

# Return to Work/Modified Duty Policy

## PURPOSE

This policy shall establish a procedure for an effective Modified Duty Program to address return to work from an on-the-job injury and to provide for means to allow an employee to return to work prior to a full medical release thus allowing an employee to return to productive employment as soon as he or she is physically able.

## BACKGROUND

It is necessary to standardize the various programs used by the many departments within the Authority (i.e., fixed route drivers, paratransit drivers, mechanics and administration) with regard to the procedure for modified-duty assignments. In order to provide a uniform and fair application of a program for modified duty (which includes such categories as modified work, transitional work or restricted work) among the various departments the following policy is hereby adopted and made applicable to all employees.

## PROGRAM DESCRIPTION

1. All employees injured while in the scope and performance of their duties with the Authority shall strive to return to work for the Authority as soon as possible with their treating physician's concurrence. The employee shall request that the physician return them to modified duty as soon as possible. The employee shall, if the physician indicates that the employee is not capable of returning to his/her regular duties, request the physician evaluate the employee for a modified duty assignment such as, but not limited to, clerical duties including answering the telephone, filing or similar duties. The program shall also include the following types of Return-to-Work Programs which are described as follows (which shall hereinafter be collectively referred to as "Modified Duty"):
  - A. Light Duty - The injured employee is brought back to work and placed temporarily within an existing job that is not as physically taxing or demanding as their normal job. This temporary job placement must meet the physical restrictions that a physician has assigned to the injured employee.
  - B. Restricted Work – The injured employee is brought back to their normal job with restrictions assigned by the doctor. For example, this may involve placing a thirty (30) pound lifting restriction on the injured

worker. It is important to impress these restrictions on the injured worker. It is equally important to communicate the mandatory nature of these restrictions to others, including the injured worker's supervisor, fellow employees with whom the injured work will be in contact with etc.

- C. Transitional – The injured employee is brought back to a position that has been specifically created to accommodate the restrictions of a specifically injured employee if the need for such work should arise and such an assignment does not cause a financial hardship to the Authority.
2. Upon being released by a physician to return to work on a modified duty basis, the injured employee will immediately report to the Modified Duty Coordinator (currently Sue McKelvey) with a form completed by his or her physician indicating any physical restrictions.
  3. The Modified Duty Coordinator will interview the employee to review his/her physical restrictions and to determine his/her education, training, experience and skills. The interview information will be used in determining modified duty assignments for which the employee is qualified and physically capable of performing.
  4. In the event that a modified duty assignment will be available the Modified Duty Coordinator shall issue a letter to the employee indicating the nature of the assignment's duties, the hours of the assignment, the name of the supervisor to whom the employee shall report, wages and any other specific guidelines of the assignment.
  5. The Modified Duty Coordinator will contact the appropriate supervisor to determine if the injured employee can be utilized in any division within the Authority.
  6. If there are no meaningful tasks available that the injured employee is capable of performing, the injured employee will be sent home subject to being called back should appropriate modified duty become available. A modified duty assignment is not guaranteed to an injured employee, but AMTRAN will attempt to make the work available. In no event will a position be created for the sole purpose of utilizing the injured employee in a modified duty status or shall a modification of job duties be made which allows the employee to perform in a modified duty capacity.
  7. All modified duty assignments shall be temporary and shall not be guaranteed for any specific duration by the Authority. In no event shall modified duty positions be provided in excess of 60 days unless specifically approved by the Authority's General Manager.
  8. In no event shall a full-time, regular duty employee be bumped in favor of an employee who is placed in a modified duty position.

9. Once an employee is placed in a modified duty position, the necessity and adequacy of this placement shall be reviewed every thirty (30) days. In the event that a physician's note shall be provided that indicates said employee may return to his regular full time duty, such a change in assignment shall take place irrespective of said thirty (30) day review.
10. Wages shall be determined by workers compensation regulations and by the collective bargaining agreement.
11. An employee who is assigned to modified duty SHALL NOT be assigned to any duties, even temporarily, that would require the employee to perform duties that are not within the restrictions placed by the physician.
12. An employee who is assigned to modified duty will be required to periodically furnish a written statement from his or her treating physician or the physician designated by the Authority that he or she is incapable of performing his or her normal duties.
13. Nothing in this policy shall be construed to usurp any rights of the employer pursuant to the Pennsylvania Worker's Compensation Act including, but not limited to, the Authority's ability to have the employee evaluated by its own physician to determine if the employee can physically perform any or all essential functions of his or her permanent position held prior to the subject work injury or illness.
14. Likewise, the refusal of any modified duty position shall be handled by the Authority pursuant to the provisions of the Worker's Compensation Act and may include the suspension of benefits for refusal of a position within the limitations set forth by the appropriate medical provider.
15. Further, the Authority shall prepare the necessary filings before the Department of Labor regarding benefit adjustment consistent with Paragraph 10 above.
16. A modified duty position shall not be available for any injury or illness not incurred in the course and scope of employment.
17. This Modified Duty Policy shall be separate and distinct from the Authority's EEOC Policy which shall address issues of accommodation pursuant to the ADA, PHRA or other federal and state requirements that may apply to the Authority. Under no circumstances should this policy be used in situations where the EEOC Policy shall apply.
18. Complaints or appeals with regard to specific modified duty assignments should be appealed to your department head.

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