



ADMINISTRATIVE POLICIES AND PROCEDURES

Policy: Transitional Duty Policy
Creation Date: August 8, 2011
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Prepared By: HR Department
Approved By: City Manager
Legal Review: Elizabeth Ruhmann

POLICY: TRANSITIONAL DUTY POLICY

This policy is in place to ensure that the City of El Paso (the "City") provides meaningful work activity for employees who are temporarily unable to perform all or portions of their regular work assignments or duties due to injury or illness. The goal of the City's transitional duty program is to allow City employees to return to productive, regular work as quickly as possible. By providing temporary transitional or modified work activity, injured employees remain an active and vital part of the City's workforce.

POLICY:

It is the policy of the City of El Paso (the "City") to support injured and ill employees who have temporary restrictions and are expected to return to their regular positions following recovery. Placement in a transitional duty position will be evaluated on a case-by-case basis. While the goal of this program is to return all employees to gainful employment as quickly as possible, the workload needs of the City and the affected department, in conjunction with the employee's restrictions, must be considered. As a result, temporary transitional duty work may not always be available to all employees.

This policy and its procedures do not apply to employees with permanent restrictions.

GUIDELINES AND PROCEDURES

I. Obtaining and Assessing Work Restrictions and Identifying Assignment

- A. Upon notification from the employee's treating physician that the employee is released to return to duty with temporary medical or physical restrictions, the employee shall, within three days of receipt, provide his or her supervisor with documentation from the treating physician detailing the employee's limitations and work restrictions. The employee may fax the documents to the supervisor.

B. The written documentation from the doctor must identify:

1. The employee's temporary work limitations and/or restrictions;
2. The specified work activities that are limited due to an illness or injury (for example: limited hours, limited functions, need for equipment, etc.); and
3. The expected duration of the work restrictions

If the employee attempts to return to work with insufficient or incomplete documentation, the employee will be asked to provide additional medical documentation to clarify the missing relevant and necessary information. The employee will not be allowed to work in a transitional duty position until such documentation is provided. Employee will remain on leave until complete documentation is provided. The employee must continue to provide medical documentation to his or her supervisor or the Human Resources Department every thirty (30) days.

- C. Once a supervisor receives appropriate documentation it will be forwarded to the Human Resources Department for assessment of the restrictions on the employee's regular job position.
- D. If it is determined that the temporary work restrictions cannot be reasonably accommodated in the employee's regular position and the employee is unable to perform one or more essential functions of his or her job as a result, the Department Head and Human Resources representatives will attempt to provide the employee a temporary transitional duty position within his or her department that accommodates the employee's job skills and capacities at the time of return to work.
- E. If the City is able to place the employee in a transitional duty position, the Human Resources Department will notify the employee in writing and the employee must report to work within three (3) working days of receipt of the notification.
- F. If the City is unable to place the employee in a transitional duty position, the City will inform the employee of this and the employee will remain on leave. The employee must continue to provide medical documentation to his or her supervisor or the Human Resources Department every thirty (30) days.
- G. The employee has the responsibility of maintaining contact with the City about his or her condition and status. Any changes to the employee's medical or physical requirements or restrictions must be immediately reported to his or her supervisor or the Human Resources Department to assure the suitability of each placement and to continue to monitor the employee's ability to adequately perform the work.

II. Alternate Duty. Alternative duty is a part of the City's Transitional Duty Policy that may allow an employee to perform transitional duty in a department other than their regular department if:

- A. An appropriate transitional duty position is not available in the employee's regular department; and
- B. An alternative duty position is available in another department, the duties of which enable the employee to work within their temporary medical or physical restrictions; and
- C. Funding for the performance of the duties is available; and
- D. The provision of work is not in violation of any collective bargaining agreements.

III. Duration of Transitional Duty Assignments. If work is available that meets the limitations and/or restrictions set forth by the employee's physician, the employee may be assigned transitional duty (including alternative duty) for a period of up to ninety (90) days. An extension beyond ninety (90) days will be considered on a case-by-case basis and may be granted only by the Human Resources Director. In no event shall transitional duty assignments exceed one (1) year.

IV. Termination of Assignment

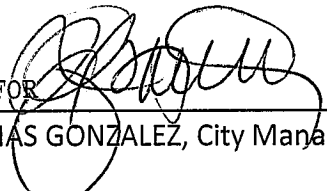
- A. A temporary transitional duty assignment will terminate at any time if the needs of the department change, or when a department determines that the employee is not acting in accordance with the stated restrictions, or is unable to perform the duties as assigned within the stated restrictions.
- B. A temporary transitional duty assignment will terminate at any time if the physician:
 - 1. Releases the employee to full duty without restrictions;
 - 2. Removes the employee from work;
 - 3. Indicates the employee has permanent restrictions.
 - 4. The Temporary Transitional Duty Assignment automatically terminates at the end of the approved assignment unless an extension has been requested and approved per this policy.

V. Compliance. Any employee who fails to follow his or her restrictions may cause a delay in healing or may further aggravate the condition. Employees who disregard their stated restrictions, whether they are at work or not, may be subject to disciplinary action up to and including termination.

VI. Refusal to Participate. If an employee is unable to return to his or her regular job but is capable of performing in a transitional duty position that is available and has been offered, the employee is required to participate in the transitional duty program. Employees who choose not to participate in the City's transitional duty program or follow the requirements of this policy may become ineligible for workers compensation benefit and, in some cases, refusal to participate may be a basis for discipline, up to and including termination.

VII. Permanent Medical or Physical Restrictions. Employees who are unable to return to their regular jobs due to permanent prolonged or irreversible medical or physical restrictions are not eligible for transitional duty, but are eligible for evaluation under the Americans with Disabilities Act to determine if a reasonable accommodation is available, and as well may be eligible for reassignment, as outlined in the City's ADA- Reasonable Accommodations Policy.

APPROVED BY:

FOR 

TOMAS GONZALEZ, City Manager

DATE: 