

TEMPORARY MODIFIED DUTY PROGRAM FREQUENTLY ASKED QUESTIONS

The City of Los Angeles encourages employees who have experienced a job-related injury or illness to return to their pre-injury position as soon as they are able to perform the essential functions of their job. However, there may be occasions when an employee is returned with restrictions. In these instances, the department will ascertain if these restrictions can be accommodated via a temporary modified duty assignment. The Temporary Modified Duty Program is not a new program. The City of Los Angeles has had a Temporary Modified Duty Program in existence prior to July 1, 2000.

1. What is *Temporary Modified Duty*?

This is a temporary job assignment other than the employee's regular job classification and/or job assignment. This temporary assignment, if available and based upon department needs, will be compatible with the employee's temporary physical limitations (aka, restrictions). An employee can be tasked with performing any assignment that falls within their restrictions.

2. How long is the temporary assignment?

The temporary assignment is not to exceed 150 calendar days. (This "calendar days" time frame includes Saturdays and Sundays).

3. Is participation in this program mandatory?

Yes, provided there are assignments that are available and compatible with the injury restrictions. Refusal to cooperate in the Modified Duty Program will result in the employee's own personal time off (compensated and/or uncompensated) until he or she is eligible to return to full duty status.

4. Who is not covered by this program?

Hiring Hall, As-Needed, and employees with permanent restrictions are not eligible to be assigned to the program. Additionally, employees serving a probationary period are not eligible to participate in the program.

5. How is an employee placed into the program?

After an employee who has sustained an injury has seen an authorized Workers' Compensation Physician or their own Pre-designated Personal Physician, the employee will need to submit either a Physicians Authorization of Modified Duty – Return to Work Release Form **or** other documentation from the physician stating the full range of the employee's restrictions.

6. Who determines whether or not my restrictions can be accommodated?

The determination involves many factors and input from multiple parties, and not one individual person. Initially, an accommodation will be sought within the employee's division. If there are no available or compatible assignments within his/her division, a request is made to other divisions within the Department. If there are no available or compatible assignments within his/her Department, a request is made to other City departments.

7. What if my restrictions cannot be accommodated or I reach the 150-day deadline?

An employee whose restrictions cannot be accommodated will remain on Injury Status (IS) and Workers' Compensation will be notified, if applicable. Employees unable to return to full duty at the end of 150 days will be returned to Injury Status (IS) and placed off work by Workers Compensation. Each case will be reviewed independently for other options.

8. Does being in the program affect my pay?

No. Employees on a temporary modified duty assignment will continue to receive their regular salary, including regularly assigned bonuses. They will not be paid IOD (IS).

9. How will I know where and whom to report to?

If an employee's restrictions can be accommodated, the department's Return to Work Coordinator is responsible for notifying the employee of their work assignment, location, name and phone number of their supervisor or contact person, and their reporting date and time.

10. Who will be responsible for ensuring my hours worked are accurately reflected?

The supervisor who receives an employee in the temporary modified duty program is responsible for maintaining the "informal" timekeeping record for the employee. He/she is also responsible for transmitting that information to the departmental Return to Work Coordinator on a weekly basis.

11. Can my current work schedule be affected by a TMD assignment?

Yes. If another division can accommodate the employee, this may result in a temporary change in work location, work schedule, and/or work shift for the duration of the 150-day time period.

12. What if my temporary assignment involves duties that are new to me?

The temporary supervisor will be responsible for providing the necessary training in order for the employee to successfully complete their new assignment.

13. What if I need to use time off during this 150-day program?

Any compensated time off requested by the employee (i.e., Family Illness, Bereavement Leave, etc.) is subject to the approval of the temporary supervisor. The temporary supervisor is also responsible for ascertaining that any sick time requested is not related to the workers' compensation injury. Any approved compensated time off is included in the 150-day limit and does not extend the program end date.

14. What happens when my doctor says I can return to work without restrictions?

The employee is responsible for (a) notifying his/her supervisor by phone within one business day of release by the doctor to return to full duty; and, (b) upon being released to full duty, providing a copy of the medical document to his temporary supervisor (who will be responsible for forwarding it to the Return to Work Coordinator so that the employee can return to his regular assignment).