

STOCKTON UNIFIED SCHOOL DISTRICT MODIFIED DUTY POLICY

Temporary Modified Duty Positions

The governing board acknowledges the high cost of workers' compensation insurance and personal injury absenteeism, and strives to reduce this cost by reasonable means. An essential feature of a cost containment effort includes the availability of temporary modified duty positions which enable employees injured on or off the job to return to work as soon as medically authorized and in accordance with relevant laws. Therefore, the board hereby establishes temporary modified duty positions in furtherance of the following objectives:

1. To return employees who are injured on or off the job to work as soon as medically authorized without the danger of re-injury.
2. To make the maximum use of our human resources.
3. To provide an opportunity for productive and meaningful work to an injured employee while simultaneously accomplishing job duties for the district.
4. To reduce the number of lost work days and unnecessary temporary total disability payments for employees injured on the job.
5. To reduce the frequency and expense of litigated claims.
6. To facilitate communication with injured employees and to dispel any perception of unconcern on behalf of the district.
7. To reduce the total time off work in an unproductive status which contributes to general depression.
8. To reinstate self-confidence and dignity through an early return to work and to allow the employee to progress to a full duty status.
9. To assist injured employees in the preservation of their overall financial security and accrued leave benefits.

All injuries/illnesses that qualify for protection under federal and California laws will be treated according to the terms specified in relevant law and board policy.

Legal Reference:

Labor Code Section 4600; Medical treatment provided by employer; expenses included.
Temporary Modified Duty Position – Administrative Regulation

Temporary Modified Duty Position – Definition:

The assignment of an injured worker, personal injury or on the job injury, with a temporary medical restriction who is employed in an active status to:

1. The usual job classification with select duties excluded to comply with medical restrictions.
2. Alternative job duties within the same bargaining unit at the same site which accommodate the medical restrictions.
3. Alternate job duties within the same bargaining unit at a different site, which accommodate the medical restrictions.

Temporary modified duty positions may be utilized for a maximum of 60 working days for the same injury or illness. This limitation shall not apply in circumstances where the ADA or California disability laws apply and where the employee has availed him/herself of those protections.

This program will be directed by the Disability Management Coordinator

Procedure:

Industrial Injury

- Employees who sustain an **industrial injury** must report to the district designated occupational injury clinic or their predesignated personal physician for treatment as required. (Board Policy 4154.1) The district designated occupational injury clinic will be informed that the district has modified work assignments available when appropriate.
- Employees who have predesignated their personal physician will inform the physician that the district has modified work assignments available and request a detailed list of restrictions.
- After the initial treatment for an industrial injury, employees released to work on full duty status or on modified duty with medical restrictions must provide a Return to Work Authorization form to Risk Management certifying that the employee can perform the essential functions of the job with or without reasonable accommodation(s).
- If no temporary modified duty positions are available, the employee will be placed off work on temporary total disability and may be subject to workers' compensation benefits until modified duty work becomes available, or the medical restrictions are removed.
- If no temporary modified duty positions are available, the employee will be placed off work on temporary total disability until modified duty work becomes available, or the medical restrictions are removed.
- If an employee declines work in a modified duty position, the temporary total disability benefit will not be paid by the Workers' compensation claims administrator. Sick leave or other leaves will be subject to the approval of the immediate supervisor or the personnel department per bargaining unit agreement.

Non-Industrial Injury

- Employees who sustain a **non-industrial injury** must report to their personal physician that the district has modified work assignments available and request a detailed list of written restrictions and immediately provide to Risk Management.
- If no temporary modified duty positions are available, the employee will be placed off work on total disability until modified duty work becomes available, or the medical restrictions are removed.
- Employees are responsible for communicating absences with Risk Management and inputting their absences into the absence system until the employee is able to return to work with or without restrictions.
- If an employee declines work in a modified duty position, disability benefits may not be payable by the disability carrier and sick leave or other leaves will be administered per bargaining unit agreement.

The district will follow the medical recommendations of the treating physician when an employee is released to return to work.

60-Day Temporary Modified Duty

1. If, at the end of the 60-day temporary modified duty assignment, the employee has not progressed in their recovery, he/she may be removed from work and placed on full disability status.
 - **Industrial injuries:** the workers' compensation claims administrator will be notified that TTD payments are to commence or resume, and the employee will not be able to return to work until the treating physician releases the employee to perform all essential functions of their position with or without a reasonable accommodation, or until the employee reaches a permanent and stationary status and a further determination can be made through the interactive process.
 - **Non-Industrial Injuries:** your supervisor will be notified that you will not be able to return to work until the employees' physician releases the employee to perform all the essential functions of their position with or without a reasonable accommodation, or the employee is placed on permanent restrictions and a further determination can be made through the interactive process.
2. The injured employee may appeal the 60-day limit for temporary modified work by requesting in writing to the Disability Management Coordinator:
 - A written request to extend the temporary modified duty assignment listing the reasoning and the length of the requested extension.
 - An updated medical note
 - The employee will be notified of the outcome within 1-5 work days, if the outcome is approved the modified assignment will be reviewed every 30-45 days.
3. An employee who is off work because the 60-day period of temporary modified duty has been exhausted is required to be available, if directed, to respond to the district's phone

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calls for information or assistance with business related items as they arise during his/her regularly assigned work hours.

4. Pursuant to Ed Code 44984 (certificated) and 45192 (classified), any employee receiving benefits as a result of this section shall, during the period of injury or illness, remain within the State of California unless the governing board authorizes travel outside the state.

Substitute employees are not eligible for modified duty assignments.

Employees who sustain permanent disability from an injury incurred on or off the job may apply to the district for reasonable accommodation in accordance with Board Policy AR 4032.

Modified duty is not offered on a part time basis. Employees participating in this program must be medically able to work a full workday.

I acknowledge receipt of Temporary Modified Duty policy.

Employee Signature

Date