

# CITY OF WAUKESHA

## HUMAN RESOURCES POLICY/PROCEDURE

### POLICY G-8 – Temporary Assignment of Alternative Productive Work

**WHEREAS**, the City of Waukesha desires that employees unable to perform the essential functions of their regular job because of an injury or illness return to meaningful work, and where possible be temporarily assigned productive work (TAAP) as provided by medical certification, and

**WHEREAS**, the City of Waukesha does not assign employees to non-productive work just to keep an employee busy since it is believed that such an assignment would take away from employee dignity, it does however, desire to obtain the benefits of a temporary assignment of alternative productive work (TAAP) which maintains a level of activity which is productive, serve a therapeutic purpose and which quickens the employee's return to full assignment,

**THEREFORE BE IT RESOLVED**, that from the date of adoption of this resolution the following policy established:

#### **City of Waukesha Return-to-Work Policy and Procedures**

The City of Waukesha recognizes the need to provide transitional work to employees who are unable to perform their regular duties due to occupational injury or illness. This program applies to all employees. The amount of transitional work may be limited. Employees receive assignments on availability and "first-come, first-served" basis.

#### **Scope**

For the purposes of this program, an occupational injury or illness means an injury or disease arising out of the employment with the City of Waukesha and compensable under the workers compensation laws of the State of Wisconsin.

#### **Definition**

For the purposes of this program, an employee who is temporarily totally disabled as a result of an occupational injury or illness is a person whose medical condition permits him or her to perform some occupational function.

#### **Program Goals**

- To provide work for employees with job-related injuries or illnesses that restrict regular job performance, so they may receive compensation and benefits while recovering from the injury or illness.
- To assist employees in the transition from injury or illness to recovery while continuing to be a productive part of the work force.
- To provide the City of Waukesha with a constructive program to reduce the cost of workers compensation.

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- To prevent the deterioration of employees' work skills, health and attitude that may result from prolonged work absence.
- To demonstrate the City of Waukesha's commitment to employee recovery.
- To minimize the loss of productivity.

**Roles and Responsibilities**

**City of Waukesha-Administration (Human Resources Director)**

The City of Waukesha's commitment to return-to-work is key to the overall success of the disability management program.

- Develop a written policy, signed by top City Administration, with clearly defined procedures that communicate the City of Waukesha's philosophy.
- Assign the responsibility for coordinating and evaluating the managed disability program by designating an RTW coordinator.
- Hold all department heads/supervisors/employees accountable for their participation in the program by establishing roles and responsibilities for each.
- Provide training for all department heads/supervisors/employees on disability issues and their roles and responsibilities in achieving a successful RTW program.
- Inform medical provider that the City of Waukesha has an RTW program and that the intent is to bring employees back to work as soon as possible.

**RTW Coordinator (Human Resources Specialist)**

The RTW coordinator shall be responsible for oversight and implementation of the RTW program, and will provide, with City of Waukesha Administration support, high-level direction and promotion of the RTW program consistent with our goals and commitment to our workforce.

- Understand and promote the RTW program.
- Monitor progress of returning injured/ill employees to work and problems that may occur.
- Record and report progress to City Administrator and Human Resources Director on a monthly basis.
- If the employee is released to work with restrictions that prohibit a return to regular job duties, determine whether job modifications or alternative work can be provided within the physician's restrictions by reviewing with Supervisor of injured employee.
- Notify the employee if modified work is available, and send a copy of the job offer to the employee as well as the insurance claims adjuster.
- Review accommodations with the employee and supervisor prior to his or her return to work, to ensure everyone understands the restrictions.
- Monitor the job to determine compliance with the restrictions and the feasibility of continuing the position once the pre-determined time frame has been reached.
- Maintain employee contact on a regular basis to determine whether or not employee can or cannot return to regular work or modified/alternative work.

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**Department Head/Supervisor**

Department Heads and Supervisors provide critical support, in that how they respond to the work injury can directly influence the duration of disability.

- Understand and support the City of Waukesha's written policies/procedures by providing written protocol and conducting training.
- Complete an accident investigation within 24 hours or sooner if possible after the injury and forward report to RTW Coordinator to ensure that accurate information is reported to Insurance Company Claim Department.
- Be sure that employee does not exceed restrictions or limitations, and communicate to the RTW Coordinator if there are any issues.
- Communicate, not less than weekly, with the RTW Coordinator, and immediately report any problems or concerns regarding the transitional work assignment.

**Employee**

Employees should understand the program, expectations and how their role impacts results. An employee can positively impact outcomes by reporting injuries immediately, cooperating with claims and health care provider staff, staying in touch with appropriate parties and being available for modified or transitional job assignments during their recovery.

- Follow procedures for reporting all injuries and illnesses immediately.
- Communicate/cooperate with Department Head/Supervisor's regarding ability to return to work.
- Cooperate with the health care provider regarding ability to return to work.
- Work within the physical capabilities outlined in the transitional duty plan by the health care provider.
- Abide by the work/safety rules.

**Medical Provider**

The City of Waukesha does not have direct supervision or control of medical providers. Nonetheless, communication with medical providers will include a request that providers do the following:

- Become familiar with the City of Waukesha operations, job demands and the transitional/light work duty program.
- Communicate both willingly and verbally, in writing, with RTW coordinator, claims or department heads/supervisor regarding employee status.
- Promote early return to work with injured employees by determining what the employee "CAN" do.
- Utilize appropriate forms provided to communicate status of employee so that the City of Waukesha can facilitate modifying or finding transitional work.
- Health care provider or staff provides the RTW Coordinator with a medical status update after each medical appointment and at the conclusion of the transitional work assignment period.

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**City of Waukesha Return-to-Work Procedures**

**Post-Injury Procedure**

**IMMEDIATELY following an injury:**

- Send employee for medical treatment. (Wisconsin law provides that employees may select their medical provider)
- Complete an accident investigation form.
- RTW Coordinator will notify Insurance Company Claims Department by (phone/fax/e-mail) within 24 hours, so claim handling can begin in a timely manner.
- Human Resources Department to forward accident investigation documents to Insurance Carrier.
- Provide an information packet to the physician's office at the time of the initial visit. The prepared packet should include:
  1. Letter to the treating doctor explaining the return to work program, providing carrier information and identifying an employer contact.
  2. Description of the injured worker's regular job, including job duties.
  3. Work Release/Physical Capacities Form. It is critical to know the work restrictions that may be placed on an injured worker by the physician.

**Modified Duty/Transitional Work Job Assignment**

1. The Work Release/Physical Capacities form should immediately be faxed/e-mail to RTW Coordinator for review and placement determination.
2. The RTW Coordinator and Supervisor of Injured Employee will review restrictions and determine location/department and modified position/transitional work assignment.
3. Once the location/department and modified position/transitional work assignment has been determined, the RTW Coordinator will contact the physician to review the position and obtain approval. Once approval has been received from the physician, the Manager/Supervisor will be notified.
4. Employee will then be informed of modified duty or transitional work assignment and an "Offer of Modified/Transitional Work Assignment" letter will be sent to the employee for their acknowledgement. Employee will have two (2) days to accept the position. Signed acceptance will be given to the RTW Coordinator (Human Resources Specialist) for submission.

Under the RTW program, the City of Waukesha has no obligation to provide, convert a regular job, or create temporary assignment of alternative productive work. The City of Waukesha does not intend to create long-term jobs for accommodation of permanent disability. Thus, all employee participation in the program will be for a period to be determined based on the treatment plan and physician diagnosis. However, the temporary assignment of alternative productive work will not exceed six (6) work months in duration. The specific end date of the assignment will be communicated clearly in writing to the employee upon temporary assignment of alternative productive work. Vacation and paid Holidays may be excluded in calculating the six (6) work month period. Unused accrued vacation may be used in lieu of a temporary assignment to alternative productive work.

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**Transitional Offer of Employment**

1. An employee who meets the requirement to receive a workers compensation entitlement, and who is certified as able to return to a temporary assignment of alternative productive work, may decline such assignment, if it is offered. As a result the employee may lose workers compensation payments, but is entitled to remain on unpaid FMLA leave until the twelve (12) week entitlement is exhausted.
2. The employee will be returned to work within the restrictions given by the physician, with the first priority being to assign the employee to the same job observing the prescribed restrictions.
3. If appropriate tasks cannot be found within the same job, the employee may be placed in another job that meets the prescribed restrictions.
4. If the physician determines the employee is not able to perform modified/return to work tasks, the employee will be placed on leave until such time as appropriate work can be assigned or the restrictions are lifted.

The City of Waukesha Human Resources Department and Supervisor will review the recommendation of assignment of a restricted employee to temporary assignment of alternative productive work status to ensure compliance with FMLA, ADA, WC and this policy.

**Monitoring Temporary Assignment of Alternative Productive Work**

1. The RTW Coordinator (Human Resources Specialist) will assist the Supervisor (prior and current) in maintaining contact with employees in ongoing modified/transitional work assignments.
2. The RTW Coordinator (Human Resources Specialist) and Supervisor will monitoring the assignment for appropriateness, and the Supervisor will contact the RTW Coordinator (Human Resources Specialist) if there are any issues.
3. Physician, Claims and any other involved party will be kept informed if changes are necessary.
4. The employee's status shall be evaluated once a month, at a minimum. If the restrictions are of short duration, the employee will be evaluated on a weekly basis.
5. Maintain weekly contact between Supervisor and employee post return-to-work.

**Employee Work Hours and Compensation**

1. No overtime will be permitted while the employee is participating in the RTW program unless approved by the Human Resources Director.
2. An employee eligible to participate in the program may not substitute paid sick leave because he/she does not personally feel ready to perform the modified/transitional work assignment. The employee will be sent to the physician for reevaluation of ability to work.
3. Workers Compensation temporary disability benefits will be supplemented depending on pay while the employee is participating in the RTW program provided the number of hours under the job assignment is the same as the employee's regularly scheduled work hours.
4. Employee will be paid at regular hourly rate of pay regardless of the modified/transitional job assignment.

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**Termination**

Under the RTW program, an employee will be removed from Temporary Assignment of Alternative Productive Work under the following circumstances:

- The termination date specified in the Offer of Modified/Transitional Work Assignment letter.
- Six months from the beginning date specified on the Offer of Modified/Transitional Work Assignment letter.
- Upon receipt by Medical Provider of a medical report stating the employee can return to regular duties.
- Upon receipt by Medical Provider of a medical report stating that the employee will be permanently unable to return to the job performed at the time of injury.

All temporary assignment of alternative productive work will be reviewed each 30 calendar day period by the respective Department Director and the Human Resources Director.

Passed this \_\_\_\_\_ day of September, 2016.

Approved this \_\_\_\_\_ day of September, 2016.

\_\_\_\_\_  
Mayor

Attest: \_\_\_\_\_