



SECTION: Human Resources

TOPIC: Stay at Work

DATE: May 18, 2018

ADMINISTRATIVE PRACTICES MANUAL

Subject: Stay at Work (all employees)

Purpose: Often an employee could remain in his/her job if there was an early return to work/stay at work program. These programs succeed by returning workers to productivity as soon as medically possible during their recovery process. While Dane County offers a disability insurance program, Dane County recognizes that disability benefits should not be the default path when viable full or partial return to work/stay at work options exist. By keeping our employees engaged in gainful employment, fewer individuals will need to apply for or receive disability benefits.

The purpose of this policy is to provide managers with the discretion to best serve employees with minor injuries or impairments resume normal job duties and ensure that the business of the County is completed. This policy authorizes managers to make temporary job modifications for a short period of time in order to address an employee's temporary injury or impairment. Temporary job modifications are subject to availability and feasibility of modified work as determined by the manager.

Clarifications/Limitations:

1. This policy authorizes managers to use their discretion to offer temporary job modifications to employees who **temporarily** cannot perform all the essential functions of their jobs.
2. Temporary job modifications available under this policy are subject to availability of modified work and the feasibility of modified work as determined by the manager. Temporary job modifications may not be possible in all circumstances.
3. This policy does not take the place of Dane County's policies regarding the Americans with Disabilities Act ("ADA"). Employees needing an accommodation to deal with a disability covered under the ADA should follow the ADA process.
4. If an employee decides that an injury or impairment might be disability related at any time during a temporary job modification provided under this policy, the employee should contact the ADA Coordinator to discuss a potential Reasonable Accommodation request under the ADA.
5. This policy does not affect Dane County's Worker's Compensation ("WC") policies. Employees who have been injured on the job should follow the WC process.
6. This policy does not supersede related provisions affecting how employees Return to Work from a Leave of Absence, FMLA (non-intermittent), Medical Layoff, or Sick Leave. Policies contained in the Administrative Practices Manual or Employee Benefit Handbook that address these topics still apply.
7. A guideline document that helps managers interpret this policy and the other relevant provisions of the Employee Benefit Handbook and the Administrative Practices Manual is available on DCINet at the following link: <http://dcinet/resources/apm/pdf/Return-to-Work-Guidelines.pdf>

Procedures:

Step 1: Provide Notification that the Employee intends to Return to Work

1. An employee with a minor injury or impairment who intends to return from a Leave of Absence, FMLA (non-intermittent), Medical Layoff, or more than 10 days of sick leave, must notify their manager/supervisor that they intend to return to work within 14 working days of the intended return date, or earlier.



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2. Employees returning to work from a Leave of Absence, FMLA (non-intermittent), Medical Layoff, or more than 10 days of sick leave must complete the Dane County Return to Work form. The form is available on DCINet at the following link: <http://dcinet/forms/pdf/014-109.pdf>
3. In the event that an employee with a minor injury or impairment is coming to work without previously using a Leave of Absence, Medical Layoff, FMLA (non-intermittent), or Sick leave, the employee should notify the manager as soon as possible. In this category, an employee sustained an injury or impairment on the employee's normal time off.

Step 2: Develop and Document the Job Modification

1. Based on the information contained on the Return to Work form, managers have the discretion to make a temporary modification to an employee's duties for up to 20 working days.
2. If a Return to Work form was not completed, employees must disclose their temporary limitations to managers and explain how the injury or impairment makes the performance of essential job tasks difficult. Managers have the discretion to make a temporary job modification to an employee's essential job functions for up to 20 working days based on the employee's description of the injury.
3. If the Manager determines that additional medical documentation is needed, then the Manager may not offer the job modification and instead, should refer the employee to Dane County's ADA policy.
4. Employee Relations does not need to approve any temporary job modification provided under this policy. Employee Relations does not have the authority to override a manager's decision not to offer a job modification.
5. Job modifications allowed under this policy must be documented. The documentation must be signed by the employee and the manager.
6. The documentation of any temporary job modification provided under this policy should be sent to Employee Relations to be placed in the employee's Personnel File.
7. The documentation should describe the temporary modification and the date that the modification is anticipated to be no longer necessary.
8. Managers are not obligated to provide a temporary job modification under this policy. Temporary job modifications may not be available or feasible in all circumstances.
9. If a manager does not provide a temporary job modification and the employee cannot perform all the essential functions of the job without a job modification, then the employee must be placed on a leave of absence (but not paid administrative leave) and informed of the right to request an accommodation under the ADA

Step 3: Ending the Modification/Extensions

1. When the modification documentation expires, the Employee is expected to perform all of the essential functions of his/her job that existed prior to the temporary job modification.
2. If the employee needs additional time, the employee may request a short extension. Managers have the discretion to extend the temporary modification up to ten working days.
3. If the employee is unable to perform all of the essential functions of the job that existed prior to the temporary modification at the end of the 20 day, or by extension 30 day, period, then the employee must be placed on a leave of absence (but not paid administrative leave) and informed of the right to request an accommodation under the ADA.