

CITY OF TUMWATER
POLICY MANUAL - PART 2: OPERATING POLICIES

SECTION 11
MODIFIED ASSIGNMENT/RETURN TO WORK PROGRAM

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11.01 Purpose

The City of Tumwater considers employees its most valuable asset. Therefore, it is the policy of the City to encourage injured workers to return to work following a job-related injury or illness as soon as authorized by their health care provider. In the event an employee cannot return to work without restrictions, the City will make available, within the limitations of this policy, modified work assignments that accommodate the work restrictions ordered by the health care provider. By doing so, we show our commitment to our employees to work together to minimize the human and financial loss associated with employee injury.

11.02 Reference

RCW 51.32.090

11.03 Policy

- 11.03.01 This program is designed to:
- a. assist the recovery process by providing a focus and a goal for return of the injured worker
 - b. benefit employees by allowing resumption of full wages as soon as possible, and
 - c. benefit the City of Tumwater, and its employees, by reducing workers' compensation and retraining costs.

- 11.03.02 The Modified Assignment/Return to Work Program creates a temporary work assignment for an injured individual for a maximum six month period. It is not intended to be a guarantee of permanent continued employment. If at any time during the six month period it is determined that the employee will be unable to perform the essential job functions of his or her job at the conclusion of the six month period, the City will evaluate the employee's situation. Depending upon the outcome of the

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evaluation, it is possible that the City may terminate the person's employment. Termination of employment does not preclude provision of worker's compensation benefits as provided by Washington state statutes.

- 11.03.03 Return to work assignments are intended to assist workers who are transitioning back to work after a temporary disability. Any modified assignment will be at the discretion of the City and subject to periodic review. The City has the ability to cease or change the modified assignment at any time within the limitations provided for in this policy. Nothing implies that modified assignment is permanent.
- 11.03.04 Department Managers may offer modified assignment/return to work to a person with an injury or illness not related to work, at their discretion. Department Managers are encouraged to evaluate each situation separately to determine what modified work may be available, the number of modified work requests at the current time and in the near future, and the work restrictions of the individual making the request. Nothing in this policy compels a department to offer this program to an employee injured off the job or with an illness not caused by the job.
- 11.03.05 An injured employee has the right to turn down a modified assignment. However, since the Department of Labor and Industries (L&I) requires an injured worker to actively participate in all return-to-work activities while receiving benefits, the worker's medical and time-loss compensation benefits may be suspended if a modified assignment is declined.
- 11.03.06 An injured worker will be paid his/her regular rate of pay during any modified assignment period. Any benefits applicable to the employee would be paid as if the employee was working his/her regular job.

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- 11.04.01 Provided that work is available, the City will make every reasonable effort to seek modified assignment/return to work opportunities for all employees who are temporarily disabled due to a work-related injury or illness, and to return employees to work as early as medically possible. Return to work opportunities will first be considered within the same job classification in the same department. Return to work opportunities will then be considered in a different job classification in the same department. In the event work opportunities do not exist within the employee's original department, work opportunities in other departments will be pursued.
- 11.04.02 The City is committed to making modified assignment/return to work a priority. The injured employee, the employee's health care professional, the employee's supervisor, the employee's Department Manager and the Administrative Services Department are all responsible for coordinating the modified assignment/return to work program.
- 11.04.03 The success of this program depends upon teamwork, with all members of the team knowing and understanding their respective responsibilities. Department Managers and supervisors are responsible for determining modified work assignment possibilities and determining if the modified assignment is acceptable based on the employee's work restrictions. The Administrative Services Department will coordinate communication efforts between the employee, the health care professional, and L&I. The Administrative Services Department will also assist in exploring modified work assignments if the search for a modified assignment extends beyond the employee's original department.

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- 11.04.04 Employee's Responsibility: Upon release, by a health care professional, to return to work on a light duty/modified assignment, it is the employee's responsibility to submit written documentation of the release, and any accompanying restrictions to his/her supervisor. The employee must participate as an active member of the modified assignment/return to work team to establish a work plan. This work plan will include an expected date that the employee will be able to return to work without restrictions. The employee must continue to work with his/her health care professional to receive periodic updates to the work restrictions and a schedule for transition back to full/regular duties. The employee has a responsibility to accept a modified assignment which meets the limitations specified by the health care professional. In the event of any dispute as to the employee's ability to perform the available work offered by the City, the department of Labor and Industries will make the final determination, in situations involving on-the-job injuries.
- 11.04.05 Supervisor Responsibilities: It is the supervisor's responsibility to determine whether modified assignment/return to work is appropriate and in the best interest of the City. Part of this analysis will include the injured employee's medical limitations as well as the employee's skills and abilities. If a position is available, it is the supervisor's responsibility to provide, in writing, to the health care professional and the injured worker a description, including the physical demands, of the modified assignment for both the health care professional and the employee's written approval. The supervisor will also review the modified assignment every 60 days after the job modification has been approved, or sooner if necessary, for further modification, if needed.

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- 11.04.06 If at any time during the six month period it is determined that the employee will not be able to perform the essential functions of his or her position at the completion of the six month period, the City, through the Administrative Services Department, will evaluate the employee's situation. Depending on the outcome of this evaluation, the City may terminate the person's employment.
- 11.04.07 An employee who attempts to return to work and finds that the injury or illness prevents him/her from continuing the modified assignment should immediately consult with his/her health care professional. In the event the employee is restricted from all work by the health care professional, time-loss payments from L&I could resume.
- 11.04.08 An employee who returns to work on a modified assignment that results in fewer hours worked than normal could still be eligible for some compensation from L&I. Such payments are subject to the regulations that govern time loss and loss of earning power payments.