



## Pima County Community College District Administrative Procedure

<i>AP Title:</i>	<b>Return to Work and Transitional Duty</b>
<i>AP Number:</i>	AP 2.02.03
<i>Adoption Date:</i>	9/11/19
<i>Schedule for Review &amp; Update:</i>	Every three (3) years
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<i>Sponsoring Unit/Department:</i>	Finance and Administration, Human Resources, and Employee Services
<i>Policy Title(s) &amp; No(s).</i>	Hiring and Assignment of Personnel, BP 2.02
<i>Legal Reference:</i>	
<i>Cross Reference:</i>	

### **SECTION 1: Purpose**

- 1.1 The College strives to provide a safe and healthy work environment and is committed to returning Employees to work at the earliest appropriate time following medical leaves of absence due to injuries sustained on or off the job, illnesses, and other medical conditions. To that end, the College has developed this “Return to Work and Transitional Duty” AP.
- 1.2 The College believes that Return to Work (“RTW”) and Transitional Duty processes benefit both Employees and the College. Employees retain more of their earnings and benefits and maintain valuable skills, and they are more likely to return more quickly to the full duties and responsibilities of their regular positions when Transitional Duty is available. Likewise, the College enjoys a more productive and consistent workforce, reduced costs from workers’-compensation claims and overtime pay for workers who must fill in, and fewer administrative costs and burdens associated with conducting

College business with a reduced workforce and filling positions temporarily

**SECTION 2: Administrative Responsibility & Authority**

The Executive Vice Chancellor for Finance and Administration (“EVCFA”) or the EVCFA’s designee(s) shall be responsible for and have final decision-making authority over all issues concerning the administration of this AP, including, but not limited to, approval of any related Standard Operating Procedures (“SOPs”) and resolution of any disputes regarding the implementation or operation of, or decisions made pursuant to, this AP and any related SOPs.

**SECTION 3: Return-to-Work Eligibility**

Following a medical leave (for their own injuries, illnesses, or other medical conditions), Employees must receive a medical release from a Qualified Healthcare Professional to be eligible for RTW.

**SECTION 4: Return-to-Work Decision-Making**

- 4.1 The EVCFA or the EVCFA’s designee(s) shall develop one or more processes or procedures by which Employees’ medical releases are reviewed and compared to the duties, responsibilities, and essential functions of their positions, and by which decisions are made regarding Employees’ suitability for RTW, including Transitional Duty determinations.
- 4.2 The EVCFA shall ensure that all RTW processes and procedures are administered fairly and impartially, that RTW decisions are fact-based and supported by medical documentation, and that all RTW decision-making is focused first and foremost on the best interests of the Employees being considered.
- 4.3 Final RTW decisions are within the sole discretion of the EVCFA or the EVCFA’s designee and may not be appealed.
- 4.4 Employees who are determined by the EVCFA or the EVCFA’s designee(s) to be unsuitable (at the time of consideration) for RTW may still be considered for Transitional Duty.

**SECTION 5: Transitional Duty**

- 5.1 Employees are not required to accept Transitional Duty assignments when

offered, and declining Transitional Duty will not affect an Employee's eligibility for leave under the Family and Medical Leave Act ("FMLA"). However, declining Transitional Duty may affect an Employee's benefits, including, but not limited to, workers'-compensation and short- and long-term-disability.

- 5.2 Transitional Duty is not a substitute for a reasonable accommodation to which an Employee may be entitled under the ADA or other federal or state law.
- 5.3 Transitional Duty is not a right of employment with the College. Employees shall have no reasonable expectation that they will be placed or remain on Transitional Duty. It shall be permitted solely at the discretion of the EVCFA or the EVCFA's designee(s). When permitted, Transitional Duty does not change an Employee's employment status with the College.
- 5.4 All Transitional Duty modifications and assignments must comply with the Employees' documented medical restrictions.
- 5.5 Transitional Duty is neither "light duty" nor a "make-work" position of limited to no value to either the College or the Employee performing it. Transitional Duty must enable Employees to utilize their knowledge, skills, and abilities to perform productive work for the College.
- 5.6 Employees on Transitional Duty are prohibited from performing any tasks that do not comply with their prescribed medical restrictions.
- 5.7 Except to the extent their duties and responsibilities that have been specifically modified, Employees on Transitional Duty are expected to fully perform the duties and responsibilities of their positions and will be held to the same performance standards as Employees not on Transitional Duty.
- 5.8 An Employee's total Transitional Duty period, including any renewals, shall not exceed six (6) months for a single job-related injury or illness.
- 5.9 Eligibility for Transitional Duty
  - 5.9.1 Only regular, full-time Employees are eligible for Transitional Duty.
  - 5.9.2 Only Employees who have taken a leave of absence from their employment with the College due to their own injuries (work-related

or otherwise) or illnesses are eligible for Transitional Duty. Employees who have been absent while caring for others, including family members, are not eligible for Transitional Duty on that basis alone.

- 5.9.3 Employees whose medical releases indicate they are able to return immediately to their full duties and responsibilities are not eligible for Transitional Duty. Employees who receive such medical releases while on Transitional Duty shall be returned immediately to and/or resume the full duties and responsibilities of their regular positions.

## **SECTION 6: Responsibilities During Transitional Duty**

- 6.1 Employees on Transitional Duty are prohibited from performing any tasks that do not comply with their prescribed medical restrictions. Employees who do so will be removed from Transitional Duty and may be subject to disciplinary action.
- 6.2 Employees on Transitional Duty may not engage in any outside employment activities that conflict with the Employees' relevant medical restrictions. Employees who do so will be removed from Transitional Duty and may be subject to disciplinary action.
- 6.3 While on Transitional Duty, it is the Employee's responsibility to inform the College of any changes to the Employee's medical restrictions affecting the terms of the Employee's Transitional Duty assignment.
- 6.4 While an Employee is on Transitional Duty, the Employee's supervisor shall be responsible for ensuring that the Employee's work assignments conform to the Employee's medical restrictions, monitoring the Employee's adherence to the parameters and limitations of the Employee's Transitional Duty assignment, and that other Employees do not pressure or entice the Employee to engage in activities that exceed the Employee's Transitional Duty.

## **SECTION 7: Compensation While on Transitional Duty**

Employees on Transitional Duty will continue to receive their regular rate of pay and other compensation, including benefits, regardless of any limitations or changes to their duties and responsibilities during the Transitional Duty period.

**SECTION 8: Definitions**

“ADA” means, collectively, the Americans with Disabilities Act, all amendments to the Americans with Disabilities Act, and Section 504 of the Rehabilitation Act.

“AP” means Administrative Procedure.

“BP” means Board Policy.

“College” means the Pima County Community College District.

“Employee” means any person employed by the College on a full-time, part-time, temporary, or regular basis.

“Qualified Healthcare Professional” means a healthcare provider that is licensed by the appropriate state medical board and has the authority to prescribe restrictions on an Employee’s work.

“SOP” means Standard Operating Procedure.

“Transitional Duty” means a temporary modification of an Employee’s existing job duties and responsibilities intended to facilitate the Employee’s healing, recovery, and rehabilitation processes while the Employee transitions back to regular full duty.