



Management Directive

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CHAPTER NO.: 3100 – Risk Management

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SUBJECT: 3120 – Workers' Compensation Transitional Work Assignment Program Date: August 30, 2021
REVISED: December 23, 2021

3121 – Purpose

The purpose of transitional work assignments is to provide temporary assignments that enable an employee who currently has temporary work restrictions due to a workers' compensation related injury to return to work.

Transitional work assignments benefit the employee, their coworkers, and the employer as they can minimize time lost due to temporary functional limitations, prevent staffing gaps, improve productivity and morale, allow the employee to replenish their leave bank while in the healing process, and facilitate an employee's recovery as rapidly as possible. The County of Fresno values each of its employees and affirms the importance of returning temporarily injured or disabled employees to productive employment as early as possible when feasible. This policy is overseen by the Department of Human Resources-Risk Management. County department supervisors, managers, and personnel units are instructed to work closely with the Human Resources - Risk Management Division to effectively administer the Transitional Work Assignment Program and maximize opportunities for employees' abilities to temporarily perform transitional work assignments consistent with their restrictions or limitations.

3122 – Provisions

3122.1 Transitional Work Assignments

3122.11 It is the policy of the County of Fresno to permit transitional work assignments, encompassing both modified duty and light duty assignments, on a temporary basis, as appropriate, to employees who are temporarily unable to perform the essential functions of their usual and customary job assignments due to industrial injury, illness, or disability. These transitional work assignments are to be consistent with work restrictions or limitations outlined and certified by a medical provider, as a means of temporary accommodation. Transitional work assignments encompass all temporary work assignments outside of the employee's usual and customary duties, including light duty accommodation where the employee has returned to work with temporary work restrictions.

3122.12 Transitional work assignments through this program are

available only for employees with temporary work restrictions relating to their workers' compensation related injury. Nothing in this policy entitles an employee to a transitional work assignment or implies the temporary assignment will continue on a permanent basis.

- 3122.13 Transitional work assignments, whether in the employee's home department or as an alternative placement in another County department, are intended to address temporary medical conditions and restrictions or limitations. Should an employee receive permanent restrictions from their treating workers' compensation health care provider, they will no longer be eligible for transitional work assignments, and instead will begin the permanent placement interactive process with their home department in accordance with state and federal laws.
- 3122.14 Pursuant to the Memoranda of Understanding (MOU), transitional work assignments are done on a temporary basis, and are subject to change from work status report to work status report, based on the temporary work restrictions provided by the treating health care provider in each report. Transitional work assignments are not permanent positions or long-term job assignments but rather temporary assignments while employees are receiving treatment for their workers' compensation related injury.
- 3122.15 Employees on transitional work assignments will continue at the rate of pay and benefits for their usual and customary position. The accommodation may also include arrangements for a modified schedule constituting less than an eight-hour workday in accordance with work restrictions provided by the workers' compensation doctor. In such cases, hours not worked due to medical work restriction will be accumulated and submitted to the workers' compensation insurance program for any applicable wage replacement.
- 3122.16 Every reasonable effort will be made to identify or create productive transitional work assignments that will accommodate temporary work restrictions as identified by an employee's treating workers' compensation health care provider either inside the employee's home department or throughout the County. The assignments will include modifications to the employee's current job assignment or an alternate assignment. These assignments do not have to be in an established classification as they are temporary in nature and will only be used to accommodate an employee's temporary work restrictions.
- 3122.17 Employees who decline to return to transitional work assignments while receiving benefits for an accepted workers' compensation claim, illness, or disability may be subject to the discontinuation of any applicable Temporary Total Disability payments or other wage replacement paid by the Workers'

Compensation Program in accordance with workers' compensation rules and regulations. Such employees affected may contact their claims examiner for details based on the specifics of their claim.

3122.18 Transitional work assignments are only to be done on a temporary basis, with each work offer being limited to the period specified by the corresponding work status report provided by the workers' compensation treating physician. Should there be material changes to the restrictions provided in a work status report, it may be appropriate to suspend the transitional work assignment for a period of time for further treatment due to inability to accommodate the new restrictions.

3122.19 Approval by the Director of Human Resources, or designee, is required prior to any transitional work assignments exceeding a consecutive six (6) months' time period. In addition to this approval, the employee participating must acknowledge their understanding that their continued participation in a transitional work assignment does not constitute a permanent position by indicating they have read and understand this Management Directive.

3122.2 Interdepartmental Transitional Work Assignments

3122.21 Transitional work assignments may be used to place employees whose temporary work restrictions are unable to be accommodated within their home department into another participating department. Participation in transitional work assignments outside of the home department is based on the discretion of each department.

3122.22 Transitional work assignments may include overtime requirements; however, approval of overtime is determined by the employee's home department and this requirement may impact an employee's eligibility to participate in the corresponding transitional work assignment.

3123 – Responsibilities and Procedures

Every effort to accommodate an employee with temporary work restrictions should be made, provided accommodations may be implemented without unreasonable hardship for the County of Fresno or its employees, or that might threaten the safety of the individual who has made the request, or of others. This policy complies with the County's Federal obligations under the Americans with Disabilities Act, Section 503 of the Rehabilitation Act, and other state and local disability-related regulations. Responsibilities and procedures are detailed in the Transitional Work Assignment Program document.

3124 – Appeal Process

County employees who are temporarily disabled due to a workers' compensation related injury and believe they have been denied reasonable and appropriate accommodations have the right and are encouraged to contact the Director of Human Resources