



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Human Resources
Department No.: 064
For Agenda Of: May 10, 2022
Placement: Administrative
Estimated Time:
Continued Item: No
If Yes, date from:
Vote Required: Majority

DocuSigned by:

Maria Elena De Guevara

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TO: Board of Supervisors
FROM: Department Maria Elena De Guevara, Human Resources Director
Director 568-2816
Contact Info: Carlos Silvas, Employee Relations Manager
805-884-6805
SUBJECT: Back to Work Policy Update

County Counsel Concurrence

As to form: Yes

Other Concurrence: Risk Management

As to form: Yes

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions:

That the Board of Supervisors:

- A. Approve an updated Back to Work Policy as set forth in Attachment A, and
- B. Determine that the recommended action is not a "Project" with the meaning of the California Environmental Quality Act ("CEQA") and is exempt per CEQA Guideline Section 15378(b)(5), since the recommended action is an organizational or administrative activity of the government that will not result in direct or indirect physical change in the environment.

Summary Text:

The Back to Work Policy allows employees returning to work from an injury or illness to temporarily work out of class in order to facilitate a successful transition back to their normal job. The program was implemented on a voluntary basis for all employees on June 1, 2000 (with the exception of sworn Fire personnel who are covered by a mandatory program administered by the Fire Department). The policy was previously updated in April 2003 to encourage greater employee participation by eligible employees with work-related injuries/illnesses. The revisions to the policy submitted today includes updated language to reflect how the policy is currently implemented, deletes outdated procedures and references, and streamlines the process for getting eligible employees back to work as soon as they are medically able to do so. The draft policy was circulated to all recognized employee organizations for review and comment prior to being finalized.

Background:

The County has successfully helped injured/ill employees re-enter the workforce with Back to Work assignments as a way to temporarily accommodate workers who may not be ready to return to their regular duties. This helps reduce time away from work for the employee, and reduces potential cost to the County and the employee.

Both the current policy and recommended update have the goal of assisting employees with a successful transition back to regular work duties while reducing the time spent away from employment. Proposed policy revisions:

- Add information regarding the appropriate use of OLV (Other Leave Paid) by employees with work-related injuries.
- Clarify that the policy strictly applies to temporarily working outside of an employee's usual job class (Back to Work assignment) rather than temporarily modifying the job duties of an employee's usual position (Temporary Modified work).
- Deletes outdated procedures for payroll clerks, references to outdated Workers' Compensation materials provided to employees, and specific procedures for employees to follow when filing a Workers' Compensation claim that are not the purview of this policy.
- Deletes references to specific Workers' Compensation Administrative Guidelines, which can be changed at any time by the state legislature, thus potentially rendering the Back to Work Policy out of date at any time.
- Maintain that approval from medical providers of a Back to Work Assignment is still required, but not always in advance.
- Provides employee organizations the opportunity to request data regarding participation and non-participation in the Back to Work program if they desire.
- Requires the Employee Customer Satisfaction Survey be sent to employees and Department Representatives annually (rather than at the conclusion of the Back to Work assignment) in order to preserve the confidentiality of the parties' response.
- Streamlines the process for identifying a potential Back to Work assignment.
- Updates and refines the Back to Work procedure, eliminating extraneous language.
- Adds clarifying language to remedy conflicts between Civil Service Rule, Memorandum of Understanding (MOU) and the Back to Work policy.

Fiscal and Facilities Impacts:

Budgeted: Yes

Fiscal Analysis:

There are no new costs associated with the updates to the Back to Work Policy.

Attachments:

Attachment A: Proposed Updated Back to Work Policy

Attachment B: Redline Current Back to Work Policy

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Authored by: Carlos Silvas

cc: Mona Miyasato, County Executive Officer
Rachel Van Mullem, County Counsel