

Title: Worker's Compensation/Return to Work Program
Policy Number: 406.A
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Authorized by: Board of Supervisors

Policy:

Employees are Pottawattamie County's most valued assets. Employee safety and well-being are a major concern for the County. When employees become ill or are injured on the job, it is our intent to assist them with a quick recovery and return them to meaningful employment.

- A. It is the policy of Pottawattamie County to provide modified or alternate work for employees injured on the job, if the employee is temporarily unable to perform the duties outlined in his/her job description. Restricted/Modified duty will be provided as available in compliance with the American's with Disabilities Act (ADA) and the Iowa Worker's Compensation Act.
- B. Pottawattamie County will make reasonable accommodations to a disability unless the accommodations would impose an undue hardship on the employer. The disabled employee must be able to perform the essential functions of the job with or without reasonable accommodation.
- C. The feasibility of reasonable accommodations shall be determined on a case-by-case basis taking into consideration the employee, the specific physical or mental impairment, the essential functions of the job, the work environment, and the ability to provide accommodations.

Comments:

- (1) Definitions:
 - (a) County Physician means the physician(s) agreeing to perform worker's compensation medical services for Pottawattamie County and its employees as authorized by Pottawattamie County and the worker's compensation carrier.
 - (b) Compensable Injury and On-the-Job Injury means an injury/illness that is confirmed as arising out of and in the course of employment with Pottawattamie County.
 - (c) Off-the-Job Injury means an injury/illness that occurred off-the-job and is not related to employment with Pottawattamie County.

- (d) Restricted/Modified Duty means modified job requirements to meet short-term restrictions as prescribed by the County Physician.
- (2) Eligibility:
- (a) Any full-time or part-time employee who is unable to perform his/her regular and normal job duties due to a work related injury or illness as determined by the County physician.
 - (b) Restricted/Modified duty is recommended by the County physician when the County physician:
 - (i) feels that the employee's medical condition temporarily prevents the employee from performing full regular duties, including full-time work.
 - (ii) feels that the condition is temporary, so far as can be determined and probably will improve given time and/or treatment;
 - (iii) feels that the maximum medical improvement (MMI) has not yet taken place;
 - (iv) has provided instructions for specific restrictions in writing to the Employer.
- (3) Objectives:
- (a) To return employees who are injured on the job to work as soon as possible when there is not a significant risk of substantial harm to themselves or others.
 - (b) To minimize financial hardship and emotional stress to the employee who has sustained a work-related injury.
 - (c) To assist employees in returning to work at a level as close as practicable to his/her pre-injury earnings and productivity.
 - (d) To retain qualified and experienced employees.
 - (e) To reduce the cost of disability benefit programs.
- (4) Return to Work Options:

For those employees who have been treated at the County's Occupational Health Clinic, the County physician may determine that the employee is:

- (a) **Able to return to normal and regular duties with no restrictions**
If the employee is instructed by the County physician to return to regular duties with no restrictions, the employee should return to work and complete the scheduled shift. The employee is required to provide their supervisor with a physician's statement releasing them to full duty prior to returning to work.
 - (b) **Able to return to work with restrictions**
If the County physician deems the employee able to return to work but with restrictions, the employee will receive a physician's statement to this effect. The physician's statement will list the employee's restrictions. The employee is required to provide his/her supervisor with the physician's statement and to discuss the restrictions with the supervisor prior to returning to work.
 - (c) **Unable to return to normal and regular duties, temporarily**
The County physician may determine that the employee should stay out of work for a limited period. The County physician will provide the employee with a physician's statement to this effect. The employee is required to contact his/her supervisor to discuss the recommendations of the County physician.
 - (d) **Unable to return to normal and regular duties, permanently**
If possible, Pottawattamie County, will make a reasonable accommodation for those employees unable to return to their normal duties as a direct result of a work related illness or injury.
- (5) Responsibilities
- (a) Employee's Responsibility
 - (i) The employee shall forward all physicians' statements to their supervisor or designated representative so that a proper determination can be made regarding their work status.
 - (ii) The employee shall comply with the directives provided by the County physician in regard to their care. If the employee does not agree with the county physician, the employee shall notify Human Resources. Seeking treatment from an unauthorized physician may result in the denial of worker's compensation benefits.
 - (iii) The employee shall comply with any restriction the County physician may impose while being treated. Failure of the employee to adhere to restrictions during working hours may result in disciplinary action.

- (iv) The employee shall notify their supervisor and/or Department Head if required to perform any work related activity which is not consistent with the restrictions outlined by the County physician.

(b) Supervisor/Department Head's Responsibility

- (i) If the employee is out of work for a limited time period, the Safety Coordinator may contact the County physician in order to ask what type of job duties the employee is capable of doing.

If the employee is required to be out of work, the Safety Coordinator shall contact the employee on a weekly basis to check in with the employee to discuss their progress as it relates to the work injury.

- (ii) Review physician's statements with the employee to determine if restricted/modified duty is available. Jobs for restricted/modified duty will be identified and the employee will be placed in the following order:

- Modify current job to accommodate the restrictions given by the County physician.
- Identify another job within the Department that accommodates the restrictions given by the County physician.
- Contact Human Resources in order to identify a job within another Department that accommodates the restrictions given by the County physician.

- (iii) If restricted/modified duty is available, the Department Head/Supervisor shall monitor the employee to ensure that work restrictions are adhered to. If an employee performs job functions which are not within the work restrictions, the Supervisor shall request that the employee cease the activity, determine why the employee was performing the activity and shall then report the information to the Department Head.

Supervisors who knowingly and willingly allow employees to work outside of the restrictions imposed by the authorized treating physician shall be subject to discipline. Employees who knowingly and willingly work outside of their restrictions shall be subject to discipline.

(6) Work Standards

- (a) An employee on restricted/modified duty is subject to all rules, regulations, work standards, policies and procedures of Pottawattamie County.
- (b) Employees on restricted/modified duty are required to follow the policies and procedures of the department to which they are assigned.
- (c) If the employee is placed on restricted/modified duty outside of his/her normal work area, the reporting supervisor is responsible for assuring that actual hours worked, leave taken, and other similar leaves are reported to the employee's supervisor.
- (d) Unsatisfactory performance during restricted/modified duty will be addressed as any other type of performance problem.

(7) Employee Availability

Employees on restricted duty as a result of an on-the-job illness/injury must hold themselves available for any and all work fitting their medical restrictions. This includes jobs in another department and hours that may vary from their regular work schedule.

(8) Employee Refusal of Transitional Employment

In the event an employee refuses to return to transitional employment which is approved by the County physician, the rights to worker's compensation income benefits may be suspended.

(9) Employee Refusal to Return to Regular and Normal Duty

Employees who refuse to return to regular duty after being approved to return by the County physician may be subject to disciplinary action.

(10) Employee Cooperation with the Safety Coordinator

Employees injured on the job are required to cooperate with the Safety Coordinator if an investigation occurs as the result of an accident. The Safety Coordinator will monitor the employee's progress off and on the job until the employee is released to full duty by the County physician. Failure to cooperate with the Safety Coordinator may result in disciplinary action.

(10) Restricted/Modified Duty Placement for Off-the Job Injuries

At the discretion of the Department Head, requests for restricted/modified duty assignments for employees who receive off-the-job injuries/illnesses can be arranged within their department. The Department Head will determine if there is acceptable vacancies available meeting the posted restriction criteria of the injured/ill employee and comply accordingly. If none are available, the injured/ill employee must use available paid leave or must request an unpaid leave of absence as provided by County policy.

There is no mandatory requirement to place employees recovering from off-the-job injuries/illnesses into any restricted/modified duty program. Due to the limited available positions in each department, restricted/modified duty assignments will not always be available. Restricted/modified duty is not meant to be a permanent work arrangement; therefore an employee will be placed in these positions for a period of time equal to the shorter of:

- a. the time the employee remains under physician's restricted release.
- b. the restricted/modified duty is no longer available.

If an employee remains on restricted/modified status following the completion of thirty (30) calendar days, his/her health condition will be evaluated to determine whether or not further restricted/modified status is appropriate.