

Metro | *Policies and procedures*

Subject Modified Duty for Non-Occupational Medical Conditions
Section Human Resources; Finance and Regulatory Services (Risk)
Approved by Martha Bennett, Chief Operating Officer; MERC Commission

POLICY

In limited circumstances, Metro may provide temporary modified duty (also known as “light duty”) for injuries or medical conditions that were not incurred on the job at Metro.

Applicable to

All employees.

Where provisions of an applicable collective bargaining agreement directly conflict with this policy, the provisions of that agreement will prevail.

Guidelines

1. Metro will temporarily modify the work assigned to employees with temporary non-occupational medical conditions only if the following criteria are met:
 - a. The employee can complete all the essential job functions as outlined in the employee’s classification description;
 - b. There is a business need for the work to be performed; and
 - c. There is no financial cost to Metro (e.g. equipment purchases) required to place the employee on modified duty.
2. Metro does not provide transfers to accommodate restrictions due to non-occupational medical conditions except as required by law or other Metro policies.
3. Employees who are unable to perform their regular duties due to non-occupational medical conditions may have additional options under other laws and Metro policies, including the Americans with Disabilities Act (ADA), Oregon Family Leave Act (OFLA), Family and Medical Leave Act (FMLA), and Metro’s Pregnancy Transfer and Leave policy. Metro also provides modified duty for on-the-job injuries covered by Metro’s workers’ compensation insurer. Employees should consult the applicable Metro policies and contact the Human Resources (HR) Department for more information if needed.

Procedures

1. To request modified duty, employees must provide their supervisor or the HR Department with written restrictions from their health care provider.

- a. Supervisors must forward this information to HR immediately.
 - b. If more information is needed to clarify the restrictions or evaluate the suitability of possible transfer options, the HR Department may request that the employee provide additional information before a decision is made on the employee's request.
2. Modified duty for non-occupational conditions is typically limited to 30 days or less except as required by law or other Metro policies. In unusual circumstances, the C.O.O. or GM may approve an extension of modified duty beyond the standard 30-day period provided there is no adverse impact to Metro's operations.
3. Metro may remove an employee from the modified duty assignment before the end of the 30-day period for any of the following reasons:
 - a. The employee's medical restrictions are lifted or change substantially such that the modified duty assignment is no longer appropriate;
 - b. The employee is unable or unwilling to meet the attendance, performance and conduct expectations for the modified duty assignment; or
 - c. Continuation of the modified duty assignment is not consistent with Metro's business needs.
4. If an employee is medically restricted from performing the duties of his or her position but modified duty is not appropriate under the terms of this policy, the employee will not be permitted to work until the employee is no longer subject to medical restrictions.
5. An employee on modified duty whose medical restrictions are lifted or changed must give his or her supervisor a copy of the release or revised restrictions before the employee's next scheduled work shift or within three business days, whichever comes first.
6. Metro will return an employee to his or her regular duties only upon receipt of a medical release indicating that the employee is able to perform all the duties of that position.
7. Employees with non-occupational medical conditions may have additional options for extended modified duty or a leave of absence under the Americans with Disabilities Act (ADA), the Oregon Family Leave Act (OFLA), the Family and Medical Leave Act (FMLA), and/or other Metro policies.
8. An employee who is unable to return to his or her former position upon the conclusion of the modified duty assignment due to continued medical restrictions may be subject to termination in accordance with regular attendance policies except as provided by applicable law or other Metro policies.

Responsibilities

Employees:

- Provide your supervisor with written restrictions from your physician.
- Fulfill the performance and conduct expectations for the modified duty assignment. Consult with your supervisor if guidance is needed.
- When your restrictions are lifted or changed, give a copy of the release or new restrictions to your supervisor before your next scheduled work shift or within three business days, whichever comes first.
- If you are unable to return to your regular position at the end of your modified duty assignment, consult Metro policies and contact the HR Department to explore any other options you may have for modified duty or a leave of absence.

Supervisors and Managers:

- Notify the HR Department and Risk Management of all employee requests for modified duty.
- Promptly send any medical information received from an employee or another source to the HR Department without keeping copies, except that a copy of the employee's work restrictions may be retained while the restrictions are in effect. Maintain the confidentiality of all medical information.
- Consult with the HR Department before making changes to an employee's work assignment.
- Provide guidance to the employee as to the performance and conduct expectations for the modified duty assignment.
- Instruct employees to consult Metro's personnel policies and contact the HR Department to explore their options if they are unable to return to their regular assignment at the conclusion of modified duty.

Human Resources Department:

- Maintain all medical information in the employee's confidential medical file in accordance with legal requirements.
- Advise supervisors and employees on options for modified duty and leaves of absence as applicable.

References

Americans with Disabilities Act Policy

Family and Medical Leave Policy

Leave without Pay policy