**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ County**

**Return To Work POLICY**

**Purpose of Policy:**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_ County (“the county”) strives to assist employees with returning to work as quickly, productively and safely as possible following an occupational or non-occupational injury/illness. This policy is not intended to cover those situations where a person’s injury/illness permanently prevents that employee (with or without accommodation) from performing one or more essential duties of the position that the employee occupied at the time of the occurrence of the injury/illness. In those situations, the county’s *Americans with Disabilities Act* (“ADA”) policy will be applicable. Instead, this policy applies to an employee with temporary medical limitations who, upon being released to full duty sometime in the future, is expected to be able to perform the essential duties of the position he/she occupied when their injuries/illnesses occurred (“permanent position”).

**Benefits**

Many benefits result from encouraging employees to get well and return to work as soon as possible, including:

* Employees feel more productive, return to wages sooner and are likely to return to their pre-injury jobs more quickly.
* Employers can better control the workers’ compensation claim costs and reduce short-term and long-term disability costs when the employee experiences an occupational injury/illness.

**Temporary Transitional Assignments**

When possible, the county will make temporary transitional assignments available on a
non-discriminatory basis to injured/ill employees to minimize or eliminate time lost from work. The county defines “transitional assignment” as a temporary light-duty, limited-duty or modified-duty work assignment within the employee's medically-prescribed limitations and job, knowledge, skills and abilities (“KSA’s”). The term “temporary transitional assignment” appearing in this Policy is synonymous with the term “transitional assignment.”

**A temporary transitional assignment can take one of the following forms in the county:**

 1. A temporary modification of the injured/ill employee’s current job so as to eliminate those non-essential job duties that are inconsistent with the employee’s medical limitations
(“job modification”). In certain circumstances, a job modification within the meaning of this policy could include acquiring or modifying equipment that would permit the injured/ill employee to perform essential job duties that could not be performed without that equipment.

2. A temporary placement of the injured/ill employee into a vacant permanent position for which the employee is qualified and medically capable of performing (“vacant position assignment”). This type of temporary assignment shall cease by no later than the time the permanent position is filled.

3. The assignment of various outstanding or future tasks or projects for which the employee is qualified and medically capable of performing (“project assignment”). [Example: The County’s road department has been tasked by the county manager to ensure that the county’s road map correctly inventories all county roads by current name. Although this project was assigned four (4) months ago, the department has not been able to assign any staff to complete this project for a variety of organizational reasons. Assuming the injured/ill employee is qualified and medically-capable, this project could be assigned to an injured/ill employee.]

Although the county appreciates the benefits of temporary transitional assignments, it nonetheless recognizes that medically-prescribed limitations and KSA’s vary greatly among injured/ill employees. Additionally, the county’s organizational needs will vary over time due to a variety of factors outside of the county’s control. As a result, an injured/ill employee may be denied a temporary transitional assignment even though a colleague with substantially similar limitations and KSA’s was previously granted transitional work because the organizational needs of the county were different when the colleague received the assignment.

Additionally, because the organizational needs of the county vary over the course of time and because it may become evident that an injured/ill employee is not suited for a particular temporary assignment, it may be necessary for the county to discontinue an injured/ill employee’s temporary transitional assignment prior to the employee being medically cleared for full duty return to his/her permanent position. Consequently, the county cannot guarantee a transitional assignment for any particular duration and is under no obligation to offer, create or encumber any specific position for purposes of offering placement to such a position.

To maximize the opportunity for a temporary transitional assignment, temporary transitional assignment opportunities will be considered in all departments, not just the department where the employee’s permanent position is situated.

Because the constitutional offices of Sheriff, Tax Commissioner, Probate Judge and Superior Court Clerk are legally separate and distinct from the county, those offices are not considered departments within the meaning of this policy. The county cannot place an injured/ill county employee into one of those constitutional offices without the consent of the applicable constitutional officer. In appropriate and limited circumstances, the county will consider hosting an employee from a constitutional office for a temporary transitional assignment, if an acceptable written agreement is executed by and between the county and the constitutional officer.

All transitional assignments must have specific start dates, be productive, flexible, and based on medical progress and the county’s needs. Duties must never be demeaning or appear worthless in any way.

In the event an employee refuses a temporary transitional assignment (outside the employee’s *Family and Medical Leave Act* (“FMLA”) benefits period) for which the employee is qualified and medically capable of performing, the county is not obligated to provide an alternative assignment. If applicable, the county will notify the insurance carrier of the employee’s refusal of the transitional assignment.

**Procedures:**

The county necessarily has limited knowledge concerning the state of the injured/ill employee’s health, when an employee is absent from work due to an injury or illness. Also; the county may not know of the employee’s desire to return to work prior to being released to full duty to his/her permanent position. As a result, the injured/ill employee is responsible for communicating to the county his/her desire for a temporary transitional assignment, unless it is a work-related injury/illness. In that case, it is the county's responsibility to communicate to the employee the availability and details of a temporary transitional assignment.

An employee with an injury/illness unrelated to work who desires a temporary transitional assignment must request a *Request for Temporary Transitional Assignment Form* (“Form”) from Human Resources and forward the Form to the attending physician for completion. An employee with a work-related injury/illness does not need to request the Form; instead, the county shall follow the procedures as set forth in the *Georgia Workers’ Compensation Act* for the return to a temporary transitional assignment.

To be eligible for a temporary transitional assignment, the injured/ill employee shall return the Form as completed by the attending physician within 24 hours of the Form’s completion. The injured/ill employee will not be eligible for consideration for a temporary transitional assignment unless and until the completed Form is timely returned to the county. However, nothing in this *Return to Work Policy* shall prohibit or limit the county's ability to return an employee to work pursuant to the *Georgia Workers' Compensation Act*.

Because of the various restrictions on employment and communication that are imposed by the FMLA, no injured/ill employee shall request or submit a Form while on FMLA leave.

**Job modification**

Medical limitations only affecting non-essential job duties

If the medical limitations, outlined in the Form, will only require the elimination or modification of the nonessential aspects of the employee’s permanent position, [i.e. the employee is medically-capable of performing all essential job duties of the employee’s permanent position]; the appropriate designee will assess whether the elimination or modification of the employee’s nonessential job duties consistent with the medical limitations outlined in the Form would undermine the organizational mission of the department. If the county designee determines that the elimination of the non-essential job duties, consistent with the medical limitations outlined in the Form, would not undermine the organizational mission of the department, the employee will be offered a temporary transitional assignment in the form of a job modification.

Medical limitations only affecting essential job duties

Alternatively, to the extent that the medical limitations outlined in the Form only prevent the injured/ill employee from performing one or more essential job duties, the appropriate county designee (with the injured/ill employee’s input) will assess the following:

1. Whether the county’s acquisition or modification of equipment would permit the injured/ill employee to perform those essential job duties; and

2. Whether the acquisition or modification of such equipment can be acquired or modified without the county incurring significant difficulty or expense. If both assessments are answered in the affirmative, the employee will be offered a temporary transitional assignment in the form of a job modification.

Medical limitations affecting both non-essential and essential job duties

In the event that the medical limitations, outlined in the Form, prevent the injured/ill employee from performing a combination of essential and non-essential job duties, a job modification will be the result. However, the modification will only be appropriate, if eliminating the non-essential job duties does not undermine the organizational mission of the department and the acquisition or modification of necessary equipment would not require significant difficulty or expense.

Vacant position assignment

If it is determined that a job modification is not appropriate, then the appropriate county designee will identify all permanent county positions that are vacant and forward to the injured/ill employee a list of those positions along with their corresponding job descriptions for his/her review. Within seven (7) business days of receiving that list and accompanying job descriptions, the employee shall identify in writing and forward to the county designee the vacant positions for which he/she is qualified. If the appropriate county designee concludes that the employee is qualified for one or more of the positions identified by the injured/ill employee, the designee shall forward the job description(s) to the employee who, upon receipt, shall present the job description(s) for review and approval by the attending physician.

If the attending physician approves the placement of the injured/ill employee in more than one of the positions reflected in the job descriptions, the county shall assign the injured/ill employee to the position that is the most critical from the county’s perspective. If the attending physician approves the placement of the injured/ill employee into only one position, the county will place the injured/ill employee into that position.

Project assignment

If job modification is not viable and there are no vacant permanent positions for which the employee is qualified and medically-capable of performing, the appropriate county designee will contact all department heads to ascertain whether there are any outstanding or prospective projects on which the injured/ill employee could capably assist, taking into account the nature of the project, the injured/ill employee’s work history with the county, the injured/ill employee’s previous work history and the injured/ill employee’s KSA’s. If one or more of the department heads identifies a project on which the injured/ill employee could capably assist the department, the appropriate county designee in consultation with the applicable department head(s) will prepare a temporary transitional job assignment description(s) that comprehensively describes the aspects of the project(s), including physical requirements. Upon completion, that transitional job assignment description(s) shall be forwarded to the injured/ill employee who, upon receipt, shall present the description(s) for the attending physician’s review and approval.

If the attending physician approves the placement of the injured/ill employee in more than one of the project assignments reflected in the job descriptions, the county shall assign the injured/ill employee to the project assignment that is the most critical from the county’s perspective. If the attending physician approves the placement of the injured/ill employee into only one project assignment, the county will place the injured/ill employee into that position.

Non-occupational injuries/illnesses

The county’s knowledge of an employee’s medical condition is especially limited in the event of a non-occupational injury/illness. In that scenario, the county’s ability to consider the injured/ill employee for a temporary transitional assignment entirely depends upon the employee’s cooperation in providing medical documentation regarding the injury/illness. When necessary, the injured/ill employee shall provide a signed, written medical release prepared by the county to facilitate the production of that documentation. Unless indicated otherwise herein, other aspects of this policy apply equally to all injured/ill employees regardless of whether the injury or illness arises out of county employment.

**Job Offer**

Upon completion of the Form and the attending physician’s approval of a temporary transitional assignment, a written assignment offer letter will be prepared by the county’s designee and mailed to the employee’s last known address. The letter will note the doctor’s approval and the start date, hours, wage, and location of the transitional work assignment. The employee shall be required to sign the letter indicating his or her acceptance or refusal of the assignment offer and to timely return the letter to Human Resources. Copies of the job description, work releases and job offer letter will be forwarded to the insurance carrier (when applicable).

Temporary transitional assignments are developed based on a variety of factors, including the physical capability of the injured/ill employee, the needs of the county and the availability of those assignments. The county will determine appropriate hours, shifts, duration and locations of all temporary transitional assignments. The county reserves the right to determine the availability, appropriateness and continuation of all transitional work assignments.

Any employee returning to a temporary transitional assignment must not exceed the duties of the position or go beyond the doctor’s restrictions. Supervisors will monitor work performance to ensure the employee does not exceed the requirements set by the attending physician. Nonetheless, it is the injured/ill employee’s obligation to be familiar with the medical limitations and to refrain from exceeding those limitations.

If any medical restrictions change, the injured/ill employee must immediately notify his or her supervisor and provide Human Resources with a copy of the new medical release.

It is the responsibility of the injured/ill employee or that employee’s supervisor to notify Human Resources immediately of any work-related injuries, any employee absences from the temporary transitional assignment or of any changes in the assignment. The county’s designee will communicate with the insurance carrier and/or attending physician as necessary.

Inability to offer an injured/ill employee a temporary transitional assignment

If the county is unable to offer an injured/ill employee a temporary transitional assignment because job modification, vacant position assignment and project assignment are not viable options at the time of the request, the employee will remain on leave until such time as future employment action is appropriate.

Successive Form Submissions

The county’s inability to offer an injured/ill employee a temporary transitional assignment in response to the injured/ill employee’s submission of a Form should not discourage the injured/ill employee from submitting subsequent Forms in the future. The county recognizes that an injured/ill employee’s medical limitations could vary over time and, as a result, a job modification, vacant position assignment and/or a project assignment could become viable options at some future date. To the extent that an injured/ill employee with an injury/illness unrelated to work desires to be reconsidered for a temporary transitional assignment, the employee shall initiate the review process outlined herein by submitting a new Form. The reconsideration of an injured/ill employee for a temporary transitional assignment shall be initiated by the county consistent with the *Georgia Workers’ Compensation Act*.

Relationship with Americans Disability Act (“ADA”) and Family and Medical Leave Act (FMLA)

Nothing in this policy shall be construed as eliminating or modifying the county’s obligations under the ADA or the FMLA. The county fully complies with the ADA and the FMLA. To the extent that anything in this Policy is inconsistent with the ADA and/or the FMLA, those inconsistent aspects of the Policy shall necessarily yield to the ADA and FMLA. Inquiries about the ADA or FMLA in the context of this or any policy should be directed to Human Resources.

Relationship with the Georgia Workers’ Compensation Act

Nothing in this policy shall be construed as eliminating or modifying the employee’s and/or the county’s obligations under the *Georgia Workers’ Compensation Act* or depriving an injured/ill employee and/or the county of the rights conferred by that statutory framework. To the extent that anything in this Policy is inconsistent with the *Georgia Workers’ Compensation Act*, those inconsistent aspects of the Policy shall necessarily yield to state law.

[OPTIONAL] Pay reductions while an employee is working a temporary transitional assignment

The rate of compensation that the county has established for the injured/ill employee in his/her permanent position is necessarily aligned and commensurate with the scope of the duties and responsibilities inherent in that permanent position. Necessarily, any temporary transitional assignment will implicate a different set of duties and responsibilities. To reflect that organizational reality, an injured/ill employee’s compensation will be reduced during the pendency of the temporary transitional assignment by \_\_\_\_\_\_%.

Upon returning to his/her permanent position, the employee’s full compensation will be reinstated immediately.