
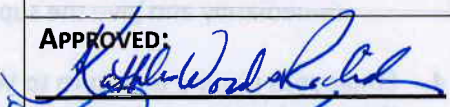



<b>CITY OF MIRAMAR</b>		<b>DATE ISSUED</b> <b>11/18/2013</b>
	<b>ADMINISTRATIVE POLICY</b>	
	<b>DIRECTIVES AND</b>	
<b>PROCEDURES MANUAL</b>		<b>CHAPTER:</b> <b>8.5.2</b>
		<b>APPROVED:</b>  <hr/> <b>CITY MANAGER OR DESIGNEE</b>  <hr/> <b>DEPARTMENT DIRECTOR</b>
<b>SUBJECT</b>		
<b>WORKERS COMPENSATION-RETURNING TO WORK</b>		
<b><u>PURPOSE</u></b>		
<p>To return medically cleared injured employees to work at the earliest date following any injury or illness. Where feasible, transitional positions will be made available to injured employees in order to minimize or eliminate lost time. The desire is to speed recovery of employees from injury or illness, reduce insurance costs, as well as to keep employees productive.</p>		
<b><u>SCOPE</u></b>		
<p>All employees recovering from an injury or disease.</p>		
<b><u>POLICY</u></b>		
<p>The City is committed to returning employees to modified or alternative job duties following an injury or illness. The employee's medical condition, along with any limitations or restrictions given by the attending physician will be considered as a priority when identifying the modified or alternative position.</p>		
<b><u>PROCEDURE</u></b>		
<ol style="list-style-type: none"> <li>1. In Case of an <u>On</u>-the-Job Accident or any other claim under Chapter 440, Florida Statutes: <ol style="list-style-type: none"> <li>A. If the employee is placed on light duty status and has not been placed at maximum medical improvement by his authorized workers compensation medical provider, every effort will be made to place the employee in an alternative vacant position that they are qualified to perform and that matches their medically documented physical limitations.</li> <li>B. If an employee fails to show up for light duty/transitional duty type work which is within their restrictions, or if the light duty position does not work out for reasons not related to their medical condition (attendance, cooperation, etc.), the employee's compensation wages may be discontinued and/or workers compensation indemnity benefits denied.</li> </ol> </li> <li>2. In case of an <u>Off</u>-the-Job Accident or Illness  <p>If accrued leave is taken because of the employee's own serious health condition, the employee is required to furnish a medical certification from their health care provider advising that the employee is able to safely return to work performing the essential functions of their position before the employee will be allowed to return to work.</p> </li> </ol>		

3. An injured Employee Will be Responsible for:
  - A. Delivering a copy of the medical provider's work-status report to their supervisor within twenty-four (24) hours of the medical visit, if feasible.
  - B. Ensuring they do not go beyond the duties of the job assigned and the physician's restrictions. If the employee's restrictions change at any time, the employee will notify their supervisor immediately and give the supervisor a copy of the new medical release.
4. Employees Unable to Return to Work

If an employee is unable to report for any kind of work, the employee must call in at least weekly to report medical status and submit the appropriate documentation to their supervisor. While off work, it is the responsibility of the employee to supply Human Resources with a current telephone number (listed or unlisted) and an address where the employee can be reached. The employee will notify their supervisor within 24 hours of all changes in medical condition.
5. Upon Receiving an Employee's Physician's Report

If the Supervisor receives a physician's report:

  - A. Without restrictions, the employee will be immediately returned to their job position.
  - B. With restrictions, the supervisor will:
    - 1). Attempt to find a job for the employee within the department that complies with the medical restrictions.
    - 2). If an employee's original job cannot be modified to accommodate transitional duty restrictions or if another job cannot be found at the original work-site then:
      - a). The employee may be transferred to a nearby location or Department for the transitional duty period.
      - b). The employee's temporarily transitional duty assignment in another department, will be at no-cost to the Department receiving the transitional duty employee.
      - c). Employees on transitional duty assignment are ineligible for overtime.
      - d). Transitional duty is temporary. In no case will a transitional duty position last more than 180 days.
  - C. All Employee Physician Reports will be forwarded to Risk Management in the Human Resources Department. Upon its receipt, Risk Management will:
    - 1). Contact the employee's supervisor and ensure that the injured employee's modified task complies with the restrictions of the physician.
    - 2). If needed, a request from the medical provider will be obtained to verify (using a Third (3<sup>rd</sup>) Party Provider), that the proposed modified duty is suitable for the injured employee.
6. Reaching Maximum Medical Improvement
  - A. When employees reach maximum medical improvement, they will be returned to their original job position.
  - B. If an employee reaches maximum improvement and is unable to resume the pre-injury position as required by the Americans with Disabilities Act, the Human Resources Department will attempt to offer the employee another available position, with or without a reasonable accommodation.
    - 1). If a transitional duty assignment is unavailable, the employee will be paid for lost work time in accordance with applicable Florida law.
    - 2). Should the employee decline to perform the transitional duty position offered, they may be eligible for 12 weeks of unpaid leave under the Family and Medical Leave Act (FMLA) or paid leave under FMLA utilizing the employees accrued time and leave. The employee's time will

not be coded as Workers' Compensation for this FMLA leave (See APDP 4.8.1 Family Medical Leave Act).

- 3). The Department Director will be required to consult with Human Resources to ensure proper payroll coding and other appropriate actions.

7. The City Reserves the Right

The City of Miramar will determine appropriate work hours, shifts, duration, and locations of all work assignments. The City reserves the right to determine the availability, appropriateness, and continuation of all transitional assignments and job offers.

**RESPONSIBILITY**

1. Department Directors

- A. Establishing and locating their transitional duty positions in-house. However, if none is available to accommodate an injured employee's restrictions, contact the Human Resources Department/Risk Management who will assist in locating an appropriate transitional duty assignment within another Department.
- B. Communicating with the employee's supervisor to ensure that the physical limitations set by the medical provider, are not exceeded.

2. Supervisors

- A. Maintaining regular contact with the injured worker.
- B. Obtaining from the injured worker the "Return to Work" form completed by the medical provider, outlining the recovery status and work restriction.
- C. Assigning to the employee only those tasks and functions that complies with the medical provider's work restriction(s) and the physical limitations of employee.
- D. Monitoring the employee's performance to ensure the employee does not exceed the employee's physician release.
- E. Immediately notifying Risk Management of any changes concerning a transitional/temporary work assignment. Risk Management will then communicate with the insurance carrier and attending physician as applicable.

3. Human Resources (Risk Management )will be responsible for:

- A. Communicating with the supervisor to ensure that the physical limitations set by the medical provider are not exceeded.
- B. Communicating with the Third (3<sup>rd</sup>) Party Provider and submitting the relevant documents (On-the-job injuries only).

**NOTE:** This document is not designed as a substitute for reasonable accommodation under any applicable federal or Florida laws, such as Americans with Disabilities Act, the Rehabilitation Act of 1973, or other applicable laws.