

Section 17. Return To Work Program

MCWD recognizes that our employees are a critical part of our operation, and even if an employee becomes injured, on or off the job or has a temporary disability as a result of surgery or an illness, he/she remains a valuable part of our staff. A Return to Work Program (RTWP) is a proven essential cost containment element of our overall risk management program. In conjunction with our Safety Program, it is an effective tool in returning employees to productive work in the shortest time possible, while maintaining high morale and keeping costs to a minimum.

It is MCWD's goal to bring an employee back to work in a useful capacity as soon as possible. We are looking at transitional duty from the positive point of view that our employees want to work and should recognize this practice as a benefit.

If you are injured on or off the job, or have a temporary disability as a result of surgery or illness, the RTWP looks at ways to bring you back to work as soon as the doctor determines you are medically ready. This may mean making temporary modifications to your job duties or work hours to accommodate your recovery.

If the employee does not report to work (modified duty or regular work) when the doctor releases the employee or leave has expired, the employee may not be eligible for temporary disability payments, workers' compensation payments, or regular wages, and the employee could be subject to disciplinary action, up to and including termination.

The Management Services Administrator (MSA) will act as a liaison between the employee, supervisor, doctor, and the JPIA Claims representative (if workers' compensation is involved).

Modified or Alternate Duty

MCWD will consider the following when attempting to identify alternative duties:

- The first priority should be to return the employee to the same job, if possible, based on the medical restrictions, as prescribed by the treating physician. Building on existing work experience and working relationships avoids adding stresses of adjusting to new tasks and surroundings.
- If this is not possible, the returned employee should be provided modified work in the same department. Job or work site modifications may include a temporarily reduced work schedule, changed duties, trading heavier parts of the job with co-workers, altering the way duties are performed, making physical changes in the workstation, and providing the employee with specialized tools or adaptive devices.
- As a last alternative, the employee may be returned to work in a different department. Transferable employment skills will be emphasized and on-the-job training will be provided to supplement these skills.

Regardless of the accommodations made, we want our transitional employment to be productive and will be tailored to the employee's individual abilities in order to facilitate recovery. The duties will be flexible so that they can be easily altered to meet the requirements of the employee's medical program or our internal needs.

We must remember that our RTWP is designed to accommodate temporary disability. The time in the program should typically not exceed ninety (90) calendar days. As healing occurs, the employee's work duties will be changed and frequently modified to reflect increased work capacity of the recovering employee, as dictated by the physician's restrictions.

For workers' compensation claims, if the employee is not going to reach full duty within the ninety (90) calendar-day period, the MSA will work with the JPIA Claims representative and the doctor on an alternative plan of action. In the case of a non-industrial claim or disability, the MSA will contact the doctor to discuss an alternative plan of action.

Designated Industrial Medical Provider for on the Job injuries/illnesses

For workers' compensation, the MSA will meet with the doctor to discuss the RTWP. The success of the program will depend on good communication between the MSA, the doctor, the injured worker and the JPIA claims representative.

When an injury occurs, we want to get immediate medical attention for our injured worker. Depending on the seriousness of the injury, 911 will be contacted or the employee's supervisor will drive the employee to our industrial medical provider. If the employee has to go to the hospital, the ambulance should be directed to take the employee to:

Community Hospital of the Monterey Peninsula (CHOMP)/Salinas Valley Memorial Hospital (SVMH) (depending upon the employee's location at the time of the emergency).

Once the employee is released from the hospital, he/she may be redirected to the MCWD industrial medical clinic, Doctors on Duty. The MSA will ensure that Doctors on Duty has a copy of the employee's job description.

In the event a supervisor accompanies an employee to the clinic, the supervisor will take a copy of the job description. A discussion should be held between the supervisor and the physician at the conclusion of the appointment regarding what restrictions will be placed on the employee's job duties. Once determined, the MSA will contact the physician.

Employee Eligibility

All regular full-time employees are eligible to participate in the RTWP, however, under certain situations, it may not be offered.

Management Orientation

The management team will be held accountable for the effective implementation of the RTWP.

The management team plays an essential role in helping an injured or ill employee transition back to work. Training, dedication, and commitment are essential to the success of our RTWP.

If an injured worker is not released to return to full or modified duty, the employee's supervisor will make regular calls to the employee to review his/her health and recovery. The supervisor should let the employee know that he/she is missed and that MCWD is looking forward the employee's early recovery and quick return. The supervisor should determine when the employee's next doctor's appointment is scheduled. This information should be communicated to the MSA.

The injured employee and his/her supervisor will meet with the MSA when the employee returns with restrictions from the physician. A determination will be made regarding job duties based on the physician's restrictions. A Transitional Duty Assignment form will be completed and signed by the employee, supervisor, and the MSA.

Employee Orientation

All employees will be notified of the RTWP at the time it is implemented. New hires will be informed of the RTWP at his/her employee orientation. All employees will be held accountable for providing assistance with the RTWP if called upon. The success of this program will be judged on the collective effort of all of our employees.

Monitoring an Injury/Illness

The MSA will give the injured/ill worker all the pertinent forms and information, as well as reviewing with the employee his/her responsibilities.

If an employee is not returned to full or modified duty immediately, the MSA may need to follow-up with the physician to determine if there are any restrictions that could be imposed which might allow the worker to return. The MSA will ask the physician to complete a Physician's Report/Employee Work Status form. The MSA will meet with the employee's supervisor and the employee to determine what modifications can be made to meet the doctor's restrictions. For non-workers' compensation cases, a

Fitness for Duty Exam may be warranted. The District will coordinate this and inform the employee once an appointment has been secured.

Employee's Responsibilities

If the physician releases the employee to full duty with no restrictions, the employee will provide his/her supervisor with a copy of the Physician's Report/Employee Work Status form and return to full duty.

If the employee is not released to return to work, it is the employee's responsibility to attend each scheduled doctor's appointment.

If the physician releases the employee with restrictions, the employee will provide a copy of the Physician's Report/Employee Work Status form to his/her supervisor. The employee will then participate in a meeting with the supervisor and MSA regarding how the employee's job duties will be modified to meet the restrictions. A Transitional Duty/Assignment form will be completed at this time and signed by the employee, supervisor, and the MSA. Once this form has been signed, it will be the employee's responsibility to:

- Work within the physical limitations set by the physician at all times, and perform only those temporary duties assigned to the employee by their supervisor.
- Advise his/her supervisor if he/she is having difficulties performing the assigned tasks.
- Provide advance notice to the supervisor if he/she must miss work for a medical appointment.
- On future visits to the physician, ensure that his/her supervisor is advised of any changes to the work restrictions and provide the supervisor with an updated copy of the Physician's Report/Employee Work Status form.

It is the supervisor's responsibility to ensure the employee is following the restrictions and directions provided. If the employee is not, then appropriate action will be taken after consultation with the MSA.

17.0 Request for Reasonable Accommodation – Interactive Process

MCWD is committed to assuring equal employment opportunity and equal access to services, programs and activities for persons with disabilities or religious creeds. It is the policy of MCWD to provide reasonable accommodation to a qualified person with a disability and to enable such person to perform the essential functions of the position for which he/she is applying or in which he/she is employed. ~~The Americans with Disabilities Act (ADA) of 1990, and~~ The Americans with Disabilities Amendments Act (ADAAA), Title VII of the Civil Rights Act of 1964 and the California Department of Fair Employment and Housing Act (FEHA) effective January 1, 2009, requires employers to provide reasonable accommodation for the known disability or religious creed of a qualified applicant or employee unless it would impose undue hardship on an employer's business, or unless the applicant or employee would cause a direct threat to other workers. ~~In California, the Fair Employment and Housing Act (The FEHA)~~ coincides with the ADAAA, however, it extends some of the requirements of the ADAAA.

This reasonable accommodation policy applies to all employment practices and actions. It includes, but is not limited to, recruitment, the job application process, examination and testing, hiring, training, disciplinary actions, rates of pay or other compensation, advancement, classification, transfers and reassignment, and promotions.

While immediate supervisors/department heads are encouraged to continue responding directly to requests from individuals ~~with disabilities~~, there may be occasions when making a decision about accommodations is complicated by other factors. For instance, the need for an accommodation may be obvious, or it may be difficult to determine what constitutes a reasonable accommodation, or a department's budget may be unable to absorb the total cost of providing the accommodation requested. The following procedure has been developed to ensure that a request for reasonable accommodation is treated as consistently and equitably as possible.

The requestor should meet with his/her department head and/or MSA to discuss the situation. If the request is within his/her scope of authority and meets the legal requirements for accommodation, the request may be approved. Alternatively, the MSA may forward the request for accommodation to the General Manager or designee for review and determination.

Disability Accommodation

If a review by the General Manager or designee is determined to be appropriate, the requestor should submit a written request that includes the following:

- A. Name, address, and phone number of the requestor;
- B. The specific limitation, the type of accommodation requested, with an explanation of how the accommodation will allow the performance of the

essential functions of the position or the participation in a program or activity; and,

- C. Verification of a the disability by the requestor's medical physician or provider or vocational/rehabilitation counselor may be required. (If medical verification is required, the requestor must sign a release form authorizing release of this information). A copy of the job description shall be provided to the medical provider to assist in the determination of the requested accommodation as it relates to performing the essential functions of the position.

Religious Creed Accommodation

If a review by the General Manager or designee is determined to be appropriate, the requestor should submit a written request that includes the following:

- A. Name, address, and phone number of the requestor;
- B. The specific type of accommodation requested, with an explanation of how the accommodation will allow the performance of the essential functions of the position or the participation in a program or activity.

Examples of reasonable accommodation for religious creed:

1. Religious dress practice – includes the wearing or carrying of religious clothing, head or face coverings, jewelry, artifacts and any other item that is part of the observance by an individual of his/her religious creed.
2. Religious grooming practice includes all forms of head, facial and body hair that are part of the observance by an individual of her/her religious creed.
3. Religious holidays.
4. Union dues.
5. Interview and examination times and schedules.

An accommodation of a religious dress or grooming practice does not require MCWD to segregate an individual from other employees or the public

Determination - The determination of providing a reasonable accommodation is made on a case-by-case process, known as the "interactive process". This is a timely individual process where appropriate management and the individual discuss the request and effective reasonable accommodation(s).

If the request is approved, management will notify and meet with the requestor to make necessary arrangements. If the request is denied, management will notify and meet with the requestor to explain the decision, elicit other possible solutions and determine the outcome. The decision of the General Manager or designee is final.