

ADMINISTRATIVE PROCEDURES



Procedure Number: 30-25

Effective Date: 08/04/2009

Revision Date: _____

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County Administrator

SUBJECT: **WORKERS' COMPENSATION - RETURN TO WORK**

DEPARTMENT RESPONSIBLE: Finance and Risk Management

1. **STATEMENT**

This Administrative Procedure describes the process by which an employee returns to work after an industrial injury. Administrative Procedure 30-24 addresses compensation for an industrial injury. The goal of this procedure is to have an employee that is injured on the job be able to return to work to the original position.

2. **DEFINITIONS**

FULL PERFORMANCE occurs when an employee is able to perform the required functions of the employee's job duties within any restriction(s) recommended by the employee's treating physician.

INDUSTRIAL INJURY – The Arizona Workers' Compensation law defines an industrial injury as an "injury arising out of, and in the course of, employment" and is more fully described in Administrative Procedure 30-24.

MODIFIED DUTY occurs when an employee is working under temporary restrictions given by the employee's treating physician as a direct result of an industrial injury.

WORK STATUS REPORT is a form provided to the employee by the employee's treating physician at each doctor's visit while on workers compensation.

3. **FULL PERFORMANCE**

If the employee's treating physician releases the employee to return to work at full performance but with work restrictions, the department shall take reasonable measures to implement the work restrictions recommended by the employee's treating physician.

4. MODIFIED DUTY PROVISIONS

- 4.1. If an employee is unable to return to full performance, the employee shall, prior to returning to work, provide the Appointing Authority and Risk Management with a copy of the Work Status Report detailing the temporary restrictions recommended by the employee's treating physician.
- 4.2. When the employee is able to return to work but is unable to return to full performance, the department will temporarily modify the employee's regular job duties to address the restrictions recommended by the employee's treating physician. Reasonable modification to the employee's regular job duties shall be considered prior to assignment of other job duties.
- 4.3. An employee's refusal to accept a modified duty assignment may result in reduction or discontinuation of workers' compensation benefits.
- 4.4. Modified duty is temporary in nature and is not to be treated as a permanent reassignment of duties. Pima County will provide modified duty until the employee's treating physician determines the employee is unable to return to full performance or until the sixth month anniversary of the date of injury, whichever occurs first. When a restriction has been determined to be permanent or when temporary restrictions have lasted or are expected to last more than six months, then the employee will engage in the interactive ADA process with Risk Management, Human Resources, and the employee's Appointing Authority or his/her designee, for appropriate action.
- 4.5. An employee who has been on modified duty and who is released to full performance shall return to the employee's regular job duties no later than the next regularly scheduled work day.
- 4.6. Throughout the time that the employee is on modified duty, Risk Management will contact the employee's department representative to determine the work status of the injured employee.
- 4.7. The department shall provide copies of all Work Status Reports from the employee and shall provide monthly updates to Risk Management of the employee's progress on returning to full performance. If an employee is on modified duty for a period of three (3) months, Risk Management shall review the status of the employee's restrictions with the department to determine the employee's progress toward full performance.

5. MODIFIED DUTY - SALARY AND LEAVE COMPUTATION

- 5.1. Employees on modified duty shall retain their position control number (PCN), retain their current classification and salary, and shall continue within their existing retirement system.
- 5.2. Employees on modified duty shall accrue sick, annual leave, and holiday benefit according to the Pima County Merit Rules and Personnel Policies. Employees who work a part-time or variable-time schedule prior to injury shall accrue sick and annual leave based upon the average number of hours worked during the three (3) months preceding the date of the injury.