

**GRANT COUNTY  
RESOLUTION NO. R-13-38**

**ADOPTION OF THE GRANT COUNTY RETURN TO WORK  
AND MODIFIED DUTY POLICY**

**WHEREAS**, the Grant County Board of Commissioners ("Commission") greatly values its employees and their health and desires for employees who incur an injury or illness to return to work as soon as possible; and

**WHEREAS**, Grant County currently does not have a return to work or modified duty policy in place; and

**WHEREAS**, the Commission finds that creating such a policy would be beneficial to both Grant County and its employees; and

**WHEREAS**, the Commission desires to create a policy providing for return to work and modified-duty assignments for employees who incur an injury or illness that temporarily limits the employee's ability to perform his/her job duties.

**NOW THEREFORE, BE IT HEREBY RESOLVED** that in light of the interests described herein, the Commission adopts the following policy covering return to work and modified-duty assignments:

**GRANT COUNTY RETURN TO WORK AND MODIFIED DUTY POLICY**

Any County employee who incurs an injury or illness that limits his/her ability to perform one or more of the essential functions of his/her job for a temporary period of time will return to work as soon as possible, consistent with any medical limitations arising from that injury or illness.

When an employee is temporarily unable to perform his/her usual and customary duties due to an injury or illness, the County will endeavor to place the employee in a modified-duty assignment, as long as meaningful and necessary work is available. This assignment will be consistent with the employee's skills and abilities and any medically necessary work restrictions.

**A. Coordination with Attending Physician**

An employee on leave due to an injury or illness can return to work only when Grant County receives a written medical release authorizing such return from the employee's physician. The physician's statement releasing the employee for modified, restricted, or light duty shall include any work restrictions or limitations, the estimated length of time the employee may require modified work and, if applicable, any follow-up treatment or therapy required.

Employees who have been given a modified, restricted, or light duty release from their physician shall report to the Human Resource Specialist's office prior to attempting to return to work. If a modified-duty assignment is available, the Human Resource Specialist is responsible for providing the physician with a copy of the employee's job description, copies of job descriptions for potential modified-duty assignments, and written information explaining Grant County's modified-duty policy.

The County may require an employee to submit to an examination with a physician chosen by the County at County expense, if the amount of temporary assignment appears to be excessive, if the restrictions/limitations cannot be adequately interpreted or clarified with the employee's physician, or if the County has reason to believe the employee's release for duty is inconsistent with job requirements.

All medical information shall remain confidential in accordance with federal and state laws.

**B. Released for Return to Work**

1. If the employee is released without restrictions, he/she shall provide a copy of the written release signed by his/her physician to the Human Resource Specialist. Upon confirming the employee is released without restrictions, the Human Resource Specialist shall notify the employee's respective Department Head and/or Elected Official, and the employee shall return immediately to his/her work location.

2. If the employee is released with temporary restrictions, he/she shall provide a copy of the written release signed by his/her physician to the Human Resource Specialist. The Human Resource Specialist will work with the employee's Department Head and/or Elected Official to determine if there are any modified-duty assignments available that are consistent with the employee's restrictions. This process may require the Human Resource Specialist to coordinate with both the Department Head and the employee's physician. If it is determined that there is no work available in the employee's department, the Human Resource Specialist may contact other Department Heads to determine if temporary work is available in another department.

3. Pregnancy: Whenever an employee becomes pregnant, she will work in her current position in accordance with her physician's recommendations, as long as she is able to perform the essential functions of the job. If her physician submits information indicating that she can no longer perform her current job duties, she will be eligible for modified-duty assignment.

4. All requirements for modified-duty assignments will be evaluated on a case-by-case basis with consideration given to the skills and abilities of the employee, the medical or physical restrictions, and the availability of work. Grant County cannot guarantee that work will be available for a modified-duty assignment.

5. If no work is available consistent with the employee's restrictions, the employee shall remain on leave. The Human Resource Specialist will assist the employee in procuring any County benefits information that would assist the employee in considering options and/or decision-making.

6. If work is available, the Human Resource Specialist will forward a proposed modified-duty assignment to the employee's physician for approval. The employee may report for the assignment once it has been approved by his/her physician.

7. If, while on modified-duty assignment, the employee needs to be absent during work hours for medical treatment or a doctor's appointment, the employee must bring a statement from the treating physician/facility indicating whether there are any changes in the employee's condition that would impact the temporary assignment. This statement shall be delivered to the Human Resource Specialist prior to returning to the work site. The Human Resource Specialist will notify the Department Head and/or Elected Official of any changes in restrictions and determine if the modified-duty assignment is still appropriate and/or necessary.

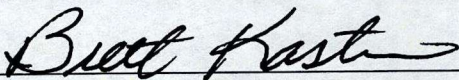
8. The County may require periodic medical updates from the physician regarding the employee's ability to perform the duties of the temporary assignment or be released to return to full duty.

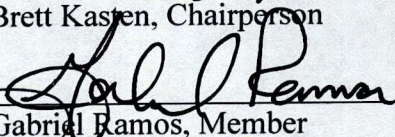
9. Modified-duty assignments are temporary arrangements intended to complement and facilitate the healing process. Such assignments shall not exceed twelve (12) weeks without further evaluation and approval by the Grant County Manager.


10. The County reserves the right, for good reason, to discontinue a modified-duty assignment at any time. Good reason shall include, but not be limited to, temporary work no longer being available, operational requirements prohibiting the continuance of temporary assignment, or the employee's inability to satisfactorily perform the duties of the modified duty assignment.

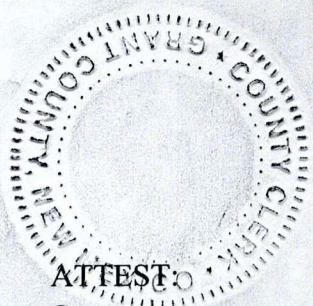
**DONE this 13th day of June 2013, in Silver City, New Mexico.**

**BOARD OF GRANT COUNTY COMMISSIONERS:**

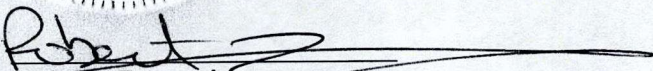
  
Brett Kasten, Chairperson

  
Gabriel Ramos, Member

  
Ron Hall, Member



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Robert, Zamarripa  
Grant County Clerk