



## ADMINISTRATIVE POLICY 6-3:

# Temporary Transitional Duty Policy

Approved: County Administrator

Authority: County Administrator

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## 1. PURPOSE & OBJECTIVES

The purpose of the Temporary Transitional Duty Program is to provide early intervention for those injured or ill employees who are expected to return to full duty.

The objectives of the Temporary Transitional Duty Program are as follows:

- Retain and support injured or ill employees
- Help employees transition back to their regular job duties
- Decrease costs associated with lost time from work

This policy establishes the roles and responsibilities and defines the guidelines of the Temporary Transitional Duty Program.

Temporary Transitional Duty is distinguished from Permanent Accommodations in that the effects from the injury or illness are temporary, and are expected to result in a full recovery.

Where restrictions are permanent, departments should refer to and follow the County's Disability Guidelines.

Departments should also be mindful that there are other leave provisions that may need to be coordinated with this policy and should consult the appropriate County staff knowledgeable in those areas.

## II. PROGRAM DEFINITION

The Temporary Transitional Duty Program has been established in an effort to retain our qualified work force and to promote early return to work while supporting the employee recovering from an injury or illness.

Sonoma County's Temporary Transitional Duty Program is designed to encourage the department and the employee to work cooperatively toward the goal of transitioning the employee with temporary medical restrictions back into the work environment. The employee will be paid at their regular rate of pay for a specified period of time. This allows the employee to continue to develop and utilize work skills and abilities that are not limited by the injury or illness, while transitioning back to their regular assignment. It also allows the department to retain a valuable employee.

### **III. DEFINITIONS**

Temporary: Typically lasting from one to ninety days, not permanent.

Transitional Duty: Selected assignments that take employees in stages from tasks they can perform within medical work restrictions to performing their regular job duties.

Medical Restrictions: Physician specified work activities that are limited due to an injury or illness.

### **IV. POLICY GUIDELINES**

All non-probationary permanent County employees, including those who are probationary within their original job class series for the purpose of promotion such as Eligibility Worker I, II and III, who are unable to work due to a work related or non-work related injury or illness will be considered for a temporary transitional duty assignment based on their medical restrictions.

#### **A. Occupational Illness or Injury**

The duration of the temporary transitional duty assignment for occupational injuries or illnesses will typically be up to 90 days, as the needs of the department allow. An extension beyond 90 days may be granted with Department Head approval. In no event shall temporary transitional duty assignments exceed 365 days for industrial injuries or illnesses.

#### **B. Non-Occupational Illness or Injury**

The duration of the temporary transitional duty assignment for non-occupational injuries or illnesses will typically be up to 90 days, as the needs of the department allow. Extensions beyond 90 days may be granted with Department Head approval. In no event will temporary transitional duty assignments for non-occupational conditions be allowed beyond 180 days without the review and approval of the Human Resources Director.

Extensions past 180 days will only be considered by the Human Resources Director when:

1. The department and the employee both request an extension.
2. The employee has made progress in transitioning back to the regular assignment during their 180-day Transitional Duty Assignment.
3. The extension is for a specific, short period of time with a date certain for return; and the employee's medical treater indicates that the employee will be cleared to return to work in their regular assignment on the date the extension will end.

Assignments are determined based upon the individual's work restrictions, the skills of the employee, and the needs of the Department.

- If the temporary condition appears to be from a serious or chronic medical condition, the departments will consult with appropriate county staff to determine the correct course of action.
- As medical restrictions change, the temporary transitional duty assignment also may change.
- If temporary transitional duty assignments are limited, employees with work related injuries have priority over employees with non-work related injuries.
- Departments will provide temporary transitional duty assignments utilizing existing budgeted resources. Fund augmentation will be considered by the County Administrator's Office (CAO) if transitional duty related costs are likely to cause the department to exceed their budgeted net cost or appropriations for the fiscal year.
- An employee's refusal to accept or act in accordance with the medically approved duties assigned in a temporary transitional duty assignment may result in the loss of Workers' Compensation wage replacement benefits in accordance with State law, or long-term disability benefits. Employees will be entitled to any applicable state or federal leave as required by law.
- The department, in conjunction with Risk Management, will provide a status report to the CAO annually. The status report will include information regarding implementation of the temporary transitional duty program within the department. The CAO will address the content of the report directly with each department.

## **V. DISPUTE RESOLUTION:**

In the case of disputes regarding the denial of a temporary transitional duty assignment or the denial of an extension of a transitional duty assignment the employee or department may:

- Elevate the dispute by requesting a meeting that includes the employee, an employee representative and the department in an effort to resolve the dispute.
- Elevate the dispute by requesting the Human Resources Director to assist in the resolution of any disputes.
- Elevate the dispute to the attention of the CAO or his or her designee by requesting that the Human Resources Director contact the CAO or his or her designee for a review where a resolution cannot be reached. The CAO or his or her designee will be the final internal administrative review. The denial of a transitional duty assignment is not covered by grievance procedures in the memoranda of understanding between the County and the employee organizations.

This dispute resolution process is not intended to eliminate any legal or contractual rights the employee may otherwise have, such as the ability to file a discrimination complaint if they believe the application of this policy has been influenced by discriminatory actions, or appeal processes they have a right to under workers' compensation laws.

## **VI. ROLES AND RESPONSIBILITIES**

### **Employees are responsible to:**

- Notify their department representative immediately of any work related or non-work related injury or illness that may relate to, or impacts their medical eligibility for temporary transitional duty.
- Notify their department representative immediately of any changes to their medical restrictions identified or changed by their physician.
- Work within their established medical restrictions and provide written medical documentation, prior to being returned to full duty by their Department.
- Return to their normal duties as soon as they are able.

**Department Heads/Designees/Supervisors are responsible to:**

- Deliver any medical restrictions to their departmental liaison within 24 hours of receipt.
- Review the description of the employee's medical restrictions and identify potential temporary transitional duty assignments.
- Serve as the primary point of contact with Risk Management throughout the process of identifying and monitoring temporary transitional duty assignments.
- Strive to assign employees to the same work schedule with the same days off and hours as their regular full duty assignment. However, the Department reserves the right to modify any work schedule, and/or work hours based on the needs of the Department and applicable MOUs.
- Send a Letter of Temporary Transitional Duty Assignment specifying the parameters of the temporary transitional duty assignment to the employee.
- Monitor work assignments to ensure the employee is working within the established medical restrictions.
- Evaluate all available funding and resources, coordinating with Risk Management to make every effort to implement temporary transitional duty assignments within existing budgeted resources.
- Report to the CAO, as needed, regarding implementation of the temporary transitional duty program.
- In conjunction with Risk Management provide an annual status report to the CAO.

**Risk Management (for occupational illness or injuries) and Human Resources (for non-occupation illness or injuries) are responsible to:**

- Assist in the implementation of establishing temporary transitional duty assignments within departments.
- Review all injuries or illnesses that result in seven days lost time from work to determine when temporary transitional duty is appropriate for those employees.

- Collaborate with the appropriate medical provider in an effort to identify work restrictions.
- Monitor and track all temporary transitional duty assignments, as required by Cal/OSHA.
- Develop an annual report on utilization of the Temporary Transitional Duty Program to the CAO.
- Assess and facilitate appropriate appeals to the CAO as needed.