMATION: Light Duty Assignment Policy and Guidelines 4180 and 3180

Background Information

As the corporation continues to look for ways to manage and contain costs, Administration in conjunction with the Safety Committee has been looking at ways to control expenses associated with employees being off work due to an injury or illness and specifically, Workers’ Compensation insurance costs.

The objective of the Light Duty Assignment program is to return MCCSC employees to safe and productive work as soon as medically possible following an injury or illness. Newly developed Policy and Guidelines 4180 and 4180AG and 3180 and 3180AG are attached. The policies are identical for support and certified staff and apply to eligible MCCSC employees who experience injuries or illnesses that are both work and non-work related.

Departments in coordination with the Human Resources Department are obligated to attempt in good faith to provide a meaningful temporary work assignment which corresponds with the employee’s knowledge, skills and physical capabilities within the limitations specified by the employee’s physician.

Early return to work following an injury or illness is beneficial to both MCCSC and the affected employee. Those benefits include, among others:

Benefit to Employees:
- Employees will remain active and productive
- Employees experience less disruption to their personal and professional lives
- Pre-injury/illness benefits will be maintained
- Contact and support from co-workers will be maintained
- Employees will experience a smoother transition back to regular duty

Benefit to MCCSC:
- Employee productivity is maintained
- Expenses for hiring, training and/or replacing the injured employee’s position are reduced
- Workers’ Compensation costs, if applicable, are reduced when injured employees safely return to work (reduction in lost time from work because compensation is paid to an employee beginning on the 8th calendar day if the employee is off work for a period of time)

The process of bylaw and/or policy adoption/revision is delineated in Board Bylaw 0130.1, Functions. The Bylaw requires that in most circumstances policies are proposed at a previous meeting of the Board and then voted on in a subsequent meeting. The proposed policy will remain on the agenda until it is either accepted or rejected.
The Monroe County Community School Corporation does not have permanent light-duty positions. However, in the event an employee is able to return to work following an injury, disability or other medical leave of absence before he or she is otherwise able to perform the essential functions of the employee’s regular position, the Corporation may offer a temporary light-duty assignment. By definition, such assignments are temporary in nature and are not intended to create a permanent position. Accordingly, employees may only perform such temporary assignments for the lesser of the following periods:

A. the employee’s ability to return to his or her regular position (with or without reasonable accommodation);

B. the time necessary to complete the temporary assignment; or

C. three (3) months*

If an employee is unable to return to his or her regular position after three months, such employee may request to be placed in any vacant position for which he or she is qualified, with or without reasonable accommodation, consistent with any restrictions imposed by the employee’s doctor. If no such position is available, the employee will be returned to a medical leave of absence. The nature and availability of temporary work assignments will generally fluctuate and will be determined based on the needs and discretion of the School Corporation. Employees will be assigned any available temporary work on a first-come, first-serve basis, however work-related injuries will take precedence over non-work related injuries.

* In the instance where the treating physician states that the restrictions will end within 30 days from the expiration of the initial 90-day period, an extension may be approved for a maximum of 30 days to the 90-day allotment. The only other exception is in the case of a work-related injury where an employee has a Temporary Partial Disability. In this instance, the corporation will re-evaluate the employee’s status every 30 days to determine the appropriate extension of the light duty assignment.

Proposed 5/25/10
LIGHT DUTY ASSIGNMENT

Purpose

It is the intent of the Monroe County Community School Corporation to provide temporary modified-duty for employees who are partially disabled due to illness or injuries. Each department will attempt to accommodate employees who cannot perform the basic duties of their job. The Light Duty Assignment policy provides guidelines for administering a modified duty program to limit the number of lost workdays an injured or ill employee may incur by providing meaningful work of a restricted or limited nature. These administrative guidelines will serve only as a guideline for administration and will not be construed as a requirement and the failure to follow this policy will not be construed in any manner as a breach of the Board’s Light Duty Assignment Policy. The intent of these Administrative Guidelines is simply to offer guidelines to administration, but administration will have the discretion to alter the terms of the light duty assignment that may be different than what is provided for in these guidelines so long as it is consistent with any relevant laws or regulations and within Board Policy or with Board approval.

The Corporation will make every effort to bring ill or injured employees back to work as long as this will not cause any harm to the employee, others, or company property. The Corporation will strive to assist employees as they return to their former positions and to cooperate in their rehabilitation.

Scope

The Corporation will provide temporary transitional duty whenever possible for a period of up to ninety (90) calendar days to determine the degree of improvement. An extension in excess of thirty (30) days may be allowed on a case-by-case basis, when recovery is incomplete.

The ninety (90) day calendar period begins on the day an employee presents medical restrictions that do not permit the employee to perform the duties of his/her current position. The ninety (90) day calendar period runs continuously and constitutes the maximum allotment of alternative duty permitted an employee for each medical condition. In the instance where the treating physician states that the restrictions will end within 30 days from the expiration of the initial 90-day period, an extension may be approved for a maximum of 30 days to the 90-day allotment. The only other exception is in the case of a work-related injury where an employee has a Temporary Partial Disability. In this instance, the corporation will re-evaluate the employee’s status every 30 days to determine the appropriate extension of the light duty assignment.

If an employee’s treating physician takes the employee completely off work, the ninety (90) day period does not begin (and this policy is not applicable) unless and until: (a) the physician releases the employee to return to work with medical restrictions; and (b) those medical restrictions do not permit the employee to perform the duties of his/her current position.

An employee who is released to perform all duties of his/her current position but only on a reduced work schedule is subject to this alternative duty policy and the time spent working a reduced schedule is included within the employee’s 90-day alternative duty period. An employee, therefore, must be released to return to work for all of the duties of his/her current position for the entire shift prior to the expiration of the 90-day
alternative duty period

Objectives

The objectives of the Corporation’s Return-To-Work Program are to:

- Allow the employee to remain in the work force and resume productive employment as soon as possible.
- Enable the worker to gradually overcome medical restrictions through a transitional period of modified-duty, work reconditioning assignments.
- Comply with all applicable parts of the Americans with Disabilities Act (ADA) and with all appropriate parts of the Family and Medical Leave Act (FMLA).
- Comply with all applicable state laws

Type of Work

The Corporation will provide temporary transitional duty whenever possible and practical and will cooperate in every way possible to provide regular duties on a limited basis, modified duty, and/or special assignments for the recovering employee. Whenever possible, attempts will be made to allow the employee to remain in his or her original classification or job function with modified duties.

Special assignments and/or modified duties in addition to regular duties will be determined by the Director of Human Resources and by the supervisor of the department in which the employee will be working after taking into consideration the employee's medical restrictions. Also, the appropriate labor representative may review all special assignments and/or modified duty assignments.

The Corporation maintains the right to assign an employee on modified duty to any job within the district that is in compliance with physician’s restrictions. Modified duties may not be desirable to the employee. An employee with a work-related injury that is unwilling and refuses the light duty assignment may have worker’s compensation benefits withheld for non compliance. Also if the employee refuses the available light duty assignment, the absence(s) will be considered towards the employee’s attendance record. Job availability for work related injuries will take precedence over non-work related injuries.

An employee on modified duty may be assigned to work on any shift at the discretion of the company. While a modified duty employee may not be able to work or be assigned to work a full-time schedule, in no case will a modified duty employee work overtime.

The Corporation Director of Human Resources will monitor all employees undergoing rehabilitation and/or modified duty. When these employees are assigned to their regular departments, they will report to the supervisor in that department under the direction of the building administrator. Employees undergoing rehabilitation who are not working in their regular departments will be given assignments by the Director of Human Resources or their building director.
Medically Unable to Report

Any person who is unable to report for work due to an injury or illness, whether that injury or illness occurred in the workplace or not, must check in with his/her building supervisor at least daily. The injured employee may be asked to produce appropriate medical documentation on his or her condition to verify there has or has not been a change in his/her physical status as it affects returning to work. At the discretion of the Corporation, the employee may be asked to see a physician that the Corporation designates.

Compensation and Benefits

A restricted duty employee will be compensated at his/her regular rate of pay.

Employee's Responsibilities

The employee will be responsible to report all job-related injuries and any medical restrictions to the Human Resources Department and to his/her immediate supervisor. The employee will keep the Director of Human Resources and supervisor informed of any change in job-related restrictions. The employee will communicate with the Director of Human Resources and supervisor whenever his/her status is updated or after a return visit with the medical provider.

The employee will adhere to all medical advice and directives as prescribed by the treating physician, nurse, or other medically qualified professional. Failure to adhere to any medical restrictions may result in disciplinary action.

The employee will not perform any activity which is not in accord with job-related restrictions, both on and off the job. If the employee feels that tasks have been assigned which violate these restrictions, he or she should immediately inform his or her Supervisor. Failure to adhere to any work-related medical restrictions may result in disciplinary action.

Doctor's Appointments

The Corporation’s notification policy regarding doctor's appointments will also apply to an employee undergoing rehabilitation. If the employee requires follow-up treatment or a doctor's appointment which cannot be scheduled during his or her non-working time, the employee is expected to use his/her available time off to cover the time away due to the appointment. If the employee has exhausted all available time off, the time will be taken off without pay; however, it will not count against the employee’s attendance record.

Failure to Participate

An employee who is assigned to modified duty is expected to keep medical appointments and participate in follow-up rehabilitation treatment as necessary. Failure of the employee to participate in medical and rehabilitation treatment may be considered a violation of work rules and may result in disciplinary action and if the injury is a Worker Compensation claim, benefits may be withheld for non compliance.
**Medical Re-evaluation**

The Corporation may require an employee to be re-evaluated by a company designated physician within fourteen (14) days of his/her last examination to determine whether a modified duty status should be continued.

**Supervisor's Responsibilities**

The Supervisor for the area that the injured employee is assigned for modified duty will ensure that the employee is complying with job-related restrictions as noted on the modified duty form.

A supervisor who is directing a modified duty employee will assign that employee to jobs which can accommodate the restrictions. If no jobs are available within the department, the supervisor will contact the Director of Human Resources to discuss options or arrange for departmental transfer.

Each supervisor will compile and maintain a list of departmental job duties that meet light duty requirements. This list will be updated yearly and a copy given to the Director of Human Resources.

**Program Coordination**

The Human Resources Director in cooperation with other program or building directors will coordinate the Return-To-Work Program. This includes the responsibility to review and update the program as needed to ensure that it meets the needs of the Corporation and its employees.

The Director of Human Resources will arrange for temporary work assignment for a modified duty employee where no appropriate work is available within the employee's regular department.

The Director of Human Resources will be the primary contact with all physicians and medical professionals and will provide information on an injured employee’s current job description, the modified duty policy, and the types of modified duty which are available.

The Director of Human Resources may also provide such physicians with periodic updates and any change of status relating to the modified duty program. If additional information is requested by medical professionals, such as job descriptions for a specific ill or injured employee, the Director of Human Resources will provide such additional information.

If the employee’s supervisor and the Director of Human Resources are unable to locate an alternative duty assignment for an employee, the employee will be sent home and may be considered for disability benefits. If the employee’s condition is related to a workplace injury, the employee will be sent home and pay and employment status will be determined pursuant to workers’ compensation processes. Some or all of the absence(s) that are not eligible for disability and/or workers’ compensation may be paid out of an employee’s sick/vacation banks, if applicable.

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