

# **WASHOE COUNTY MODIFIED DUTY POLICY**

## **POLICY STATEMENT**

It is the policy of Washoe County to provide modified duty assignments to employees who have sustained an industrial injury/illness which prevents them from performing the full range of duties within their job classification and whose medical condition has been diagnosed as “temporary” by the employee’s treating physician. “Temporary” means a medical condition of short duration arising out of an industrial injury or illness where the medical prognosis is for recovery to full duty status. By having a Modified Duty Policy, which makes reasonable accommodations possible, there is a benefit to both the County and the injured employee.

Nothing in this Policy entitles an employee to a modified duty assignment. Modified duty assignments are temporary, they are not considered a permanent work assignment and such assignments do not create an entitlement to the position to which the employee is temporarily assigned. The decision to offer modified duty assignments is at the sole discretion of Washoe County.

This policy is not intended to nor does it alter an employee’s rights under the Americans with Disabilities Act (ADA) or the Family Medical Leave Act (FMLA). Determinations of whether an employee has a temporary medical condition or may be covered by the ADA will be made on a case by case basis and may be made periodically before, during or after the prognosticated recovery period. These determinations will be made in consultation with the Personnel Division.

## **RESPONSIBILITIES FOR THE POLICY**

The following groups of County employees are responsible for the success of the Modified Duty Policy.

### **DEPARTMENT**

The injured employee’s department will attempt to place the employee in a modified duty assignment within the department when possible.

When the department is unable to place an injured employee in a modified duty assignment within the department, Risk Management will assist in placing the employee in a modified duty assignment with another department. The employee’s regular department will be responsible for all personnel actions including the payment of the employee’s normal wages and benefits.

## TEMPORARY ASSIGNMENT DEPARTMENT

The temporary assignment department is responsible for providing a modified duty assignment within the physical restrictions imposed by the employee's treating physician. The temporary assignment department will provide the necessary training to ensure the injured employee is capable of performing the modified duty assignment.

## EMPLOYEE

The employee is responsible for working in a modified duty assignment provided by Washoe County. The employee's failure to participate in the modified duty assignment may result in the denial of temporary total disability benefits.

## RISK MANAGEMENT

Risk Management will act as the liaison between the injured employee, the employee's treating physician, the employee's regular department, and the temporary assignment department. Any problems associated with this Policy will be directed to the Risk Management Division.

## PROCEDURES

Modified duty assignments will normally be of short duration.

Modified Duty Assignments will be terminated when the County determines it is unable to provide modified duty assignments consistent with the employee's physical restrictions imposed by the treating physician or the work assignment is exhausted.

When an employee is injured on the job and released with physical restrictions the department will decide if the physical restrictions of the employee fit within their normal job duties.

- If the physical restrictions do not allow the employee to return to their normal job duties, then the department will attempt to place the employee in a modified duty assignment within the department. The department will notify Risk Management of the modified duty assignment.
- The department shall provide written confirmation of the offer of modified duty to the employee within 10 days of making the offer, pursuant to NRS 616B.475(8) as amended October 1, 2003. A copy of the signed letter, sample attached, indicating acceptance or rejection of the temporary light duty assignment, will be forward to Risk Management. The department should maintain the original letter in the employee file.
- If the department is unable to provide a modified duty assignment, the department will notify Risk Management. Risk Management will attempt to find a temporary assignment department to provide the employee with a modified duty assignment.

- Risk Management will complete the written confirmation of any offer of modified duty in another department.
  - Risk Management will meet with the injured employee, the department, and the temporary assignment department to ensure the success of the modified duty assignment.
  - The injured employee will perform the modified duty assignment in the temporary assignment department until the physical restrictions are lessened and the employee can:
    - Return to a modified duty assignment within their department;
    - or a full duty release is given and the employee returns to full duty in the employee's department.

When the employee's restrictions change and the employee returns to their department, Risk Management will be notified by the employee's department.