

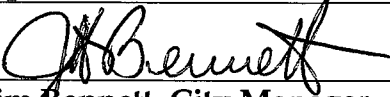
ADMINISTRATIVE POLICY: 2017-04 (supersedes 98-01)

SUBJECT: Return to Work Following Injury or Illness

DATE ISSUED: April 6, 2017

DATE EFFECTIVE April 6, 2017

APPROVED:


Jim Bennett, City Manager

SECTION ONE: POLICY

It is the policy of the City of Lewiston to allow employees who have been seriously injured or who are seriously ill to return to their full responsibilities as soon as they are able to perform the essential functions of their job.

SECTION TWO: PURPOSE

1. To ensure that employees are able to return to either their full responsibilities or to *temporary* light duty work, as soon as it is appropriate, after a serious illness or injury.
2. To protect the employee from further injury or illness resulting from returning to work too early.
3. To protect the city from potential workers' compensation liability resulting from requiring or allowing an employee to perform functions which should not be performed due to medical limitations.
4. To ensure that reasonable accommodations are made for employees where appropriate.
5. To discourage abuse of illness leave.

SECTION THREE: GUIDELINES

1. For purposes of this policy, "serious injury or illness" shall mean any injury, illness or medical condition which is serious enough to affect the performance of any essential function of the job, as determined by the city. The determination shall be made by the employee's department manager or his/her designee, in consultation with (1) the city clerk in cases of work related serious injury or illness or (2) the human resources director in all other cases of serious injury or illness.

2. When an employee has had a serious injury or illness, whether work related or not, the employee shall not return to work until a physician who has treated or examined the employee releases the employee for a return to work. The release shall *specifically* address the physical capabilities of the employee and shall unequivocally state the physical restrictions, if any, the employee has. Both the employee and the city have rights and obligations for providing and receiving releases from treating physicians.
 - A. *Employees* are responsible for obtaining and submitting detailed information from their physician concerning their injury or illness. This information must be provided to the city in a timely manner and will include the physician's recommendation as to whether the employee may return to full or light duty, or should remain off work. If any physical restrictions are placed on the employee, they must be listed in sufficient detail for the city to make an informed decision regarding the employee's suitability to return to work. The city must also be notified of all follow-up appointments with any medical provider who will provide treatment for the injury or illness. The injured employee should follow the procedure outlined below:
 - Tell your doctor that the City of Lewiston has a return to work program and ask the the following questions:
 - *Can I return to my original job with no changes?*
 - *Can I return to my original job under special conditions, such as reduced work hours or using modified equipment?*
 - *Can I return to work doing an alternative job assignment, if one can be made available to me?*
 - Have your doctor complete a Return to Work Recommendation Form, which lists the employee's medical restrictions and current capabilities. Have your doctor update this form each time you have an appointment. (If you are unable to personally deliver the completed form to the City Clerk or Human Resources Director, you should ensure that it is either e-mailed, faxed or mailed promptly.)
 - B. Failure of the employee to provide the required information may result in the city's representative contacting the treating physician and obtaining necessary information. The city will not, under any circumstances, place an employee in a work situation where they must perform physical activities that exceed their physical restrictions. Work assignments will remain the right of the city; however, employees are encouraged to discuss any concerns they may have about work assignments and/or physical limitations with their supervisor.
3. If the City or the Worker's Compensation Third Party Administrator (TPA) has reason to believe, based on knowledge of the type of injury or illness, observation of the employee, or any other physical evidence or information, that the employee may not

be able to perform the essential functions of his/her job, the TPA may require the employee to undergo a job-related independent medical examination (IME) by a physician selected by the TPA.

4. In cases where the physician(s) performing the IME has a different opinion than the employee's treating physician, the decision of the TPA will prevail.
5. Before the employee returns to work, the physician release and the employee's return must be approved by the employee's *department manager or his/her designee* and (1) the *city clerk* in cases of work related serious injury or illness or (2) the *human resources director* in all other cases of serious injury or illness. The decision to approve the release shall be made based upon all of the information available to the city regarding the job and the employee's medical condition. The release shall be included in the employee's personnel medical file.
6. The city shall allow the employee to return to full duties once the release has been submitted and approved as required by paragraph #5 above. Employees are encouraged to pursue any recommended therapy in order to accelerate their return to work.
7. Employees returning to work after a serious injury or illness are expected to perform all the required functions and duties of their job.
8. In cases where an employee cannot return to full duty because of limitations caused by the serious injury or illness, the city *may* allow a return to *temporary light duty* for a period of time *not to exceed six months*, in cases where (1) there is legitimate light duty available without displacing another employee, (2) the employee is qualified to do the light duty, and (3) the employee's physician releases the employee to perform the light duty. *In unusual cases*, such as where the employee is undergoing therapy and the employee is an active and committed participant in the therapy and the expectation of a recovery allowing the full performance of the essential job functions is verified by the employee's physician, the light duty may be extended upon approval by the city manager. In no case will the extension of light duty exceed an additional two months.
9. At the end of the temporary light duty assignment, or in cases where there is no light duty available, the following options are available to the employee:
 - A. Return to work in the same job held previously, performing the full duties of the job, with a physician's release as required above.
 - B. Reassignment to another position available in the city, for which the employee possesses the minimum qualifications, and the essential functions of which the employee is able to perform. Availability shall be determined by the human resources director and the department manager(s) involved. Reassignment to a position in a different department must be approved by the city manager.

- C. Return to the same job held previously with reasonable accommodations to help in the performance of the essential functions, as set forth in paragraph #10, below.
 - D. Medical leave of absence (either using accrued leave or workers' compensation benefits, or without pay if benefits or leave have been exhausted or are not applicable).
 - E. Apply on a competitive basis for any open position in the city.
 - F. Retirement or other separation from city employment.
10. The city shall make reasonable accommodations for the performance of essential functions by employees who have suffered a qualifying disability under the ADA. Reasonable accommodations do not include creating another position or having another employee perform the essential functions of a position, but may include changes in the physical or functional work methods or the work conditions or environment.

DISTRIBUTION

All City Employees