

## **SECTION 208: RETURN TO WORK POLICY FOR EMPLOYEES WITH WORK-RELATED INJURIES**

**208.1 POLICY:** It is the policy of Black Hawk County to provide, when feasible, modified or alternate work for employees with a work-related injury or illness as determined by the County's workers' compensation carrier. The feasibility of modified or alternate work shall be determined on a case-by-case basis taking into consideration the medical provider's recommendation as to whether the employee can perform a "light duty" job, the employee's temporary medical restrictions, the work environment, the ability of the employee's department to provide modified or alternate work, and the County's need for the work.

**208.2 OBJECTIVES:** The objectives of this Return to Work Policy for Employees with Work-Related Injuries includes:

1. To return employees who are injured on the job to work as soon as possible when there is not significant risk of substantial harm to themselves and others.
2. To minimize financial hardship and emotional stress to the employee who has sustained a work-related injury.
3. To assist employees in returning to work at a level as close as practicable to their pre-injury earnings and productivity.
4. To retain qualified and experienced employees.

**208.3 TEMPORARY ALTERNATE DUTY (TAD):** TAD is defined as modified duties or hours assigned to a worker injured on the job when the physician indicates the employee can return to work but is not yet physically capable of performing his/her full job duties and the employee's work-related injury has not yet reached maximum medical improvement.

The purpose of TAD is to provide temporary work, within medical restrictions, for employees injured on the job. TAD may be available when medical prognosis indicates that the employee is expected to return to full duty following a course of medical treatment. TAD should be consistent with the employee's physical/mental abilities and restrictions.

An employee who is able to return to work in a TAD capacity will continue to receive the rate of pay and benefits of his/her regular job classification, which will be proportionately adjusted in the case of reduced work hours. Status of the TAD assignment will be reviewed after each medical appointment. Generally, TAD will not extend beyond a six-month period unless the employer believes the employee is making sufficient progress towards returning to full job duties, with or without reasonable accommodation.

If the employee rejects any assignment which is compatible with medical restrictions,

the employee shall not be compensated by Black Hawk County or the County's Workers' Compensation carrier with temporary, partial, temporary total or healing period benefits during the period of refusal (Iowa Code, Chapter 85).

**208.4 TAD PROCEDURES:** The Human Resources Department or the Worker's Compensation Designee shall:

- 1) Inform the primary treating physician about the TAD program.
- 2) Inform the employee about the TAD program.
- 3) Inform the Workers' Compensation Adjuster of the employee's ability to participate in the TAD program.
- 4) Obtain information regarding the medical condition of the employee from physician(s).

The Department Representative and/or Employee's Supervisor, along with the Worker's Compensation Designee, shall:

- 1) Develop work assignments on a case-by-case basis, if available, depending on medical restrictions.
- 2) Develop appropriate TAD assignments and monitor on-going medical and work adjustment.
- 3) When appropriate, meet with the employee to review his/her TAD status.

The Employee shall:

- 1) Report any problems with a TAD assignment to his/her supervisor or the Worker's Compensation Designee in Human Resources.
- 2) Provide a Return to Work Status and Restrictions form from Occupational Health or the treating physician to his/her supervisor after each medical appointment and upon being released to full duty.

#### **208.5 RETURN TO WORK OR LAYOFF:**

1. Upon full release from the physician, the employee shall return to the job classification and duties held prior to the work injury.
2. When the physician has determined that maximum medical improvement has been reached and the employee is able to perform the essential job duties of his/her job with or without reasonable accommodation, the employee shall return to the job classification and duties held prior to the work injury.
3. When an employee has completed a TAD in accordance with Section 208.3 above and has not yet reached maximum medical improvement, or the physician has determined that maximum medical improvement has been reached and the employee is unable to perform the essential functions of his/her job with or without reasonable accommodation, the employee may be laid off in accordance with the provisions of any applicable collective bargaining agreement or County policy in effect at the time of layoff. During the period of layoff, the employee may apply for

Black Hawk County job openings for which he/she is qualified and able to perform the essential functions of the job with or without reasonable accommodation. Job openings are posted on the County's website at [www.co.black-hawk.ia.us](http://www.co.black-hawk.ia.us).

**208.6 RESPONSIBILITIES OF THE LAID OFF EMPLOYEE:** The laid off employee is responsible for keeping Human Resources apprised of his/her current mailing address. Upon written request by the laid off employee to the Human Resources Department, notices of job vacancies available to external candidates will be mailed to the employee at his/her address of record. The employee is responsible for contacting Human Resources to apply for jobs which the employee believes he/she may be qualified to perform, and for keeping Human Resources informed of any change in the employee's medical condition or restrictions.