

**CITY OF BEAUMONT  
POLICIES AND PROCEDURES MANUAL**

Policy Number: 2.10

Subject: Modified Work Duty

Effective Date: July 13, 2007

Approved by: Kyle Hayes | 05/01/2021  
City Manager | Date

Chris Catalina | 05/01/2021  
Personnel Director | Date

I. PURPOSE

The purpose of this policy is to:

- A. Establish fair and equal guidelines for employees who have suffered illness/injury on or off the job to return to work in a Modified Work Duty capacity.
- B. Reduce the financial hardship for the City and its departments individually by allowing employees to return to work in a Modified Work Duty capacity whenever possible.

II. RULES/PROCEDURES

A. Modified Work Duty Assignment

- 1. All departments/divisions are to allow employees to return to work in a Modified Work Duty capacity.
- 2. Employees who have had on-the-job injuries will take precedence for Modified Work Duty assignments over employees who have had non-job related injuries/illnesses.
- 3. If an injured employee's treating Physician determines that the employee can perform Modified Work Duty, then the employee is to report to their supervisor for a job assignment. While working a modified duty assignment, timekeepers should use the payroll code LD.
- 4. The injured employee may be required to work in a different department and perform duties not contained within his or her current job description. Training for these duties will be provided as necessary.
- 5. When Modified Work Duty is recommended, it is the supervisor's responsibility to determine if such work is available in their department.

6. When Modified Work Duty is recommended and the department does not have Modified Work Duty, then the injured employee is to report to the Personnel Department for a Modified Work Duty assignment in another department.
7. If the employee's regular department is unable to meet the employee need for Modified Work Duty, the department is still responsible for payment of the salary. The employee time sheet will be faxed to the department for processing weekly.
8. It is the responsibility of the Manager / Supervisor who is administering the Modified Work Duty assignment to follow the Physician's restrictions at all times.
9. It is the personal responsibility of the employee to follow the Physician's restrictions at all times, on the job and off. If the employee is asked to perform a task at work which is outside the restrictions outlined in the Modified Work Duty assignment or if the employee is having difficulty performing the assigned work, the employee must notify their Manager/Supervisor or Safety Coordinator immediately.
10. An employee must participate fully in her/his recovery by keeping all Physician and physical therapy appointments. Failure of the employee to keep Physician and physical therapy appointments impede the continuation of the temporary Modified Work Duty assignment.

B. Duration

1. A temporary Modified Work Duty offer will be extended for an initial period not to exceed 90 calendar days.
2. Each department/division should make it clear to the injured employee that there is a time limit an employee is allowed to work Modified Work Duty.
3. Any employee who has returned to work in a capacity other than full duty on or before the effective date of this policy shall be allowed 90 calendar days from the effective date of this policy to return to full duty.
4. An exception to this section and an extension may be granted by the City Manager. The approval beyond 90 calendar days will be based upon the assessment of the employee's ability to return to full duty within the

immediate future and is deemed in the best interest of the City.

5. An employee requesting an extension beyond 90 calendar days must submit updated information from his/her treating physician and the Department Director must submit a request for the extension to the City Manager no fewer than three (3) days prior to the last day of the 90 calendar day period.
6. If the City Manager approves and extends the Modified Work Duty assignment for an additional 30 calendar days, then every 30 calendar days the Department Director must review the Physician's re-certification work status reports and re-submit a request for an additional 30 calendar days extension to the City Manager.
7. Modified Work Duty assignments are temporary and will be discontinued if/when any of the following occurs:
  - a. The treating Physician returns the injured employee to full duty without any restrictions.
  - b. The treating Physician temporarily prohibits the injured employee from continuing with a Modified Work Duty assignment.
  - c. There is no longer any task available within the City which can be performed by the injured employee, given their current restrictions.
  - d. The injured employee fails to meet any performance measures of the assigned position.
  - e. The treating Physician indicates that the injured employee has reached maximum medical improvement and will or will not be able to return to their prior position.
  - f. An injured employee has been on a Modified Work Duty assignment for a period of 90 calendar days, and the City Manager did not grant an extension.
  - g. The injured employee fails to comply with all rules, regulations, and stipulations of the Modified Work Duty program and/or policies of the City of Beaumont.

8. An employee who is unable to return to his/her regularly assigned duties at the end of the Modified Work Duty agreement may request a leave of absence through his/her department and will be offered Family Medical Leave if their 12 weeks has not been exhausted (Refer to FMLA Policy 2.4). Provided the employee has exhausted any entitlement under the Family and Medical Leave Act, the department has the option to approve or deny the leave of absence request. If Leave Without Pay is denied, employment with the City will be terminated.

C. Medical Release

1. A medical release from the employee's treating physician is required in order for an employee to return to work.
2. The release must state whether the employee is able to return to regular work with or without restrictions.
  - a. Before employees are permitted to work Modified Work Duty, they must receive a Modified Work Duty release from their treating physician.
  - b. Every 30 calendar days, it is a requirement that the employee be re-evaluated by their treating Physician.
3. It is the employee's responsibility to obtain a copy of the Physician's updated medical report.
  - a. It is the employee's responsibility to forward the Physician's updated medical report to their supervisor.
  - b. The supervisor should fax the Physician's medical report to the Personnel Department the same day the employee returns to work and every time the employee is reevaluated.
4. A review of the medical releases will be performed by the Personnel Generalists in cases of non-job-related injuries/illnesses and by the Workers' Compensation/Safety Coordinator in cases of job related injuries/illnesses.

D. Failure to Return to Work - “On the Job Injuries or Illnesses”

1. An employee who has sustained a Workers’ Compensation injury who is able to work in a Modified Work Duty status will be notified by the Workers’ Compensation Division of Personnel of a Modified Work Duty job offer by certified mail. Be advised that the offer will be extended for seven (7) days from the date of the certified letter.
2. If an employee does not return to work within seven (7) days from the date of the certified letter after receiving a medical release for Modified Work Duty or full duty by the attending Physician, the action may be considered job abandonment and is subject to termination. Besides taking appropriate action relative to job abandonment, workers’ compensation temporary income benefits may be denied.