

CITY OF ALPENA

COUNCIL POLICY STATEMENT

GENERAL SUBJECT:	Light Duty	Policy No. <u>30A</u>
SPECIFIC SUBJECT:	Non-Union Employees	Date Issued <u>July 22, 1998</u>
	Union Employees	Reissued: <u>11/17/98</u>
		Effective Date: <u>July 8, 1998</u>
		Amended: <u>11/16/98</u>
		Amended: <u>04/05/10</u>
		Amended: <u>01/01/16</u>

Copies to: City Council, City Manager, City Attorney, Department Heads, Non-Union Employees, and Union Employees, File.

I. PURPOSE:

To establish a policy and procedure that provides opportunities for employees who suffer injury, illness, or serious health condition to transition back to work or to continue working as medically feasible. Priority will be given to employees who suffered an injury while at work for the City of Alpena

Because the City of Alpena recognizes that employees are a valued and limited resource, this program is designed to:

- Assist in the recovery process by providing employees with a goal and focus for returning to full productivity.
- Reduce the financial burden to employees by allowing them to resume full wages as soon as possible.
- Reduce Workers' Compensation costs.

This policy does not apply to employees with a mental or physical impairment which substantially limits a major life activity within the meaning of the *Americans with Disabilities Act*, or employees with a handicap within the meaning of the *Michigan Handicappers' Civil Rights Act*. These employees are covered by the *Americans with Disabilities Act* and the *Michigan Handicappers' Civil Rights Act*. This policy shall in no way be construed to limit employees' rights under any federal or state law, including but not limited to, the *Americans with Disabilities Act*, *Family and Medical Leave Act of 1993*, *Fair Labor Standards Act*, *Elliott-Larsen Civil Rights Act*, *Michigan Handicappers' Civil Rights Act* and the *Pregnancy Discrimination Act*.

II. DEFINITIONS

A. Eligible Employee

An eligible employee is any employee of the City of Alpena

1. who suffers an illness, injury, or serious health condition that affects the employee's ability to perform the essential functions of his or her position, or allows the employee to perform those functions, but requires a reduction in the usual number of hours per workweek, or hours per workday, of the employee, as certified by a health care provider; and
2. who is expected to become fully able to perform the essential functions of his or her position at the usual number of hours per workweek and workday within ninety (90) days of the onset of the illness, injury, or serious health condition, as certified by a health care provider; and
3. who is able to perform the essential functions of a light-duty assignment, as certified by a health care provider.

B. Light Duty

Light duty refers to the assignment of an eligible employee to undertake tasks specified by the City which are within the employee's abilities to perform, as certified by a health care provider. By way of illustration, rather than limitation:

1. An eligible employee on light duty may be kept in his or her position performing all the essential functions of that position, but on a schedule that reduces the usual number of hours per workweek, or hours per workday, of an employee.
2. An eligible employee on light duty pursuant to this policy may be kept in his or her position while being temporarily excused from essential functions of that position the employee is temporarily unable to perform, as certified by a health care provider.
3. Light duty may involve the temporary reassignment of the employee to a different position, the essential functions of which the employee is able to perform, as certified by a health care provider.
4. Assignment to a light-duty position pursuant to this policy shall be for a period of no more than 90 days, unless approved by the City Manager. All extensions must be reasonable and with an end result.

C. Health Care Provider

A health care provider is a doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) in the State of Michigan.

III. POLICY

The City of Alpena will provide opportunities for eligible employees to undertake tasks specified by the City which are within the employee's ability to perform, as certified by a health care provider.

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This will allow eligible employees to continue working or return to work as soon as medically feasible. Return-to-work and work continuation opportunities will first be considered within the same work unit, next within the same department, and finally within the organization.

The Light Duty coordinator for the City shall be the City Manager, Human Resources Administrator, or designee

Regular training will ensure the success of the program by informing all employees of their rights, responsibilities, and roles in the program.

- Management and supervision will receive regular training on their supportive role in the program, specifics of the light-duty policy, and procedures for implementing the policy, job modification strategies, and the like.
- Employees will receive an overview to the light-duty program when they are assigned light duty.
- Current employees will receive an overview on the light-duty program periodically or as changes are made to the program.

IV. PROCEDURE

A. Request to Participate

An eligible employee may be requested to participate in the light-duty program.

B. Certification From Health Care Provider

When an employee claims he or she has suffered or is suffering illness, injury, or serious health condition that affects the employee's ability to perform the essential functions of his or her position, the employee must support such claim with certification from a health care provider. The certification shall set forth in detail the employee's medical limitations, and shall, if possible, include specific approval for a temporary light-duty assignment. If, in the opinion of the health care provider, the employee cannot perform light duty, the certification must specifically so state.

In any case in which the City has reason to doubt the validity of the certification provided by the employee, the City may require, at its own expense, that the employee obtain the opinion of a second health care provider designated or approved by the City.

If the opinions of the employee's and the City's health care providers differ, the City may require the employee to obtain certification from a third health care provider, at the City's expense. This third opinion shall be final and binding. The third health care provider must be designated or approved jointly by the City and the employee.

C. Light-Duty Assignments

Light-duty assignments shall fulfill meaningful job functions and be made within the parameters outlined by a health care provider. The assignment shall not create a new job, but may incorporate or modify a present position on a temporary basis.

Assignments shall be handled on a case-by-case basis. Examples of such assignments include, but are not limited to:

- Clerical – filing, photocopying, light typing, answering the telephone, stuffing envelopes, collating, affixing mailing labels, microfiching, restocking supplies, taking meeting minutes, record keeping, report writing, data entry, etc.
- Maintenance – inventory, painting, weeding, light gardening, sanding, furniture repair.
- General administrative work per qualifications.

D. Recertification For Light Duty

The City may request recertification for light duty after the minimum duration of the period of incapacity specified on a certification provided by the employee has passed if that minimum duration of incapacity is greater than 30 days.

Where the minimum duration of incapacity specified on a certification provided by the employee is 30 days or less, the City may request recertification every 30 days. The City may also request recertification if circumstances described by the previous certification have changed significantly, or the City receives information that casts doubt upon the continuing validity of the certification.

E. Compensation

Employees shall be compensated at their regular rate of pay.

F. Tracking System

A tracking system shall be established by the Department Head and Human Resources Administrator for documentation purposes and to ensure that all concerned parties know exactly where the employee is within the procedure.

G. Declining Light Duty

An employee who declines a light-duty position which meets the limitations set forth in the health care provider's certification or recertification may be disqualified from workers' compensation benefits

H. Termination Of Light Duty

The light-duty program is not a guarantee of permanent, continued employment.

Before an employee may be restored to his or her position, the employee must provide certification from a health care provider that the employee is able to perform the essential functions of his or her position, at the number of hours the employee worked per workweek and per workday prior to the illness, injury, or serious health condition. Upon presentation of such certification, the employee will be restored to his or her prior position.

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If an employee who has begun light duty will not be able to perform the essential functions of his or her position within ninety (90) days after the onset of the illness, injury, or serious health condition, as certified by a physician, the employee is no longer eligible for light duty pursuant to this policy unless approved by the City Manager.

If an employee has completed their ninety (90) days of light duty and remains unable to perform the essential functions of his or her position, as certified by a health care provider, the employee is no longer eligible for light duty pursuant to this policy unless approved by the City Manager

I. Extension of Light Duty

The City Manager is granted the authority to grant extensions to the light-duty program up to ninety (90) days in increments as determined by the City Manager.