

**Idaho Department of  
Juvenile Corrections  
Administrative  
Policy/Procedure**

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**SUBJECT: TEMPORARY MODIFIED DUTY/RETURN TO WORK PROGRAM**

**CATEGORY: HUMAN RESOURCES**

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## **Policy**

The purpose of this policy is to outline the process for employees of the Idaho Department of Juvenile Corrections (IDJC) on a medical restriction, due to their temporary inability to perform their regular duties, to return to work whenever possible and with Division Administrator approval. Work accommodations may be made to return an employee to the workplace when meaningful modified duty work is available and does not negatively impact the IDJC's operation or cause an undue hardship for the IDJC.

It is therefore the policy of the IDJC to accommodate requests to the extent allowed by job duties, staffing patterns, availability, and location. While modified work is never guaranteed, the IDJC recognizes a return-to-work program provides a benefit to both the employee and the IDJC, and that employees may recuperate more quickly when they are able to return to work.

## **Operating Procedures**

### **I. Temporary modified duty assignments**

- A. Temporary modified duty assignments can be cancelled at any time, but may continue at the discretion of the Division Administrator until one of the following conditions occur:
  - 1. The employee is released for regular work without restrictions to perform essential job functions with or without a reasonable accommodation.
  - 2. The employee is prevented from returning to regular work by a documented permanent restriction.
  - 3. Appropriate modified duty work is no longer available.
- B. Temporary modified duty assignments are based on information obtained from the employee's health care provider about the employee's condition and medical restrictions. Modified duty assignments are also based on the availability of such assignments at the IDJC.
- C. The use of temporary modified duty cannot continue indefinitely and is subject to regular review based on medical status updates from the health care provider.
- D. The use of modified temporary duties may affect the employee's work schedule and hours, as well as normal hourly pay rate and benefits.

- E. Each temporary modified duty assignment will be made on a case-by-case basis in accordance with all applicable rules and laws, including the Americans with Disabilities Act (ADA), the Rehabilitation Act of 1973, the Family and Medical Leave Act (FMLA), and Idaho Workers Compensation rules.

## II. Human Resources (HR) responsibilities

- A. Coordinate with the Division Administrator and the supervisor regarding the proper procedure for temporary modified duty/return to work and to determine if a temporary modified duty assignment is available and appropriate.
- B. Provide a current written job description with the essential functions of the job to the employee to submit to the health care provider for use in determining return to work and/or medical restrictions, if any.
- C. Draft a temporary modified duty letter to the employee outlining work restrictions, modified duty assignment, anticipated duration, and the circumstances for which modified duty may or may not continue, for the Division Administrator's approval.
- D. Follow up with the employee, supervisor, and as needed Division Administrator regarding temporary modified duty status based on medical updates.
- E. Ensure that all workers compensation and FMLA requirements are met.

## III. Division Administrator responsibilities

The Division Administrator is responsible for the effective management of the Modified Duty/Return-to-Work program.

- A. In conjunction with HR and the immediate supervisor, ensure temporary modified duty assignments, if available, are identified on an as-needed basis.
- B. Designate and approve temporary modified duty assignments.

## IV. Employee responsibilities

- A. Report all work-related accidents and exposures, injuries, illnesses, and/or scheduled medical absences to the supervisor immediately. Follow the IDJC Work-Related Employee Injury or Illness (375) policy and procedure for reporting accidents, seeking medical treatment, and keeping in communication with supervisor regarding injury.
- B. Contact immediate supervisor to discuss ability to return to work status within 24 hours after the initial medical visit or prior to a scheduled medical absence unless the severity of the injury prevents the employee from doing so.
- C. Take a copy of the written job description, which includes essential functions, to the first visit and give it to the preferred health care provider. This will allow the health care provider to see exactly what tasks the employee performs and the physical requirements of the job to help determine if the employee can be released to normal job duties or a temporary modified duty assignment.
- D. Prior to returning to work, provide a return-to-work release (doctor's note) from the treating health care provider listing any restrictions and duration of restrictions which may apply. The return-to-work release must be delivered and discussed with the supervisor prior to starting any work. Employees will not be permitted to return to work

until they obtain a medical release stating any medical restrictions from the treating health care provider and have approval from the supervisor for either return to regular duty or temporary modified duty, if available. The employee's return-to-work, as documented by their provider, must be reviewed by the supervisor and approved by the Division Administrator and HR to ensure the employee is able to do the job to which they are returning.

- E. Attend all medical and therapy appointments recommended by the health care provider.
- F. Provide the supervisor with preferred health care provider updates on work limitations, follow-up appointments, and progress after each appointment.
- G. Return to unrestricted normal work duties when released for work by the preferred health care provider.
- H. Maintain communication with claim examiner from State Insurance Fund and Industrial Commission, if applicable.
- I. An employee who refuses temporary modified duty work, after being certified by the health care provider to perform such work, is no longer eligible to receive Worker's Compensation benefits. However, such an individual can remain on FMLA leave until that leave has been exhausted. At that time it will be determined if the employee may be placed on medical layoff if unable to return to work.

V. Failure to return

- A. If an employee becomes disabled, whether or not due to a workers compensation injury, and is unable to return to regular work duties (without restrictions) after 12 weeks (480 hours) absence during any consecutive 52-week period or when accrued sick leave has been exhausted, whichever is longer, the employee's position may be declared vacant and the employee placed on medical layoff. The 12-week period of absence need not occur consecutively.
- B. The employee's name is certified to a re-employment preference register under State of Idaho layoff rules. The employee is entitled to reinstatement privileges under State of Idaho layoff rules when the Administrator of the Division of Human Resources has been notified by the treating health care provider that the employee is able to return to work.

VI. Supervisor responsibilities

Supervisors have an important role in facilitating the earliest possible and safest return to work of injured employees. Duties of supervisors include:

- A. Complete the Supervisor's portion of the Employee/Supervisor Accident Report (DJC-045) form and submit to HR within 24 hours of all accidents. If the employee was exposed to bloodborne pathogens, the employee will be referred to the IDJC Nurse Manager for completion of Occupational Exposure Assessment (DJC-246) form.
- B. Maintain regular contact with the injured employee during the employee's absence. This approach reassures the employee that they are valuable to the IDJC.
- C. Discuss and coordinate any doctor-prescribed medical restrictions with HR and Division Administrator to determine possible temporary modified duty and

communicate with employee regarding return-to-work options. Temporary modified duty return to work must be approved in advance by the Division Administrator in consultation with the supervisor and HR. Supervisor will use the letter drafted by HR and approved by the Division Administrator to communicate the modified duty return to work to the employee.

- D. Monitor and ensure the employee's safety while in temporary modified duty assignments. During the first week of return to work, either in full release or temporary modified duty, the supervisor should contact the employee on a daily basis to monitor the employee's progress.
- E. Ensure the employee is performing satisfactorily in a temporary modified duty assignment. If the employee is not, counsel on performance as needed or review the temporary modified duty assignment and adjust as needed or available. If the temporary modified duty assignment is in an area of another supervisor, maintain regular communication and work with that supervisor to ensure the job is being performed in a satisfactory manner.
- F. Maintain regular communication with HR regarding performance issues or problems, and employee progress or changes.
- G. Coordinate return to work with HR and ensure they have all related paperwork, e.g., doctor's release for return to work, medical progress notes, etc. Do not allow the employee to return to work without a written release from the treating physician listing any restrictions. This release must be reviewed and approved by the supervisor and HR to ensure the employee can do the work to which they return. If there is any question regarding the restrictions, the supervisor should consult with the Division Administrator and HR.
- H. Ensure appropriate coding of time sheets.

*Reference:* [Glossary of Terms and Acronyms](#)  
*Title 72, State of Idaho Safety and Loss Control Program, Idaho*  
*Code*  
*DHR Rule 24, State of Idaho*

*Related Desk Manual(s):* N/A

*Related Policies:* [Work-Related Employee Injury or Illness \(375\)](#)  
[American with Disabilities Act \(301\)](#)  
[Sick Leave \(353\)](#)  
[Family and Medical Leave Act \(352\)](#)  
[Safety and Loss Control \(376\)](#)

*Related Forms:* [Employee/Supervisor Accident Report \(DJC-045\)](#)  
[Occupational Exposure Assessment Form \(DJC-246\)](#)