



<b>TITLE:</b>
Early Return To Work Program Policy
<b>ADOPTED BY BOARD OF HARBOR COMMISSIONERS:</b>
November 24, 2014
<b>EFFECTIVE DATE:</b>
This Administrative Policy is effective upon approval by the Board of Harbor Commissioners.
<b>SUPERSESION:</b>
This policy supersedes Administrative Policy# 12304.A.
<b>PURPOSE:</b>
The purpose of this Administrative Policy is to establish guidelines for the administration and implementation of the Oxnard Harbor District's Early Return to Work Program.
<b>POLICY:</b>
<p>1. BACKGROUND</p> <p>This Administrative Policy applies to all employees.</p> <p>2. POLICY</p> <p>The District recognizes the importance of providing modified work to employees who are unable to perform their regular duties due to medical incapacitation. In this regard, the District implements an Early Return to Work Program designed to return an employee to work in a medically appropriate job as soon as the employee's primary treating health care professional deems it medically feasible provided that suitable modified work is available.</p> <p>The District's Early Return to Work Program is intended to:</p> <ol style="list-style-type: none"><li>1. Assist an employee in the transition from medical incapacitation to full recovery while continuing to be a productive part of the workforce.</li><li>2. Minimize the deterioration of an employee's work skills, health and attitude that may result from prolonged work absence.</li><li>3. Provide a constructive method for minimizing the loss of productivity as well as enhance the District's efforts for containing costs associated with workers' compensation.</li></ol> <p>An employee shall be eligible to participate in the Early Return to Work Program after the</p>

employee has received medical clearance from the employee's primary treating health care professional, specifying work restrictions, limitations and abilities. A modified work assignment shall be only made when suitable work is available and represents reasonable accommodations as defined by law. The temporary/modified work assignment shall not be considered part of the District's regular staffing pattern and shall not be deemed permanent.

A. Responsibilities

1. Chief Finance & Administrative Officer's Responsibilities

The Chief Finance & Administrative Officer or designated representative shall be responsible for the coordination and implementation of the Early Return to Work Program. The CEO & Port Director's approval shall be obtained prior to the employee starting the modified work assignment. The Chief Finance & Administrative Officer or designated representative shall specifically:

- a. Confer with the workers' compensation carrier if an employee's medical incapacitation is related to a work-related illness or injury.
- b. Provide the employee's primary treating health care professional a copy of the employee's job description.
- c. Obtain a status report from the incapacitated employee that lists the employee's medical restrictions as determined by his/her primary treating health care professional, which shall include a review of and reference to the employee's job description by the health care professional.
- d. Initiate a determination as to whether work modification options constitute reasonable accommodations as stipulated under Government Code Section 12940(m).
- e. Engage in a timely, good faith interactive process with the incapacitated employee to determine effective reasonable accommodations as set forth under Government Code Section 12940(n).
- f. Prepare a written modified work offer and obtain the employee's signature of receipt of the offer. A copy of the signed health care professional's status report authorizing modified work shall be attached to the modified work offer.
- g. Coordinate the implementation of agreed upon reasonable accommodations with the incapacitated employee, the workers' compensation carrier if applicable, and the employee's supervisor.
- h. Coordinate with the incapacitated employee's supervisor the implementation of disciplinary action in instance in which the employee on the modified work assignment willfully disregards medical limitations and work modifications.
- i. Thoroughly document all activities related to Early Return to Work Program.

## 2. Employee's Responsibilities

A medically incapacitated employee who has been authorized by a primary treating health care professional to seek a modified work assignment shall:

- a. Immediately provide the Chief Finance & Administrative Officer or designated representative with an initial status report of the employee's capability to work that includes detailed information from the employee's primary health care professional about the employee's medical limitations and work restrictions and conditions, after review of the employee's job description.
- b. Meet with the employee's supervisor and the Chief Finance & Administrative Officer or designated representative to discuss the employee's job classification's essential functions, physical and mental requirements and potential work modifications.
- c. Accept the modified work assignment if modified work is available and offered.
- d. Obtain additional information, as necessary, about medical restrictions from the employee's primary treating or consulting health care professional and provide updates after each medical visit or treatment to the Chief Finance & Administrative Officer or designated representative.
- e. Immediately report any changes in health status to the Chief Finance & Administrative Officer.
- f. Keep the employee's supervisor informed of progress and/or difficulties associated with modified work assignments.
- g. Adhere to established work restrictions and modifications in order to prevent disciplinary action and/or termination of modified work assignment.

## 3. Supervisor's Responsibilities

Upon receipt of information related to a medically incapacitated employee's authorization from the employee's primary treating health care professional to seek modified work, the supervisor shall:

- a. Participate, in conjunction with the Chief Finance & Administrative Officer or designated representative, in a timely, good faith, interactive process with the medically incapacitated employee.
- b. Conduct an analysis of the supervisor's department to determine whether modified work is available.
- c. Prepare a written report of the departmental analysis.
- d. If modified work is available, ensure that the employee who is engaged in it

complies with all work restrictions and adheres to established limitations.

- e. Working in conjunction with the Chief Finance & Administrative Officer, discipline the employee whenever the employee fails to adhere to the restrictions and conditions of the modified work assignment.
- f. Maintain communication with the employee regarding any reduced or increased limitations on the employee’s working capacity that may affect the existing work provided to employee.

**B. Modified Work Assignment Offer**

The reasonable accommodation offered will end on the date a formerly incapacitated employee receives a medical release authorizing resumption of full duties and may be ended at any time if there is no longer a need for the employee to continue in a modified work assignment.

**RELATED POLICIES AND PROCEDURES:**

None.

**DEFINITIONS:**

None.