

PERSONNEL POLICY 94-1

SUBJECT: Modified Duty

PURPOSE: To establish uniform procedures for modified duty of employees who are not able to perform all essential functions of their job due to medical restrictions.

APPLICABILITY: All City of Clarksville employees.

REFERENCES:

- a. Sec. 1-1321, Clarksville City Code, Sick Leave.
- b. Personnel Policy 91-2 dated July 1, 1991, Maternity Leave.
- c. Personnel Policy 91-6 dated October 3, 1991, Leaves of Absence.
- d. Personnel Policy 93-4 dated July 1, 1993, Family and Medical Leave Act.
- e. Personnel Procedure 91-4 dated September 5, 1991, Sick Leave Transfer.
- f. Personnel Procedure 93-1 dated July 1, 1993, On-the-Job Injury Program.

POLICY STATEMENT: In the event of injury illness or any other medical condition which limits an employee's capability to fully perform all the essential functions of their job, the City shall attempt to make reasonable accommodations to allow the employee to perform modified duty.

DEFINITIONS:

a. Modified duty – A limitation placed on an employee by a medical doctor or doctor of osteopathy, which identifies a medical condition which precludes the employee from performing some essential element of the job. Limitations are usually imposed for a specified period of time.

b. Reasonable accommodation – Some adjustment to the work or workplace which allows modified duty employees to function to the condition. Reasonable accommodation may include temporary transfer of the employee to another job within the department, or to another department. The City is under no obligation to provide a job at the same level of compensation.

IMPLEMENTATION:

a. Employees who are placed on modified duty of competent medical authority will as soon as possible, but no later than 24 hours, notify their department head of the medical condition and job limitations. The department head will forward copies of the medical certification from the treating physician to the Human Resources Department.

b. The Department Head will define and provide such reasonable

accommodation as allows the employee to return to meaningful work. In the event that there is not work within the department which can be performed because of the medical limitations, the Department Head will so notify the Human Resources Department Risk Manager.

c. Human Resources will survey other departments in the City to determine if they can provide meaningful work within the limitations imposed by the treating physician. If another department can employ the individual, and if such assignment will last at least two weeks (14 calendar days) the losing department will prepare a memo stipulating the conditions of the transfer and the date on which the employee will return to regular duty. The losing department will be charged with the employee's salary. For temporary assignments outside the department which are expected to last less than two weeks, the assignment will be informally arranged between the affected department heads.

d. Every attempt will be made to accommodate the employee's limitations, but the ultimate decision as to the placement of the employee in modified duty status will be determined by the department heads and Human Resources Director.

e. If an employee is placed in a modified duty position while recovering from an on-the-job injury, and the assigned position is in a lower pay classification than the employee's regular position, then the employee is entitled to continue to be paid 75% of their regular salary by the City, and may elect to use accumulated sick and/or annual leave to supplement the salary to 100%.

f. The employee may remain in this status until their maximum medical recovery is reached, or for a maximum of six (6) months, whichever is less.

g. An employee who has not reached maximum medical recovery, but is anticipated to reach recovery, and must remain in a modified duty status beyond a six (6) month period may use their accumulated sick and/or annual leave to supplement the modified duty position salary. If the employee has no accumulated sick and/or annual leave available, they will receive only the modified duty position salary.

h. In the event that no reasonable accommodation can be made within or outside the department, one of the following options will apply:

1. Job related injury – refer to Personnel Procedure 93-1 dated July 1, 1993, On-the-Job Injury Program.
2. Pregnancy – refer to Personnel Policy 91-2 dated July 1, 2002, Maternity Leave.
3. Illness or injury, not job related – refer to Personnel Policy 93-4 dated July 1, 1993, Family and Medical Leave, or Personnel Procedure 91-3 dated September 5, 1992, Sick Leave Transfer Program.

4. Any situation not covered in 1-3 above, refer to Personnel Policy 91-6 Dated October 3, 1991, Leaves of Absence.

- i. In the event that the prognosis as provided by competent medical authority is such that the employee will not recover sufficiently to perform any meaningful work within the City, the employee will apply for disability retirement or normal retirement, if eligible. If the employee is not eligible for retirement and after all reasonable attempts have failed to provide meaningful work, the City reserves the right to terminate the employment.

- j. The City may, at its discretion, require the employee to obtain a second opinion from the City designated physician.

Employees may appeal their assignment to a modified duty position by filing a grievance in accordance with the provisions Reference g, Personnel Procedure 91-1, Grievance Procedure.

OFFICIAL DOCUMENT

APPROVED BY THE CITY COUNCIL: February 3, 1994

EFFECTIVE DATE: February 4, 1994

Sam Podurgal, Human Resources Director