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HUMAN RESOURCES DEPARTMENT

TO: All City Employees

FROM: Linda B. Thomas, Interim Human Resources Director 

RE: Return to Duty with Medical or Physical Restrictions

DATE: March 31, 2006

Attached you will find the City's Return to Duty with Medical or Physical Restrictions administrative policy and procedures. The major provisions of the policy are below:

The City does not have permanent light duty positions.

Employees released to work with restrictions, either temporary or permanent, will be evaluated to determine whether the employee is able to perform the essential functions of the position.

Documentation must be forwarded to Human Resources to determine whether the employee can perform the essential functions of the position with the restrictions.

Employees with temporary restrictions and appropriate medical documentation, that can perform the essential functions of the position and the restrictions have minimal impact on the operational needs and requirements of the department, may be granted transitional duty, not to exceed three months.

Employees with temporary restrictions, not able to perform the essential functions of the position or where the restrictions significantly affect the operational needs and requirements of the department will remain on leave.

Employees with permanent restrictions and appropriate medical documentation, that are covered under the Americans with Disabilities Act (ADA) as a "qualified individual" and can perform the essential functions of the position with or without reasonable accommodations, will be allowed to return to work.

Employees with permanent restrictions that are covered under the Americans with Disabilities Act (ADA) as a "qualified individual" and that can not perform the essential functions of the position, may be considered for reassignment to a vacant equal or lower-graded position at the employee's request.

Employees that do not wish to be reassigned to a vacant equal or lower-graded position will be terminated.

attachments: Return to Duty with Medical or Physical Restrictions Policy and Procedures
Return to Duty with Medical or Physical Restrictions Form





ADMINISTRATIVE POLICIES AND PROCEDURES

Policy ID: Human Resources

Subject: Return To Duty with Medical or Physical Restrictions

Creation Date: Sept. 9, 1997

Revision Date: Mar. 16, 2006

Prepared By: City Manager's Office

Approved By:

Legal Review Date: Mar. 16, 2006

DESCRIPTION:

Return to Duty with Medical or Physical Restrictions

POLICY:

The City has no permanent light duty positions. However, it is the City's policy to attempt to assist employees in their recovery by trying to assist employees who are returning to work with temporary medical or physical restrictions. Transitional Duty benefits the employee, by allowing the employee to continue to earn income while recovering from illness or injury. It also benefits the City by helping the employees maintain proficiency in their skills and the employee continues to perform services for the City. The City will balance the possibility of transitional duty with the Department's ability to continue to function efficiently and effectively.

Employees released to work with medical or physical restrictions, either temporary or permanent, will be evaluated to determine whether the employee is able to perform the essential functions of the position, with or without assistance.

The assessment of whether an employee can return to transitional duty does not denote, represent, or signify that the employer regards the employee as a "qualified individual" with a disability under the requirements of the Americans with Disabilities Act.

PROCEDURES:

Sec. I - Temporary Medical or Physical Restrictions

- A. Transitional duty under this section shall not exceed three months.
- B. Once an employee knows he or she is going to be released to return to duty with temporary restrictions, the employee shall provide the department with documentation from the treating physician within 3 days of receipt. The employee may fax the documents to the supervisor.

- C. The written documentation from their doctor must indicate the nature of the illness or injury, the type of restrictions, and the duration of the restrictions. If the employee attempts to return to work with documentation that does not indicate the nature of the illness or injury, the type of restrictions, and the duration of the restrictions, the employee will be asked to provide additional medical documentation to clarify the nature and duration of the restrictions. The employee will not be allowed to work on transitional duty until such documentation is provided.
- D. Once a supervisor receives appropriate documentation, it will be forwarded to the Human Resources Department to determine whether the restrictions impact the essential functions of the position. The determination will be made based upon a review of the job specification for the position.
- E. Once a determination is made by the Human Resources Department that the restrictions do not prevent the employee from performing the essential functions of the position, the Department Head in conjunction with Human Resources will determine whether the restrictions, to include the duration of the restriction, will impact the operational needs and requirements of the department.
- F. If the temporary medical/physical restrictions do not affect the employee's ability to perform the essential functions of the position and will have a minimal impact on the operational needs and requirements of the department, Human Resources will notify the employee and the employee must report to work within the next 3 working days after receipt of written notification.
- G. If a determination is made that the temporary restrictions prevent the employee from performing the essential functions of the position or the impact on the operational needs and requirements of the department are significant, the employee will remain on leave.
- H. Pending the determination of whether the restrictions prevent the employee from performing the essential functions of the position, the employee will remain on leave and provide medical documentation to the department every thirty days.
- I. Any changes to the medical requirements or restrictions must be immediately reported and the new release re-evaluated per section D through F above.

Sec. II - Permanent Medical or Physical Restrictions

- A. Once an employee knows he or she is going to be released to return to duty with permanent restrictions, the employee shall provide their immediate supervisor with documentation within 3 days. The employee may fax the

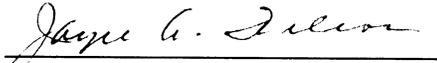
documents to the supervisor.

- B. The written documentation from the doctor must describe the nature, severity, and duration of the impairment; the activity or activities that the impairment limits, the extent to which the impairment limits the employee's ability to perform the activity or activities and substantiate why the accommodation is needed. If the employee attempts to return to work with documentation that does not indicate the nature of the illness or injury, the type of restrictions, and the duration of the restrictions, the employee will be asked to provide additional medical documentation to clarify the nature and extent of the restrictions. The employee will not be allowed to work until such documentation is provided. The employee will remain on leave.
- C. Once a supervisor receives the documentation, the supervisor will immediately notify the Human Resources Department. The Human Resources Department will determine whether the employee meets the definition of a "qualified individual" under the Americans With Disabilities Act (ADA).
- D. If the employee is a "qualified individual" under ADA and can perform the essential functions of the position with or without reasonable accommodation, then the supervisor will notify the employee and the employee must report to work within the next three working days.
- E. If the employee is a "qualified individual" under ADA and cannot perform the essential functions of the position, with or without reasonable accommodations, then the Human Resources Department will advise the employee of the option of requesting a reduction for physical incapacity. Under the reduction for physical incapacity provisions, the employee will be considered for reassignment to a vacant equal or lower-grade position as a form of accommodation. The employee must meet the minimum education and experience requirements of a vacant position and must be able to perform the essential functions of the position in question with or without a reasonable accommodation. If no such position exists, the employee will be terminated and placed on a reinstatement list.
- F. If the employee does not wish to obtain a reduction for physical incapacity, then his or her employment with the City will be terminated. The employee will not be placed on a reinstatement list. However, the employee retains any appeal rights allowable under the Charter.
- G. If a determination is made that the employee is not a "qualified individual" under ADA, then the Human Resources Department will advise the employee of the option of requesting a reduction for physical incapacity

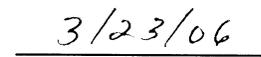
under the same standard identified above or any other options available in the Civil Service Rules and Regulations. Application of this provision does not mean that the City regards the employee as a “qualified individual” under ADA.

- H. If the employee does not wish to obtain reduction for physical incapacity, then his or her employment with the City will be terminated. The employee will not be placed on a reinstatement list in accordance with the City Charter. However, the employee retains any appeal rights allowable under the Charter.

APPROVED BY:



Joyce Wilson, City Manager



Date



Return to Duty with Medical or Physical Restrictions

Employee Name:	Last 4#'s of SS #:
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TO: Treating Physician
SUBJECT: Transitional Duty Work

PLEASE BE ADVISED THAT THE _____ DEPARTMENT HAS TEMPORARY TRANSITIONAL DUTY WORK AVAILABLE TO ASSIST ITS EMPLOYEES WHEN THEY ARE ABLE TO RETURN TO WORK WITH TEMPORARY MEDICAL OR PHYSICAL RESTRICTIONS.

If the above-named City employee is or may be returned to work at any time with temporary medical or physical restrictions, please complete the bottom portion of this form. To assist you in your evaluation, a copy of the employee's most current job description has been attached for your review and consideration.

This information will be used to place the employee in any temporary transitional duty position that the Department has available, and which meets the employee's temporary medical or physical restrictions.

If you have any questions, or require additional information, please contact the City of El Paso Human Resources Department at 541-4105.

Human Resources Director

Date

TO BE COMPLETED BY TREATING PHYSICIAN AT THE NEXT SCHEDULED APPOINTMENT

Based on my patient's current medical examination and the physical job activities listed on the attached job description submitted by the City of El Paso:

- This patient **can** perform the job duties without restrictions.
- This patient **cannot** perform the job duties.
- This patient **can** perform the job duties **with** the following **restrictions**. Please specifically identify the type of restriction and the duration of the restriction.
 - See attached medical report.

Treating Physician

Date