

**NEW CASTLE COUNTY**

**PERSONNEL POLICY**

**NUMBER** 3.23

**PAGE** 1 of 4

**DATE** 10/21/15

**SUBJECT:** RETURN TO WORK POLICY

**APPROVED:**



**OBJECTIVE:**

This policy establishes the procedure whereby employees on a medical leave, either occupational or non-occupational, may be medically cleared to return to work.

**STATEMENT:**

A County employee absent from his or her regular employment due to a work-related (occupational) or non-work-related (non-occupational) injury or illness for more than four (4) consecutive work days/shifts may be evaluated and medically cleared for return to work by the County's occupational health services provider, if deemed necessary by Risk Management.

**DEFINITIONS:**

**Modified duty** - Modified duty is defined as being incapable of performing all of the duties of the job class specification, but being able to perform most of the duties of the job classification within the specific medical limitations. This work assignment, if available, should satisfy the employee's temporary limitations (in accordance with New Castle County Code Section 26.03.904) and shall not negatively impact the department's operation. All modified duty work assignments will be identified and recommended by the General Manager, and must be submitted to the Risk Manager and Chief Human Resources Officer for final approval before the employee returns to work.

Modified duty assignments shall be no less than four (4) hours per day, and may be outside the employee's regularly assigned function, if available. During this time, an employee working on modified duty shall be subject to appropriate performance criteria in that modified work assignment.

An employee, who returns to a modified duty assignment, may be required to be examined by the County's occupational health services provider to determine Fitness for Duty. This process will be repeated within a period of time to be determined on a case-by-case basis, by Risk Management in consultation with the General Manager and the Chief Human Resource Officer, until released to return to full duty without limitations.

# NEW CASTLE COUNTY

## PERSONNEL POLICY

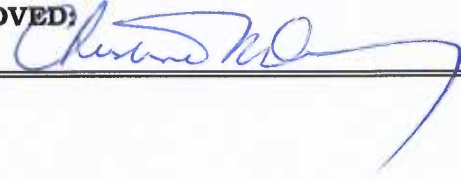
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### **PROCEDURE:**

#### **Return to Full Duty without Limitations – Non-Occupational:**

An employee shall present a note from his/her treating provider to Risk Management for review. Risk Management may consult with the department General Manager and the occupational health services provider based on a review of the nature of the illness or injury.

The County's occupational health services provider may examine the employee upon request by Risk Management and may review any medical or occupational documentation, including the employee's job class specification.

The employee may return to work on the same day that medical clearance is presented and approved by Risk Management.

#### **Return to Duty with Limitations - Non-Occupational:**

Employees returning to work with limitations may be given a modified duty assignment within his/her department at the sole discretion of the County, provided a position is available and returning the affected employee to modified duty does not unduly burden County departmental or divisional operations. An employee requesting to return to work with limitations must provide Risk Management with a written statement signed by his/her personal physician indicating the following: the type of injury or illness; a specific medically-documented need for modified duty; specific work limitations of the employee (e.g., lifting restrictions; time limitations on standing or sitting, etc.); and anticipated length of recovery before returning to full duty without limitations.

Identification of a modified duty assignment is to be coordinated with the County's Risk Manager, employee's General Manager, and the Chief Human Resources Officer before it may be offered or granted to the employee. The employee may not return to work with limitations until he/she is notified by the Office of Human Resources. Permission to work on modified duty under this subsection may be reviewed by the County every 30 working days. If the modified duty assignment under this subsection exceeds 90 total work days for any one occurrence, the County may follow procedures outlined in the New Castle County Merit Code Sec. 26.03.905 Non Work-related disability and Sec. 26.03.907 Dismissals. This paragraph does not supersede Department of Public Safety internal policies.

#### **Return to Full Duty without Limitations – Occupational:**

Employees may be required to be examined by the County's occupational health services provider prior to returning to work if directed by Risk Management.

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**Return to Duty with Limitations - Occupational:**

Employees may be required to be examined by the County's occupational health services provider prior to returning to work if directed by Risk Management. The County's occupational health services provider shall determine if the employee may be medically cleared to return to work with limitations. The County's occupational health services provider will review related medical documentation from the employee's treating physician(s) and the employee's job classification prior to determining the return to work status.

If the employee is incapacitated from his/her regular employment, the employee may be given other duties within County government for the period of recuperation in accordance with the New Castle County Code Section 26.03.904 "Disability in the course of employment." The County's occupational health services provider with the employee's treating physician(s) shall determine the duration of the modified work duty.

Unwillingness by the employee to accept an offered modified duty assignment as directed by their physician's medical statement may make the employee ineligible for disability leave during the time involved and may result in the employee's separation from employment (in accordance with Section 26.03.904).

A physician selected by the Risk Management shall determine the physical ability of the employee to continue working on modified duty or to return to regular duty with no work limitations. A third physician may be sought in accordance with any collective bargaining agreements.

**Notification of Return to Work:**

The Risk Manager or designee shall immediately notify the General Manager, Chief Human Resources Officer, the employee's supervisor and the department's medical liaison when the employee is cleared to return to work.

**Additional Requirements:**

If the employee is out on medical leave, either occupational, or non-occupational, or on modified duty for an extended period of time, not to exceed duration of 180 days, the County will require medical and occupational information in order to determine whether the employee can perform the full duties of his/her assigned position. If the employee is unable to perform the full duties of the assigned position as determined by the medical documentation, the employee may be separated from employment in accordance with

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department directives (i.e., Police, Paramedic) and Section 26.03.904 and 26.03.905 of the New Castle County Code.

Established: 5/14/13  
Revised: 10/21/15