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<input type="checkbox"/>	Operational Policy

Clackamas County Policy

Name of Policy	Transitional Duty	Policy #	EPP 9
Policy Owner Name	Evelyn Minor-Lawrence	Effective Date	9/1/23
Policy Owner Position	Human Resources Director	Approved Date	8/24/23
Approved By	Gary Schmidt, County Administrator	Next Review Date	9/1/26

I. PURPOSE AND SCOPE

This policy describes the Transitional Duty program to support Clackamas County employees in returning to work early after injury.

This policy applies to all employees who are injured in the course of their employment with Clackamas County.

II. AUTHORITY

This policy is established by the County Administrator’s administrative rule-making authority pursuant to County Code 2.09.060.E.

III. POLICY

It is the policy of the County to assist employees in returning to work at the earliest possible date following an occupational injury or illness. Return to work may be to transitional duty in a light or modified role in some circumstances with the appropriate medical release.

IV. DEFINITIONS

Transitional work: Temporary modified duty or light duty work assignments within the worker's current physical abilities, knowledge, and skills.

Light Duty: Work that consists of only duties that are physically or mentally less demanding in nature than typical job duties and is generally temporary in nature. This may constitute choosing only a portion of the employee’s usual job that fits within a physician’s recommended release.

Modified Duty: Modification of work duties that are usually within the employee’s normal job. This constitutes changing any duties that are outside the physical or mental capacity of the worker, so they fit within a physician’s recommended release. Generally, this type of duty is appropriate for situations where most essential functions of the job, with modification, can still be performed after injury.

V. POLICY GUIDELINES

Eligibility

An employee is eligible for light or modified transitional duty based on:

- The employee’s medically documented temporary limitations,
- The availability of light or modified duty positions or assignments,
- The employee’s vocational skills, additional abilities, and work experience, and,
- Specific work force needs and fiscal responsibilities of the department and the County.

Transitional Work

- Transitional work provided on a temporary basis only. Unless unusual circumstances warrant, this period shall not exceed 90 days. If the disability will extend beyond 90 days, the Risk and Safety Division must be contacted. The Benefits Manager shall also be consulted for any benefits considerations.
- All departments are responsible for identifying light duty assignments. This work will be coordinated by Risk and Safety Division in conjunction with the department.
- Transitional work within the worker's department should be considered first. If nothing is available, transitional work in another department with the same union affiliation will be considered. This will be coordinated through the Risk and Safety Division Workers' Compensation Analyst, when a claim arises where light/modified duty is warranted. If an injured worker can perform the essential functions of their job with modification, the Analyst will work with the worker and their manager/supervisor to confirm that all modifications fit within the physician's release.

Approval of Work Assignments

- Physician approval of actual duties being performed is required prior to work commencing. This approval is obtained by the Risk and Safety Division.
- Transitional duty assignments will be considered in the order they are requested.

Pay During Assignments

- Regular wages during the transitional duty period are paid by the department the employee worked for at the time of injury. This includes situations when the employee is on a transitional duty assignment outside their home department.
- For accepted Workers' Compensation claims with approved transitional work, any reimbursement received from the Workers' Compensation Division's Employer at Injury Program (EAIP) shall be credited to the employee's home department.

Supervision During Assignments

- Supervision is conducted by the department in which the transitional work exists. If the employee cannot perform the transitional work assignment due to their injury or inability to perform the work the employee should return to their physician for an updated work status. The employee will return to their disabled status under the Workers' Compensation system if their physician determines they cannot perform transitional work duties.
- The employee works under the union contract where they are a member. The employee's work schedule shall be determined by the schedule of the transitional duty job. This schedule may be different than the employee's schedule at the time of injury.

Offer of Work

- The County cannot guarantee a transitional work position and is under no obligation to offer or create any specific position for purposes of offering placement to such a position.

- The injured worker will receive a letter in accordance with Workers' Compensation law giving them the details of the transitional duty job, schedule, compensation, and supervision.
- Refusal of a bona fide job offer approved by the worker's treating physician may result in a reduction or elimination of disability compensation as provided by the Oregon Workers' Compensation Administrative rules.
- In the event an employee refuses transitional work that they are eligible to perform, the County is not obligated to provide an alternative position. In such cases, the employee's refusal of the transitional work may result in a reduction or elimination of disability compensation.

Applicability of Americans with Disabilities Act (ADA)

If the transitional duty assignment has ended and there is the possibility the disability may be permanent or the employee has a non-occupational disability that impacts their ability to perform the essential functions of their job, the Americans with Disability Act may apply. Contact Leave Administration for guidance.

VI. ACCESS TO POLICY

Access to this administrative policy shall be as follows:

- Filed in PowerDMS.
- Posted to the County's internet.

VII. ADDENDA

EPP 03 – Americans with Disabilities Act:

<https://dochub.clackamas.us/documents/drupal/ab7a27b3-5c25-4957-a58f-4a1129fa9596>

EPP 10 – Family & Medical Leave Policy:

<https://dochub.clackamas.us/documents/drupal/037b47ee-57cd-456c-a6b5-f2e6ca5f67d>