



~~**BACK TO WORK**~~

~~WITH~~

~~**SANTA BARBARA COUNTY**~~

~~**TEMPORARY DUTY PROGRAM FOR EMPLOYEES**~~

~~*Modified March, 2003*~~

TEMPORARY DUTY PROGRAMS

~~Injury, whether it is work related or not, can have a dramatic effect on a person's life. Concerns range from medical treatment, financial problems and possible loss of benefits and job security. At the same time, productivity in the workplace can suffer and costs escalate for the employer in the case of a work related injury.~~

~~The Back To Work Program offers employees the opportunity to return to the workplace performing tasks that have been approved by the treating doctor and may continue until they are able to return to their regular job. Injury prevention is a major priority but following an injury, this program can be a great benefit to the employee and the employer. It ensures that the employee receives his or her regular wages and benefits while returning to a temporary assignment during the recovery process.~~

~~If the return to work is to be successful, it should occur within 1 to 5 days of medical approval. The longer an employee is out of work, the less chance there is of a successful return to either temporary or permanent work.~~

SANTA BARBARA COUNTY'S PROGRAM

~~Employees who have experienced a work related or non work related injury or illness may participate in the program. If the injury is work related, the employee will be provided appropriate temporary work approved by the treating physician. If the employee declines to perform this work, his/her Workers Compensation benefits could be affected. In a non occupational injury or illness situation, the employee will be offered the same opportunity. If the employee declines to perform this work, his/her benefits would not be affected.~~

~~Every effort will be made to provide employees with a Temporary Assignment within the treating doctor's restrictions. Tasks are temporary and should increase, with medical approval. Ideally, the injured/ill employee would return to his/her usual and customary job with his/her original department.~~

~~Employees with work related injuries/illnesses, unable to return to work in any capacity, will be provided mandated benefits under California's Workers' Compensation Law.~~

BENEFITS TO THE EMPLOYEE

- ~~Receive regular pay and benefits for time worked in Temporary Duty Assignment~~
- ~~Support of other employees which aids in recovery~~
- ~~Support of the Department and thanks for the work done on Temporary Duty Assignment~~

BENEFITS TO THE DEPARTMENT

- ~~Continuity of department employees, less change~~
- ~~Continuity of productivity and employee morale~~
- ~~Decreased Workers' Compensation and reduction of lost time~~

RESPONSIBILITIES OF INJURED EMPLOYEE

- ~~Report a work related injury immediately to your Supervisor.~~
- ~~If medical treatment is necessary: unless you have pre-designated a treating physician, seek treatment from a physician on the panel provided by Risk Management.~~
- ~~When an injury is work related, complete the forms required by Risk Management and provide to your department.~~
- ~~Follow Department's rules for reporting.~~

RESPONSIBILITIES OF BTW COORDINATOR

- ~~Contact injured/ill employees when aware that they are not able to perform their full regular work duties.~~
- ~~Maintain contact with the injured employee, the Risk Analyst or Workers Compensation, if appropriate, and physician, as needed~~
- ~~Monitor employee's progress within Temporary Duty assignment.~~



BACK TO WORK PROGRAM

POLICY STATEMENT:

~~The Board of Supervisors and Administrators of Santa Barbara County believe that our employees are our most valuable asset. It is the policy of the Board of Supervisors that County of Santa Barbara employees, who are out of work due to a work-related or non-work-related injury/illness, be provided with a return to a temporary duty position with medical approval if at all possible. This return to work situation will provide for the use of skills and abilities not limited by injury or illness. It will offer an alternative to the potential erosion of those skills, loss of confidence and other difficulties which, according to medical opinion, can occur if there is a prolonged absence from the workplace. In most cases, limited work activity is therapeutic and can effect a faster recovery.~~

VISION:

~~Reduce and eliminate the number of lost work days and increase the potential for a faster recovery for the employee. Expedite return to his/her usual and customary position. Implement a program for Temporary Assignment positions where the employee can participate in a medically approved work setting while recovering from an injury/illness.~~

MISSION:

~~(Add new policy formatting)~~

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

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~~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, return work-related and nonwork-related injured/ill workers to meaningful and productive work within their functional capacity as determined by their treating physician.~~

BACK TO WORK POLICY

~~This policy applies to both Occupational and Non-Occupational injuries.~~

- ~~1. The program is voluntary with consequences for employees who have experienced an occupational injury/illness. Employees are free to decline to take part in the Back to Work program. However, their benefits may be affected as allowed by Workers Compensation laws. No negative personnel action shall be taken against an employee for refusing to take part in the Back to Work program.~~
- ~~2. The County will assign Temporary Duty Assignments to injured/ill employees adhering to the same guidelines as apply to all employees.~~
- ~~3. Employees will be given some training, if necessary, to perform duties not usually performed. If significant training will be required, the treating doctor will be asked to approve the training aspect of the assignment.~~
- ~~4. Temporary Duty Assignments will be approved by the employee's treating physician prior to the employee's return to work.~~
- ~~5. Temporary Duty Assignments will not be used to fill a vacant, regular position.~~
- ~~6. The duration of Temporary Duty Assignments is up to 90 days with a maximum of 180 days. The treating physician's reports will determine the length of the assignment. An extension beyond 180 days may be considered in extremely rare special circumstances and if recommended by the treating physician.~~
- ~~7. If the employee is required to undergo any treatment, he/she is to provide the supervisor or Back To Work Coordinator with information related to the treatment (times, duration of treatment, etc.) The employee will provide the~~

~~supervisor with medical appointment times so time to attend these is scheduled. An employee who has returned to work from a work-related injury or illness will be granted paid leave not chargeable to the employee's accrued leave balances to attend medical appointments specifically related to the work-related injury or illness.~~

~~8. If, during a Temporary Duty Assignment, the employee's medical condition changes and the treating physician states that he/she is not expected to return to his/her regular job duties, the employee will no longer be eligible for the Back to Work Program. If the injury/illness is work-related, the employee will be referred to Risk Management to discuss other available benefits. If the injury is non-occupational, the employee will be referred to an appropriate County resource.~~

-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

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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.

~~9.~~8. During the Back to Work Assignment, the employees will receive their regular pay and benefits which are paid for by their home department for time worked in a Temporary Duty Assignment. For work-related medical conditions/injuries/illness, wage-loss may be paid if the employee returns to work less than full time. For non-work-related medical conditions/occupational injuries/illness, employees may be eligible for State Disability Insurance (SDI) or other benefits if working less than full time.

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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 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.

~~10.14.~~ No employee performance reports will be conducted during Back to Work Temporary Duty aAssignments.

~~11.15.~~ Employees in Back to Work Temporary Duty aAssignments retain contractual and civil service rights. Where the Civil Service rules or MOU conflict, the Back To Work Program prevails.

~~12.16.~~ For employees in Back to Work Temporary Duty aAssignments, probationary periods will be extended for any combination of leave and Back to Work Temporary Duty aAssignments exceeding sixty days.

~~13.17.~~ Merit increases shall not be effective during a Back to Work temporary duty assignment. An employee who was eligible for a merit increase during a period of leave and/or Back to Work temporary duty 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 injury/illness, 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 injury/illness, 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 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.

~~14.18.~~ The County will make every reasonable effort to provide a Back To Work assignment for Temporary Duty assignment for (1) all qualified industrially injured/ill employees whether their medical conditions is work-related or not, and (2) all qualified non-industrially injured/ill employees who

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~~request one.~~ 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~~industrial on non-industrial status.~~ The County will provide notice of the Back To Work Program (not specific available jobs) to ~~non-industrially injured/ill~~ 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 assignments shall not be made for punitive, retaliatory or discriminatory reasons.

~~15-19.~~ The County ~~Disability Manager~~Back to Work Coordinator will maintain a Job Bank. Departments can submit job tasks that need to be completed ~~on a two page job description. This description will be maintained in the database.~~ 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.

~~16. The goal of the Back to Work Program is 100% participation by eligible employees with work related injuries/illnesses who are offered Temporary Duty Assignments. An "eligible employee" is defined as an employee who has been released by his/her treating physician to perform a Temporary Duty Assignment. Participating labor organizations shall publicize and encourage represented bargaining unit members to participate in the Back to Work program. The unions may publicize the BTW program in joint communications via e-mail from the General Services Department.~~

~~17. If an employee declines the Back to Work Assignment, the County may take action to terminate the employee's Workers Compensation benefits after written notification to the employee of the possible consequences of the employee's refusal to accept the BTW Assignment. The County may not terminate the Workers Compensation benefits except after a hearing and a Workers Compensation hearing officer approves such action. Such hearing shall occur no earlier than 14 days from the date of the written notification to the employee referenced above.~~

~~18. If Workers Compensation benefits are terminated pursuant to Paragraph 17, and the employee subsequently agrees in writing to accept a BTW assignment, then Workers Compensation benefits shall be reinstated upon the employee reporting to the BTW assignment and be made effective retroactively to the date that the employee's written agreement was received by the County. If no~~

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~~BTW Assignment is made available to the employee within two weeks, then Workers Compensation benefits shall be reinstated retroactively to the date that the employee's written agreement was received by the County.~~

~~19.21. 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 quarterly and the parties will meet at least — semi-annually upon request and the parties shall meet to review the data upon request.~~

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~~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 shall also endeavor to provide to each employee eligible to — 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.~~

PROCEDURES FOR BACK TO WORK PROGRAM:

~~The Back To Work Program works in Coordination with Risk Management, County Departments, injured employees and their treating physicians. Each County department has designated a Back To Work Coordinator to assist the County Back To Work Coordinator with the implementation of the Program.~~

~~Each department coordinator is responsible for providing information to the Department Head and employees about the program including payroll clerk information for the pay coding for those employees on the program.~~

INFORMATION FOR ALL DEPARTMENT PAYROLL CLERKS:

~~When an employee returns to work for a Temporary Assignment under the Back To Work Program, payroll clerks will need to file a Personnel Change Form for them. Please code that form as follows:~~

~~STATUS CODE SHOULD READ: "P"~~

~~REASON FOR LEAVE SHOULD READ: "33"~~

~~IF THE INJURY/ILLNESS IS OCCUPATIONAL, PLEASE SEND A COPY OF THE EMPLOYEE'S TIME SHEET TO RISK MANAGEMENT OR SCRMA SO THAT ANY WAGE LOSS TIME CAN BE CALCULATED BY THEM.~~

~~I. Injured Employee's Responsibilities~~

~~Day of Injury / First Notice of Injury or Illness:~~

~~PROCEDURES (for work related injuries/illnesses)~~

- ~~1. The employee reports the injury to his/her supervisor immediately and is provided with a packet of information regarding Workers' Compensation. Contents include:~~

~~Employer's Report of Work Injury/Illness (GSD/RM-57)~~

~~Employee's Request for Workers' Compensation Benefits (GSD/RM-40)~~

~~"Facts for Injured Workers"~~

~~"Help in Returning to Work" '94"~~

~~Supervisor's Report (GSD/RM-39)~~

~~Workers' Comp Status Report~~

~~Medical Release Form (GSD/RM-50A)~~

- ~~2. The employee completes all required paperwork and returns it to his/her supervisor. If the injury requires immediate medical attention, that should be sought immediately. Initial notification can be done by phone with the paperwork to follow within 24 hours.~~

- ~~3. The employee is to keep all appointments and comply with the physician's orders for treatment and medication and notify his/her supervisor of any change in his/her condition immediately.~~

~~PROCEDURES (For non-work related injuries/illness):~~

Contact your Supervisor or Department Back to Work Coordinator to request a Temporary Assignment. You may also call the County Back to Work Coordinator directly at 884-6863.

FOR BOTH WORK AND NON-WORK RELATED INJURIES/ILLNESS:

If, after receiving medical care, the physician returns the employee to work with no restrictions, the employee is to return to his/her usual and customary duties. (The Back to Work Program will not apply at this time.)

H. Placement in a Temporary Assignment:

The Back To Work Program is designed to provide temporary duty assignments whenever possible. These assignments will be reviewed with the employee and medical approval obtained before a return to work date is set.

1. Once a work injury has occurred, the department payroll clerk or the department BTW Coordinator will notify the County BTW Coordinator. (Notice may also come from Risk Management.)
2. If the injury/illness is non-occupational, the Back to Work Coordinator will receive notice of eligibility for SDI and will contact the employee.
3. The County BTW Coordinator will be in contact with the employee, the department and the doctor.
4. The County BTW Coordinator will review the existing job bank of Temporary Assignments in the home department and locate one that seems appropriate for the employee based on the restrictions from the treating doctor. This will be discussed with the Department BTW Coordinator and the Department Head, as needed.
5. If an appropriate Temporary Assignment is not in the job bank, coordination will take place to create an assignment within the original Department or another department, as needed.
6. The employee will be notified of the assignment being considered. The treating doctor will be asked to approve this assignment. The three usual methods of obtaining the doctors approval are: direct discussion with the doctor, providing a job description to the doctor asking for a written

response, providing a job description and physical job factors form to the doctor asking for a written response.

7. ~~If there are additional comments from the doctor, the County will attempt to modify the temporary assignment to fit his/her recommendations.~~
8. ~~A Temporary Duty Assignment can be offered as soon as 1 day after a work injury depending on medical approval. Ideally, the offer should be made within 5 days of the injury and/or medical release.~~
9. ~~Once the medical approval is received, the Notice of Temporary Duty Assignment form will be completed including the start date and location as well as start and finish time if the employee is returning less than full time. This Notice of Temporary Duty Assignment will be reviewed with the employee and a department representative as soon as possible. The BTW Coordinator, employee, and department representative will all sign this document and will all receive a copy of this document.~~
10. ~~The Department BTW Coordinator and the BTW Coordinator will coordinate the monitoring of the Temporary Duty Assignment.~~
11. ~~Duties will be increased, with medical approval, with the goal of returning the employee to their regular job. This requires contact with the treating doctor and communication from the BTW Coordinator.~~
12. ~~The Department BTW Coordinator or the County BTW Coordinator will ensure the time sheets are submitted for the employee with the proper pay code in a timely manner.~~

~~While working at a Temporary Duty Assignment, the employee is expected to perform at the best of his/her abilities within the physical restrictions outlined by the treating physician. This assignment is TEMPORARY and different from regular work. Questions should be directed to the supervisor or Department Back To Work Coordinator. 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.~~

Return to Temporary Assignment Process (Summarized):

1. ~~Back to Work Coordinator investigates and discusses Back to Work assignment with employee and department representative.~~

- ~~2. BTW Coordinator requests and receives approval from treating doctor.~~
- ~~3. The Assignment is formalized and a “Return to Temporary Duty” Form is completed and signed by the employee, a department representative and the Back to Work Coordinator.~~
- ~~4. The Temporary Assignment is monitored by the Department BTW Coordinator and the County BTW Coordinator. The BTW Coordinator will meet with the employee and department representative at regular intervals (usually once per month or more frequently) to receive feedback about the BTW assignment and to provide appropriate counseling and direction if needed.~~
- ~~5. Coordination is continued with the treating doctor to determine when and if duties and/or hours can be increased.~~
- ~~6. Once the Temporary Assignment ends, the employee will either return to his/her usual and customary position, an alternate or modified one or be referred to Risk Management or other appropriate County resource.~~
7. An ~~Employee~~ Customer Satisfaction Survey will be sent to the employee and _____ department representative once the Back to Work program has been completed within a timeframe to preserved the confidentiality of the parties’ response.

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