



Santa Barbara Countywide Policy Manual

Subject/Title: Back to Work Policy	Number:
Responsible Department:	Dept. Reference: N/A
Approved by: Board of Supervisors	
Original Policy: Revisions: 04/2003; 5/10/2022	
Meet and Confer Obligations: The 5/10/2022 revision was circulated to employee organizations on 3/6/2020 and again on 4/11/2022 for those who participated in discussions.	
Scope of Application: This policy applies to all County departments and employees, except members of Firefighters Local 2046 who have their own mandatory program.	

The mission of the Back to Work program is to provide the opportunity to County employees with disabilities, whether arising from their County employment or not, the opportunity to return to gainful employment with the County after a work-related medical condition or due to a non-work-related medical condition, while at the same time reducing potential costs to the County and employee. A Back to Work assignment is defined as temporarily working outside of an employee’s job class and should be considered if modification of the duties within an employee’s current job class is not possible. The goal of the program is to assist employees with a successful transition back to regular work duties while reducing the time spent away from regular employment.

1. Upon receipt of referral information indicating temporary restrictions that may require accommodation, the Disability Manager contacts the department to determine if the employee needs any modification of job duties in order to perform the essential functions of the job. If not, the employee is able to return to his/her usual duties. If there is a need for clarification of the nature or anticipated duration of work restrictions, the Disability Manager will seek to facilitate obtaining clarification.
2. If the employee is not able to perform his/her usual duties, the Disability Manager will clarify with the department if it is possible to temporarily modify the employee's usual job duties to enable the employee to work within his/her temporary work restrictions. If this is possible, the employee will be offered Temporary Modified Work, and in most cases the Disability Manager will conduct the interactive process with the employee to review the restrictions and to identify appropriate accommodations.
3. If the department and Disability Manager concur it is not possible to modify the employee's usual job duties, the Disability Manager will assess whether a Back to Work assignment is available for the employee. Initially the Disability Manager will work with the employee's department to assess suitable Back to Work assignments and if none can be identified, determine if a Back to Work assignment outside of the employee's department is available.
4. Once a suitable Back to Work assignment has been identified with either the employee's own department or another department, the Disability Manager will interact with the employee to review the assignment, the employee's work restrictions, resolve questions and coordinate a start date.
5. A Job Description for the Back to Work assignment will be reviewed by the Disability Manager in conjunction with the employee and the department at the time of the initial Back to Work interactive meeting. The Job Description will be submitted to the employee's health care provider to assure that the assignment can be performed within the employee's work restrictions and that the employee acknowledges the requirement not to exceed those restrictions. The Disability Manager will request the employee sign a medical release if his/her disability does not arise from County employment. The Disability Manager will send the Job Description to the healthcare provider for approval; an employee may begin a Back to Work assignment pending approval.
6. A Back to Work Agreement will be developed by the Disability Manager and reviewed with the employee and the Back to Work department as soon as possible once the employee begins the Back to Work assignment.

7. During the course of the employee's participation in the Back to Work program, the Disability Manager and the Back to Work department representative will monitor the employee's progress in the Back to Work assignment and will meet with the parties on an as needed basis.

8. During the Back to Work assignment, the employee receives their regular pay and benefits which are paid for by their home department. For work-related medical conditions, wage-loss may be paid if the employee returns to work less than full time. For non-work-related medical conditions, employees may be eligible for State Disability Insurance (SDI) or other benefits if working less than full time.

9. A regular employee who has returned to work from a work-related injury or illness will be granted paid leave ("Other Leave" or OLV) not chargeable to the employee's accrued leave balances to attend required medical appointments specifically related to the work-related injury or illness during their regularly scheduled work hours, unless their WC claim has been denied. The employee is required to provide the Back to Work supervisor or Back to Work HR department with information related to the treatment (dates, times, location and duration of treatment, travel time, etc.) necessary to determine amount of time employee will reasonably need away from work. The employee will provide this information a minimum of two weeks in advance of appointment or as soon as reasonably possible so time to attend these is scheduled and avoids unreasonable impact to department business operations. Employees may be required to report to work for any time outside of that needed to attend such appointments, and which falls within their regularly scheduled work hours.

10. Employees are free to decline to take part in the Back to Work program. However, employees who have experienced an occupational injury/illness may have their benefits affected as allowed by Workers' Compensation laws if they decline to participate. No negative personnel action shall be taken against an employee for refusing to take part in the Back to Work program.

11. Back to Work assignments will not be used to supplant recruitments for a vacant, regular position.

12. Employees will be given some training, if necessary, to perform duties not usually performed. If significant training is required, the medical provider will be asked to approve the training aspect of the assignment.

13. The duration of a Back to Work assignment will typically be a maximum of 180 days. An extension beyond 180 days may be considered on a case by case basis in rare circumstances and if supported by medical documentation.

14. No employee performance reports will be conducted during Back to Work assignments.
15. Employees in Back to Work assignments retain contractual and civil service rights. Where the Civil Service Rules or MOU conflict or are silent, the Back to Work program prevails. In the case where the MOU is more clear than Civil Service Rules, the MOU shall prevail. In the event that there is a conflict of language between MOU and Civil Service Rules the County will consult with the Union to resolve this dispute through the Joint Labor Management process.
16. For employees in a Back to Work assignment, probationary periods will be extended for any combination of leave and Back to Work assignments exceeding sixty days.
17. Merit increases shall not be effective during a Back to Work assignment. An employee who was eligible for a merit increase during a period of leave and/or a Back to Work assignment will be reviewed within sixty calendar days from the employee's return to his/her regular position. For employees with work-related medical conditions, the merit increase may be effective beginning the first pay period following return to the employee's regular position, and the salary anniversary date is not postponed. For employees with non-work-related medical conditions, the merit increase may be made effective beginning the first pay period following return to the employee's regular position and the salary anniversary date is not postponed unless the employee was on an unpaid leave of absence in excess of thirty calendar days, in which case, the merit increase and anniversary date will be postponed one calendar month for each calendar month, or major fraction thereof, of unpaid leave.
18. The County will make every reasonable effort to provide a Back to Work assignment for all qualified employees whether their medical condition is work-related or not. In the placement of eligible employees, the County shall not discriminate on the basis of work related or non-work-related medical conditions or any protected class covered under the law. The County will provide notice of the Back to Work program (not specific available jobs) to employees with non-work-related medical conditions when they become eligible for State Disability Insurance (or within a similar time frame for those not eligible for SDI). The County agrees that assignment shall not be made for punitive, retaliatory or discriminatory reasons.
19. The County Disability Manager will maintain a Job Bank. Departments can submit tasks that need to be completed. As needed, job descriptions will be developed and added to the Job Bank.

20. Participating labor organizations shall publicize and encourage represented bargaining unit members to participate in the Back to Work program.

21. The County will collect data regarding participation and non-participation for purposes of evaluating the program. Non-confidential data shall be provided to interested employee organizations upon request and the parties shall meet to review the data upon request.

22. Back to Work assignments are re-evaluated regularly by the Disability Manager with the department and participating employee, and may be discontinued at any time at the department's discretion. Back to Work assignments may also be modified to address any changes in the employee's restrictions. Back to Work assignments are not permanent or guaranteed to continue for any particular length of time.

23. Once the Back to Work assignment ends, the employee will return to his/her usual position, an alternate or modified one, or be referred back to the Disability Manager or other appropriate County resource.

24. The County Disability Manager will provide each employee participating in the Back to Work Program an authorization form on which the employee may authorize the release of his/her name to the appropriate employee organization for purposes of evaluating employee satisfaction with the program. A Customer Satisfaction Survey will be sent to the employee and department representative once the Back to Work program is completed within a timeframe to preserve the confidentiality of the parties' response.