

Section I - Purpose

To establish a formal process for identifying modified work assignments, authorizing eligible employees to perform modified work, supervising the performance of modified work.

Section II – General Policy

The City of Hagerstown recognizes that it is in the best interest of the City, our employees, and fiduciary responsibilities to assure that all individuals employed by local government are actually at work and productive. The City also recognizes that occupational and non-occupational injuries and illnesses occur, that may prohibit the employee from performing every function of his/her assigned job classification. The following guidelines will allow employees, on a case-by-case basis, to return to work, in a temporary modified work assignment, until they fully recover from their injury or illness.

Section III - Procedure

To properly administer the modified work program, this procedure must be executed exactly as written:

- A. Occupational Injuries and Illnesses
 - 1. When an employee suffers an occupational injury or illness that requires medical treatment, arrangements for treatment must be made immediately with the City designated or approved physician.
 - 2. If the injury occurs on weekends or after normal doctors hours, treatment should be sought from the nearest emergency medical treatment facility. A follow-up visit should then occur with the City designated or approved physician.
 - 3. If the treating physician determines the employee can return to work without restrictions, the employee will return to his/her normal duties.
 - 4. If the City designated physician determines that the employee is eligible for consideration for a modified duty work assignment under the eligibility criteria listed below, the restrictions will be indicated in writing and forwarded to the Department Manager for review.

- B. Non-Occupational Injuries and Illnesses
 - 1. For an employee who suffers a non-occupational injury or illness and has documented restrictions, it will be that employee's responsibility to provide documentation from his/her treating physician in order to be considered for a modified work assignment.

2. The documentation must be specific and satisfactory to the City. The City has the right to request further examinations or additional medical evidence at the City's expense when deemed necessary.
3. Once the satisfactory documentation is received, the Department Manager will work in conjunction with the Human Resource Department to determine if a modified assignment is available, and whether the employee is eligible for a modified work assignment.

C. Identifying Potential Work Assignments

1. If it is determined that an employee is eligible to participate in the modified work program, the Human Resource Department will contact the employee's department head to review the employee's restrictions by reviewing the physical requirements of the modified work assignment with the restrictions of the treating physician.
2. After reviewing the restrictions, the employee's department head will determine if a modified work assignment is available. If the department head feels the work restrictions can be reasonably accommodated, the Human Resource Department will notify the employee and arrange an immediate return to work date.

Section IV - Eligible Employee

All City of Hagerstown employees are eligible to participate in the program if:

- A. They have physician documented work restrictions, of no more than ninety days, resulting from an injury or illness that prevents them from performing the essential functions of their job. (Employees with permanent restriction will not be eligible under this program).
- B. Their temporary work restrictions do not preclude working on available modified work assignments.
- C. Modified work assignments are available; and
- D. The Human Resource staff will work with an employee to pursue disability retirement when a physician determines that the employee will not be able to perform the job functions.

Section V – Modified Work Assignments

- A. The process of identifying modified work assignments and authorizing eligible employees to perform modified work will be the responsibility of the Department Manager or his/her designee.

- B. Unless prevailing contract language is otherwise specified, modified work assignments will be reviewed every ninety (90) calendar days in a twelve (12) month period.
- C. Employees on modified work assignment are not eligible to work overtime, unless prevailing contract language is otherwise specified.
- D. Unless prohibited by federal, state or local law, working a modified work assignment is a condition of employment. Refusal to return to work in a modified work assignment may result in disciplinary action, up to and including employment termination.
- E. In cases where the employee suffers from a “serious health condition” within the meaning of the City’s FMLA policy (Personnel Policy 205.00) and can perform the functions of a modified work assignment, working the modified work assignment is optional for the employee during the twelve (12) week FMLA period. However, if the serious health condition is the result of an occupational injury or illness and the employee declines a modified work assignment, the employee’s right to receive workers’ compensation benefits may be delayed, denied or reduced.