

TRANSITIONAL DUTY POLICY & PROCEDURE

The following Policy and Procedure is written to provide the operating guidelines for a County-wide early return to work process. A return-to-work program is an essential part of an organization's loss control efforts.

POLICY:

It is the intention of Clackamas County to return ill or injured employees, with the appropriate medical release, to transitional duty on a temporary basis at the earliest possible opportunity.

SCOPE:

This policy addresses Clackamas County employees who have temporary medical restrictions resulting from illness or injury which preclude them from performing one or more job functions. An employee will be eligible for transitional duty based on:

- the employee's medically determined physical limitations,
- the availability of transitional duty positions or assignments,
- the employee's vocational skills, additional abilities, and work experience, and,
- specific work force needs and fiscal responsibilities of the department and the County,

Transitional duty is provided on a temporary basis only. Unless unusual circumstances warrant, this period shall not exceed 90 calendar days. If the effects of illness or injury will extend beyond 90 days, DES Integrated Disability Analyst or Risk Manager should be contacted for direction. County leave policies will be reviewed for any impact they may have. The Benefits Manager shall also be consulted for any benefits considerations.

DEFINITIONS:

Transitional Duty – Work that consists of duties that are either: (1) not part of the employee's regular body of work, which shall not be demeaning or punitive in nature or, (2) part of the employee's regular body of work but are modified during the transitional duty period because the employee is unable to perform them in the regular way.

Generally, this latter type of duty (#2) is appropriate for situations where the essential functions of the employee's regular job, with modification, can still be performed.

The following is an example of each type of duty:

(1) – Road worker with an injured back that performs a variety of duties during the day, all of which are heavy in nature, must be moved to a flagging job because the physician's restrictions are "no work of a heavy nature."

(2) – Office worker who sits most of the day sustains a back injury that results in a restriction by their physician of "sitting only for an hour at a time". The duties that require sitting are

“modified” so the person can stand and stretch every hour. Another example is the elimination of overtime for a deputy who can perform the essential functions of their job, but is released only for 40 hours per week.

PROCEDURES:

- Transitional duty is provided on a temporary basis only. Unless unusual circumstances warrant, this period shall not exceed 90 calendar days. If the effects of the injury or illness will extend beyond 90 days, Integrated Disability Analyst or Risk Manager shall be contacted. The Benefits Manager shall also be consulted for any benefits considerations.
- All departments should identify duties or positions/assignments that are “transitional” in nature. A couple of examples: In the event of a medical release that indicates a corrections officer should not be exposed to potential physical altercations, the Jail has identified a position in the control booth (the place where cameras are monitored and doors are locked and unlocked) that removes the employee from this potential contact. Dog Services could identify duties in the office that would preclude someone with a shoulder injury from having to control excitable dogs. This process may require identifying how many such positions can be made available and writing a description for each that includes job duties and physical requirements. This will be coordinated by the Risk/Benefits Division in conjunction with the department.
- Transitional duty within the worker’s department should be considered first. If nothing is available, a position in another department with the same union affiliation may be considered, e.g. an employee from AFSCME WES may be provided a transitional duty assignment within AFSCME DTD or AFSCME C-COM. This will be coordinated through the Risk/Benefits Division (Integrated Disability Analyst) when a claim arises where transitional duty is warranted. If an injured worker can perform the essential functions of their job with modification, be sure all modifications fit within the physician’s release.
- If it is deemed clarification is necessary, physician approval of actual duties being performed will be obtained by the Risk/Benefits Division prior to work commencing. Transitional duty assignments will be considered in the order they are requested.
- Regular wages during the transitional duty period are paid by the worker's regular duty department.
- For accepted workers’ compensation claims, reimbursement by the Workers’ Compensation Division’s Employer at Injury Program (EAIP) of 50% of the wages paid during the transitional duty period (a maximum of 66 work days) shall be made to the department at injury.
- Supervision is conducted by the department in which the transitional duty exists. If it is found that the employee cannot perform the transitional duty assignment due to their illness or injury, or inability to perform the work, there is no discipline involved. The employee would return to their status under the appropriate leave system (i.e. family medical leave, workers' compensation or other approved leave)
- The employee works under the union contract where they are a member. Work schedule shall be determined by the schedule of the transitional job. This schedule may be different than the worker's regular schedule.
- If applicable, the injured worker will receive a letter in accordance with workers’ compensation law giving them the details of the transitional job, schedule, compensation, and supervision.
- In workers’ compensation claims, refusal of a bona fide job offer approved by the worker’s attending physician may result in a reduction or elimination of disability compensation as provided by the Oregon Workers’ Compensation Administrative rules.
- If the transitional duty assignment has ended (90 calendar days has elapsed) and there is the possibility the impairment resulting from the illness or injury may be of continuing duration, then other laws, the County Personnel Ordinance and/or leave policies, such as

the Americans With Disability Act, Layoff for Inability to Perform Job Duties, and Family Medical Leave Policy, should be consulted for applicability. Contact Risk Management for guidance.

TRANSITIONAL DUTY PROGRAM BENEFITS AND OBJECTIVES

PROGRAM BENEFITS:

According to articles in various professional safety periodicals and studies conducted by professional safety and insurance organizations:

- Workers off work longer than six months due to illness or injury have only a 50% chance of returning to their job. If time loss exceeds one year, there is a 90% chance they will never return to work.
- Return-to-work programs reduce medical costs. The ill or injured worker heals faster, shortening the time medical treatment is required.
- Return-to-work programs reduce legal costs. Workers are less likely to feel their rights have been violated causing them to hire legal counsel.
- Cost reductions resulting from return-to-work programs directly impact our organization's workers' compensation premium rate.
An additional added benefit is:
- Departments are reimbursed 50% of any gross wages paid to injured workers with accepted workers' compensation claims for up to 66 work days while on transitional duty. This is a program sponsored by the State as an incentive to employers to return injured workers to the job.

OBJECTIVES:

1. Attempt to return ill or injured workers to good health and productive employment as early as possible.
2. Develop temporary assignments which assist workers' return to their original positions through a gradual process.
3. Provide an effective means for employees to continue contributing to the County's service goals.
4. Minimize the impact of workers' compensation claims cost by reducing the amount of lost time and lost productivity of injured workers.