

References

Policy

When feasible, employees injured on or off the job, will be provided an opportunity for light duty on a temporary basis. This should assist: a) employees return to full duty more quickly, b) worksites complete required responsibilities and c) the agency contain workers' compensation costs. The opportunity for light duty is not a right and there is no guarantee of light duty or the continuation of light duty.

Procedures

1. An employee with temporary restrictions must provide the worksite with a completed Temporary Work Capacities Form (TWC) signed by a licensed medical professional describing the specific temporary restrictions and the expected duration of those restrictions. If there are questions concerning the restrictions, the State Human Resource Office (SHRO) will clarify them with the licensed medical professional. That clarification process may delay a light duty decision.
2. In determining if light duty is feasible, various factors are taken into consideration, i.e: the type and length of the restrictions, the background and skills of the individual employee, the parts of his/her regular position which can be performed within the restrictions, availability of productive light duty in other sections of the worksite or agency, the amount of time to complete any potential light duty tasks, the number of employees already on light duty, length of time to train an individual on a light duty assignment, budgetary impact, staffing, etc.
3. The employee, supervisor and/or other management personnel may need to go over individual tasks and discuss the likelihood of the employee performing each task safely, competently and in a timely manner.
 - a. If the supervisor, worksite manager or appropriate management designee determines that light duty **can be** accommodated and the Temporary Work Capacities (TWC) form* is at the worksite, the designee may complete the Agency Only-Worksite section and forward it to SHRO for its records.

If the form is not at the worksite, the following information is sent to SHRO for its records: **Name of employee, Light Duty Start Date, End Date, Work Schedule, Duties and Location of light duty.**
 - b. If the worksite does **not have light duty or does not recommend** accommodating light duty, the reasoning for that decision is submitted to the SHRO Director. If the Temporary Work Capacities (TWC) form* is at the worksite, the management designee may complete the Agency Only-Worksite section and forward it to SHRO for review.

If the form is not at the worksite, the **reason(s)** for not placing an employee on light duty is sent to the Director of SHRO.
 - c. If SHRO does not agree with the recommendation of "no light duty," the director will contact the respective directorate/division director to resolve the issue.
4.
 - a. Unless otherwise approved for extenuating circumstances, the amount of time spent working on light duty is 30 calendar days.
 - b. The 30 day period commences with the first day the employee is placed on a light duty assignment.
 - c. However, longer periods of time, up to a total of three (3) months, may be approved in consultation with SHRO Director, if it appears to be in the best interest of the agency.

5. An employee on light duty must be productive. If there are only four (4) hours of light duty work available each day, then the employee would only be scheduled four (4) hours a day. At no time is an employee to be placed on light duty and have nothing or very little to do.
6. Light duty can be continuous or intermittent based on the needs of the agency.
7. An employee on light duty may be reassigned to another light duty assignment, within or outside their directorate, at any time as determined by management.
8. A light duty job may be performed by one employee or divided among several employees at the discretion of worksite management.
9. If a light duty assignment is on a different shift, the worksite may need to provide the employee an opportunity to make arrangements in their personal life before beginning light duty.
10.
 - a. Employees may be removed from light duty assignments if they are not performing at an acceptable level or for other sufficient reasons, such as unacceptable attendance while on light duty, budget constraints, etc.
 - b. The determination of removing an employee from light duty is made by the manager or designee after the employee has been informed of the deficiency and given an opportunity to improve. If there is no immediate, acceptable level of improvement, the management designee will evaluate the situation and make a determination regarding the continuation or reassignment of light duty.
 - c. If it is determined to remove (or reassign) an employee from his/her light duty assignment, the employee will be advised and a brief written notice explaining the action and when it occurred is sent to SHRO for its records.
11. Any employee not complying with his/her restrictions will be removed from light duty. The manager or designee, after evaluating reports of noncompliance, will make a determination whether an employee has or has not complied with his/her light duty restrictions and whether or not he/she will continue on that light duty assignment.
12. Employees with permanent restrictions which could affect the performance of essential functions of their job will be evaluated by SHRO for coverage under the American with Disabilities Act (ADA). If it is determined that an employee is covered under the ADA, SHRO will contact worksite management and the employee to explain that process.
13. Any exceptions to these procedures may be requested and approved by the Director of SHRO. The merits of which will be taken on a case-by-case basis.

OPR: Director of SHRO