

Resolution No. 15-0853

**A RESOLUTION APPROVING AMENDMENT TO THE CITY
PERSONNEL POLICY MANUAL REGARDING THE CITY'S RETURN
TO WORK / LIGHT DUTY PROGRAM**

WHEREAS, during review of the current policies and procedures of the City of Windsor Heights, the City has identified some inconsistencies with contemporary best practices and its Return to Work / Light Duty Policy; and

WHEREAS, the City shall comply with the provisions of the Americans with Disabilities Act (ADA) and seeks to provide employees with an atmosphere to best utilize their capabilities when recovering from a work-related injury or illness whenever possible; and

WHEREAS, the City is seeking to amend its current Return to Work / Light Duty Program to conform to human resources best practices.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the City Council of the City of Windsor Heights, Iowa, on this 3rd day of August, 2015, that the attached Policy labeled Exhibit 1 and Titled, "Appendix A – Return to Work / Light Duty" is hereby approved as an amendment to replace the existing section of the same in the Employee Personnel Manual.

Passed and approved this 3rd day of August, 2015.

Diana Willits, Mayor

Attest: _____
Brett Klein, City Administrator

CITY OF WINDSOR HEIGHTS, IOWA

PERSONNEL POLICIES MANUAL APPENDIX A

RETURN TO WORK/LIGHT DUTY PROGRAM

PURPOSE: It is the purpose of this program to provide guidelines for employees who are unable to perform the duties of their regular jobs because of a temporary physical impairment, including injuries, on-the-job and otherwise and illnesses, who are unable to return to his/her regular job classification upon returning to work.

POLICY

- A. It is the policy of Windsor Heights to provide modified or alternate work for employees who are recovering/rehabilitating from an work-related illness or injury, ~~including work-related injuries~~, who are unable to temporarily or permanently return to his/her regular job classifications. Regular modified and alternate work will be provided as available in compliance with the Americans with Disabilities Act (ADA) and Iowa Workers' Compensation Act.
- B. Windsor Heights will make reasonable accommodations to a disability unless the accommodations would impose an undue hardship on the employer. The disabled employee must be able to perform the essential functions of the job with or without reasonable accommodation.
- C. The feasibility of reasonable accommodations shall be determined on a case-by-case basis taking into consideration the employee, the specific physical or mental impairment, the essential functions of the job, the work environment, and the ability to provide accommodations.
- D. Objectives:
 - 1. To return employees who are recovering/rehabilitating from an work-related illness or injury as soon as possible when there is not significant risk of substantial harm to themselves and others.
 - 2. To minimize financial hardship and emotional stress to the employee who is recovering/rehabilitating from an illness or injury.
 - 3. To assist employees in returning to work at a level as close as practicable to his/her pre-injury earnings and productivity.
 - 4. To retain qualified and experienced employees.
 - 5. To reduce the cost of disability benefit programs.

E. Temporary Alternate Duty (TAD):

1. TAD is defined as modified duties or hours assigned to a worker recovering/rehabilitating from a work-related injury, when the physician indicates s/he can return to work but who is not yet physically capable of handling the entire job duties normally assigned, and his/her injury/illness has not reached maximum medical improvement.
2. The purpose of TAD is to provide temporary work, within medical restrictions, for employees, recovering/rehabilitating from a work-related illness or injury. TAD may be available when medical prognosis indicates that the employees are expected to return to full duty following a course of medical treatment.
3. ~~If an alternate duty position is available, employees must be provided with TAD as soon as medically feasible.~~ TAD should be consistent with the employee's physical/mental abilities.
4. Employees in TAD capacity will continue to receive the salary and benefits of his/her job classification. These will be proportionately adjusted in the case of part-time work. Status of TAD assignment should be reviewed after each medical appointment, normally every 7 to 14 days. TAD will not normally exceed three months.

5. TAD Procedures:

~~a. The City of Windsor Heights' City Administrator or Workers' Compensation Designee:~~

- ~~1) Informs physician about the TAD program.~~
- ~~2) Informs employee about the TAD program.~~
- ~~3) Informs Workers' Compensation Adjuster of employee's availability to the TAD program.~~
- ~~4) Obtains information regarding ability and limitations of employee to fulfill job responsibilities from physician(s).~~

~~b. Department Representative and/or Employee's Supervisor, along with Workers' Compensation Designee:~~

- ~~1) Develops work assignments on a case-by-case basis, if available, depending on medical restrictions.~~
- ~~2) Develops appropriate TAD assignments, and monitors on-going medical and work adjustment.~~
- ~~3) May meet with employees to review TAD status.~~

e.a. Employee:

- 1) Reviews and signs “Return to Work Program Statement of Acknowledgment.”
- 2) When the physician has determined that Maximum Medical Improvement has been reached and the employee is able to perform the essential job duties of his/her job with or without reasonable accommodations, the employee shall return to the job classification and duties held prior to the injury or illness.
- 3) When the physician has determined that Maximum Medical Improvement has been reached, and the employee is unable to perform the essential job duties of his/her job with or without reasonable accommodations, the employee will be assigned to a Ninety (90) Day Modified Duty Assignment.
 - a. An employee assigned to a Modified Duty Assignment will report to in his/her regular department. The employee shall be assigned to do whatever work he/she is able to do, under the restrictions that the physician has placed on the employee.
 - b. Employees placed on Ninety (90) Day Modified Duty Assignments shall continue to receive the salary and benefits of his/her job classifications.
 - c. During the ninety (90) day period, employees on Modified Duty Assignment will be encouraged and afforded opportunities to bid on or apply for other jobs for which they are able to perform the essential functions of the job.
 - d. The City Administrator or designee will provide notices of available jobs to each employee on Modified Duty Assignments.
 - e. At the conclusion of his/her ninety (90) day Modified Duty Assignment period, employees who have been unsuccessful in obtaining other jobs for which they are qualified and for which they are able to perform the essential functions, can be laid off. Laid off employees shall be afforded all rights and benefits included in applicable collective bargaining contracts and/or personnel policies in effect at the time of the ~~lay-off~~layoff.

F. Permanent Restriction Resulting From Personal Injury/Illness:

1. Employees who are off work due to ~~personal~~ injuries/illnesses may be required to complete functional capacity examinations before they can return to his/her ~~former job~~job with the city. The cost of such examination will be paid for by the employer.
2. When an employee's ~~personal~~ injury/illness has reached maximum medical improvement and there are restrictions that prohibit the employee from performing the essential functions of the employee's job, the City will return the employee to work in his/her former job if the restrictions can be reasonably accommodated.
3. If the permanent restrictions resulting from an employee's ~~personal~~ injury/illness prohibit the employee from performing his/her job's essential functions with or without reasonable accommodation, the employee can be laid off. Laid off employees shall be afforded all rights and benefits included in applicable collective bargaining contracts and/or personnel policies in effect at the time of the ~~lay-off~~layoff.
4. ~~While the employee is laid off and eligible for recall to his/her former job, the City Administrator or designee will provide the employee of available job notices.~~
5. ~~The City will assist employees laid off as a result of permanent restrictions to apply for permanent disability from Social Security and IPERS when it is appropriate.~~

G. Responsibilities of the Employee:

1. The laid off employee is responsible for notifying the City of any changes to his/her current mailing address. Job vacancy notices will be mailed to the last address shown on the City's records.
2. To determine appropriateness of job assignment, the employee who is unable to return to work without restriction is responsible for keeping his Department Head (or the Department Heads designee) informed of the status of the employee's medical condition.
3. If the employee rejects any assignment, which is compatible with medical restrictions, the employee shall not be compensated by the City of Windsor Heights or the City's workers' compensation carrier with temporary, partial, temporary total or healing period benefits during the period of refusal (*Code of Iowa*, Section 85.53).

The employee assumes responsibility for contacting the Human Resources Department to apply for a bid on available jobs.

