



TACOMA HOUSING AUTHORITY

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| Policy No. | HR-40.20 |
| Policy | Workers Compensation and Modified Duty |
| Date | September 27, 2009 |

1. Purpose

The health and well being of all its employees is of great importance to THA. It is well documented that injuries affect the whole person and that effective rehabilitation and treatment must also address the whole person. Part of that treatment includes keeping physically and mentally active within the restrictions of the particular injury. THA will make reasonable efforts to help employees maximize their healing and facilitate the earliest practical return to work following a job related injury.

Consistent with the general intent of the Washington Workers' Compensation Insurance system, including the regulations in Chapter 296-17 WAC, THA will make reasonable efforts to return to work employees who have sustained job-related injuries or illnesses, and as a result are temporarily prevented from returning to their full former employment.

For injuries or illnesses that occur off the job, THA's medical leave and leave of absence policies apply. If the injury or illness constitutes a disability, agency policies regarding reasonable accommodations may also apply. Employees must contact their supervisors regarding the need for such an accommodation. Assistance with questions about disability issues and/or reasonable accommodation is also available through the HR Department and THA's Civil Rights Coordinator (CRC). The CRC and HR are responsible for general information and assistance to the departments and employees in making a determination on accommodations.

2. Sources for Policy

- ▶ General reporting rules, audit and recordkeeping, rates and rating system for Washington workers' compensation insurance, Chap. Title 51 RCW, and Chapter 296-17 WAC
- ▶ Americans with Disabilities Act and the Washington Law Against Discrimination
- ▶ THA Policy CR-10 Reasonable Accommodation and Modification

3. Scope of Policy

This policy applies to all THA employees.

4. Who is Responsible for Implementing Policy

| Who | Responsibility |
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| <i>THA staff</i> | <ul style="list-style-type: none"> ▶ to understand this policy; ▶ to follow this policy when they are injured at work or develop a work-related illness ▶ to perform only those tasks as specified in a modified duty agreement and/or physician's instructions; |

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| | <ul style="list-style-type: none"> ▶ To follow the directions of their physician and/or claims managers to ensure quick recovery and return to work. |
| <i>Human Resources Dept.</i> | <ul style="list-style-type: none"> ▶ to interpret Washington State Workers compensation laws and regulations and ensure THA's policy is in compliance; ▶ to ensure all employees and supervisors are familiar with THA workers compensation and modified duty program and to monitor compliance with this policy. |

5. Definitions

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| <i>Industrial Injury or Illness</i> | Any injury or disease that results from working conditions and that occurs during, or in the scope of the employee's service to the employer. |
| <i>Modified Duty</i> | An interim assignment of tasks in accordance with the treating physician's restrictions. The assignment will usually not exceed a 90-day period and occurs during recovery and before the employee is determined medically fixed and stationary. The HR Department, in conjunction with the affected department, shall review options should the employee's injuries indefinitely or permanently preclude the return to the previous position. |
| <i>Medical Layoff</i> | Medical layoff is the layoff of an employee who is medically fixed and stationary but has not been released to his/her regular position and for whom a reasonable accommodation cannot be made. Employees subject to medical layoff are eligible for such re-employment and re-instatement rights as are described in the documentation accompanying a medical layoff. |

6. Forms Associated with this Policy

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| <i>THA Form HR-40.20(1)</i> | <i>Employee Report of Accident or Injury</i> |
| <i>THA Form HR-40.20(5)</i> | <i>Supervisor's Safety and Health Incident Report</i> |
| <i>THA Form HR-40.20(10)</i> | <i>Modified Duty Activities Assessment</i> |

7. Policy

7.1 Responsibility for Oversight and Management

The Human Resource Department has the responsibility for the administration of claims for medical and disability benefits by employees who are injured on the job and the coordination of the early return-to-work program. The HR Department will work in close cooperation with the supervisor and/or director to create and coordinate modified duty assignments.

7.2 Modified Duty

THA will make reasonable efforts to place returning employees in temporary modified positions, including temporarily created positions, within the limits of the agency's resources, business needs and the employee's restrictions. First priority for such placement will be within the employee's department. Second priority will be for placement elsewhere within the agency.

The employee will be advised by the supervisor if an alternate duty will be offered. The employee will be assigned such duty for a period normally not to exceed 90 days. The temporary modified duty position should be reassessed after 90 days; these positions are typically limited to a single 90 day period.

Implementation of this policy will require cooperation between THA departments, supervisors and the employee. It will be the responsibility of the HR Department to monitor the employer's obligations under the worker's compensation laws.

NOTE: THA is under no obligation to create a position for any employee or in any specific situation. A modified duty position is not intended to be a regular position or a permanent job assignment.

7.3 Employee Responsibility

Employees who are injured or become ill at work must report all such injuries or illnesses to their supervisor. Employees are responsible to follow the instructions of their managing physician and/or claims manager in order to expedite their full recovery and to prevent re-injury or aggravation of their condition. Employees must work within the restrictions of a modified duty plan.

Failure to follow this policy may be subject to disciplinary action up to and including termination.