

TOWNSHIP OF LUMBERTON

RESOLUTION 2015-05-108

A RESOLUTION ACCEPTING AND ADOPTING THE BURLINGTON COUNTY MUNICIPAL JOINT INSURANCE FUND – TRANSITIONAL DUTY POLICY & AMENDING THE TOWNSHIP OF LUMBERTON POLICY AND PROCEDURE MANUAL AND EMPLOYEE HANDBOOK TO INCORPORATE SAID POLICY

WHEREAS, the Township of Lumberton is a member of the Burlington County Municipal Joint Insurance Fund; and

WHEREAS, it is the policy of the Burlington County Municipal Joint Insurance Fund and the Township of Lumberton to develop a method to manage workers' compensation cases quickly, effectively and fairly with consideration to both employer and employee needs; and

WHEREAS, the most important goal in establishing an effective transitional duty program is to return the injured or ill employee back to full duty as soon as possible; and

WHEREAS, the Lumberton Township Committee recommends the adoption of the Transitional Duty Policy attached hereto.

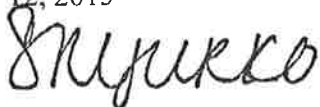
NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lumberton, County of Burlington and State of New Jersey as follows:

- 1.) The Mayor and Township Committee of Lumberton Township hereby accepts and adopts the Transitional Duty Policy attached hereto.
- 2.) The Township of Lumberton Policy and Procedure Manual and Employee Handbook is hereby amended to include Transitional Duty Policy attached hereto.

ADOPTED, at a regular meeting of the Mayor and Township Committee of Lumberton Township, County of Burlington, State of New Jersey held on May 12, 2015.

CERTIFICATION

I, **Stephanie Yurko**, Municipal Clerk for the Township of Lumberton do hereby certify that the foregoing Resolution 2015-05-108 was duly adopted by the Township Committee at their meeting held on May 12, 2015



Stephanie N. Yurko, RMC/CMR
Municipal Clerk

TRANSITIONAL DUTY POLICY

INTRODUCTION:

It is critical to develop a method to manage workers' compensation cases and temporary disability claims quickly, effectively and fairly with consideration to both employer and employee needs. It has become important to promote an active process of minimizing the impact of a physical impairment resulting from injury or illness on the individual's capacity to participate productively in the workplace. The most important goal in establishing an effective transitional duty program is to return the injured or ill employee back to full duty as soon as possible. This philosophy should apply to all employees regardless of their department, duties or responsibilities and as long as the safety of the employee, co-workers and the general public are not affected.

BENEFITS:

There are many benefits to adopting a transitional duty program. Among the most common are:

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- Retain the services of valuable trained employees.
- Maintain a productive employee for wages paid.
- Avoid replacement and training costs of hiring a new employee.
- Discourage fraudulent claims.
- Increase morale among employees.
- Increase awareness of safe work practices and injury prevention.
- Comply with the Americans with Disabilities Act (ADA) by accommodating disabilities and avoid costly lawsuits.
- Identify cross-training opportunities that enhance employees' abilities in their regular jobs.

DISCLAIMER

This document does not and is not intended to address every circumstance related to transitional duty program development.

PURPOSE:

To establish guidelines and procedures for giving transitional duty assignments for up to _____ employee(s), if possible, who is (are) recovering from a work-related injury or illness and has been given temporary physical work restrictions by an authorized medical provider. **Transitional duty is temporary in nature.**

DELEGATION OF RESPONSIBILITY:

Throughout this procedure, the designation "*Transitional Duty Coordinator*" has been used to signify the individual with the ultimate decision making authority in this process. As with many other personnel processes, the Transitional Duty Coordinator may delegate this responsibility to a "*Designee*" as deemed appropriate.

GENERAL INFORMATION REGARDING TRANSITIONAL DUTY ASSIGNMENTS:

1. Transitional duty is an opportunity, provided at the sole discretion of the Transitional Duty Coordinator, for an employee to remain in the workforce while recuperating from a work-related injury or illness. The program benefits both the employee and employer by saving employee leave, accelerating recovery and reducing claim costs. If an employee with work-related restrictions refuses transitional duty without a verifiable medical cause, the employee's benefits under workers' compensation or disability may be adversely affected.
2. The Transitional Duty Coordinator should evaluate the work restrictions of the injured employees to determine if the employee can be assigned transitional duty. The work restrictions must be in written form from the authorized medical provider and must clearly describe the physical restrictions and limitations related to performing transitional job duties. If the Transitional Duty Coordinator has questions or needs clarification, he or she should discuss the restrictions with the authorized medical provider and the Claims Administrator before making the transitional duty assignment.
3. The Transitional Duty Coordinator's decision to make and/or continue a transitional duty assignment should take into consideration the employee's work restrictions including employee's knowledge, skills, abilities, safety of the motoring public, other employees and the general public and the availability of work benefiting the department. **Monitor these elements periodically throughout the duration of the assignment, but at least after every visit with an authorized medical provider.**
4. A transitional duty assignment is temporary in nature. It may be a combination of various unrelated job tasks. The assignment also does not need to be for a full 40-hour workweek. Depending upon the nature of the injury or illness, transitional duty may last from one week to two months.

5. The Transitional Duty Coordinator should make transitional duty assignments with the goal of returning the employee to full duty as soon as possible. This may require the addition of or adjustments to duties included in the assignment as the employee's medical condition progresses. When a department is unable to assign suitable work, other departments may be contacted to determine if a suitable work assignment can be identified.
6. The authorized medical provider must submit a status report to the Transitional Duty Coordinator and Claims Administrator after each employee's workers compensation visit (See attached sample). Non-compliance with this process should be reported to the Claims Administrator immediately. For individuals who are not injured at work and are not receiving care under workers' compensation, are required to request and provide a note from their treating doctor outlining their work restrictions after each visit. The Transitional Duty Coordinator should review the transitional duty assignment after each visit with an authorized medical provider and, if advantageous for the employee and the department, allow the assignment to continue until Maximum Medical Improvement (MMI) is reached or until the employee is released to full duty.
7. The Transitional Duty Coordinator will implement Family Medical Leave Act (FMLA) procedures in accordance with local policies if they become aware that an injured employee meets the stated criteria for designation.
8. Employees will be paid in accordance with applicable policies, salary ordinances and bargaining agreements while on Transitional Duty. No overtime will be authorized unless the employee is expressly given permission by the department head and the treating medical provider. All overtime assignments must be approved in advance by the department head and must be in accordance with the transitional duty assignment set forth by the authorized medical provider.
10. The Transitional Duty Coordinator should notify upper management and the Claims Administrator if he or she becomes aware that an injured employee may have permanent medical restrictions. Permanent restrictions should be handled differently from temporary restrictions. Permanent restrictions may also be considered as a qualified disability under the ADA.

MAKING TRANSITIONAL DUTY ASSIGNMENTS:

Making transitional duty assignments is the joint responsibility of the employer, Claims Administrator, Managed Care Provider and the employee. The Claims Administrator and authorized medical provider should continually evaluate the availability of transitional duty for all temporarily disabled employees.

1. The Transitional Duty Coordinator reviews the authorized medical provider's work restrictions and selects transitional duty assignments that are of benefit to the department and appear to be within those restrictions (see attached Sample Transitional Duty Job Bank). This may include assignments requiring travel to alternate work locations. A transitional duty assignment does not have to be a full 40-hour workweek. The following skills may be necessary to participate in a transitional duty assignment, but are not limited to:
 - Sit or stand for some tasks.
 - Understand and follow directions and procedures.
 - Accept direction and function cooperatively.
 - Communicate effectively and coherently using telephone, or when initiating or responding to verbal communications.
 - Read and comprehend documents.
 - Exercise independent judgment.
2. When the Transitional Duty Coordinator and the supervisor determine that transitional duty is within the employee's work restrictions, the Transitional Duty Coordinator provides a letter (See Attached Sample) to the employee offering the transitional duty assignment. The letter must describe the work to be performed, state the transitional duty assignment will be reviewed periodically and state that the assignment is temporary. This letter should be handed to the employee upon arrival to work the following day. If the employee does not return to work the next day, the employee should sign and date the letter noting receipt. If it is necessary to mail the letter to the employee, it should be mailed Certified/Return Receipt with a copy placed in the personnel file.
3. If the employee agrees to the transitional duty assignment, he or she should sign the transitional duty offer and return it to the Transitional Duty Coordinator. If the employee declines the transitional duty assignment, the employee should code his or her time in accordance with applicable policies, salary ordinances and bargaining agreements. If an employee with work-related restrictions declines a transitional duty assignment without a verified medical cause, the Transitional Duty Coordinator should immediately notify the Claims Administrator. Refusal of a transitional duty assignment may adversely affect the employee's workers' compensation and/or other benefits.
4. If the employee's objection to a transitional duty assignment is based on a disagreement with the authorized medical provider regarding work-related restrictions, the Transitional Duty Coordinator should discuss the case with the authorized medical provider and the Claims Administrator.

COMMUNICATIONS:

1. The Transitional Duty Coordinator shall maintain the confidentiality of all medical information related to the transitional duty assignment. Only individuals with an administrative "Need to Know" shall be included in discussions on transitional duty.

This includes department heads and Human Resources Representatives. Where applicable, the Transitional Duty Coordinator shall limit discussions with the authorized medical provider and other authorized individuals to the medical restrictions and transitional duty issues in question.

2. If the need for transitional duty arises from a work-related injury or illness, the Transitional Duty Coordinator should contact the Claims Administrator. Copies of all related correspondence shall be sent to the Claims Administrator.
3. Questions related to transitional duty accommodations under the Americans with Disabilities Act and Family Medical Leave Act should be forwarded to the Personnel Department and/or municipal solicitor.
4. Provide initial and continuous communication with employees regarding the transitional duty program (See Sample Statement)

IMPLEMENTATION:

This procedure should be adopted by resolution and enacted via policy. The procedure should be communicated to authorized medical providers, department heads and employees before being implemented.

CONTACT LIST:

1. Claims Administrator
Qual-Lynx
100 Decadon Drive
Egg Harbor Township, NJ 08234
Patty Davidson
Supervisor – Workers' Compensation
609-653-8400 ext. 2104 (Phone)
609-601-3164 (Fax)
pdavidson@qual-lynx.com
2. Fund Administrator
Arthur J. Gallagher & Co.
P.O. Box 530
6000 Sagemore Drive, Suite 6203
Marlton, NJ 08053
Paul J. Miola, CPCU, ARM
Executive Director
Telephone # (856) 446-9130
Fax # (856) 446-9149
[E-Mail paul_miola@ajg.com](mailto:Paul_miola@ajg.com)

DEFINITIONS:

Americans with Disabilities Act (ADA) - Federal protection from employment discrimination for individuals with qualified disabilities.

Authorized Medical Provider - A medical provider who has been designated to provide medical care and/or medical opinions for employees with work-related injuries or illnesses as authorized by the New Jersey State Workers' Compensation Statute.

Employee - Any person who renders service for pay, including persons working under a professional service contract. Employees include persons in probationary, regular, casual or temporary status.

Family Medical Leave Act (FMLA) - Federal job protection during use of leave for a "serious health condition" or other qualifying event as defined under the Act.

Maximum Medical Improvement (MMI) - The point at which the authorized medical provider determines that (1) the condition resulting from the injury or illness is stable, (2) additional medical treatment or physical therapy will not improve patient's condition or (3) that the patient has reached the medical plateau of recovery.

Physical Work Restrictions - Work restrictions placed on an employee by the authorized medical provider.

Transitional Duty - A temporary work assignment that does not exceed an employee's medical work restrictions during a period of recovery from a work-related injury or illness. A temporary work assignment that does not develop into a permanent position and returns the employee to regular full-duty as soon as possible.

**LETTER TO EMPLOYEE
OFFERING TRANSITIONAL DUTY ASSIGNMENT**
(Does not have to be mailed if hand given to the employee)

CERTIFIED MAIL NO. _____

[Date]

[Employee Name]

[Employee Address]

RE: Claim # _____

Date of Loss: _____

Dear [Employee Name]:

According to the restrictions on the attached report, you cannot be accommodated in your current position. We are offering you a transitional duty assignment effective [date]. This assignment is temporary, will be reviewed periodically. Please report to [supervisor] at [location] for further instructions.

The duties you are being assigned are based on restrictions set by the authorized medical provider. Please see the attached form dated _____, from Dr. _____. This transitional duty assignment will be re-evaluated whenever (1) your work restrictions change, (2) you have reached Maximum Medical Improvement, (3) the work assignments are completed or (4) the departments' ability to provide transitional duty assignments change. If you feel any of the transitional duty tasks are aggravating or worsening your condition, please notify your supervisor and/or the Transitional Duty Coordinator immediately.

Your work hours will be from _____ to _____, _____ days per week. Requests to leave work early or come in late must be submitted and approved. Please keep your supervisor informed of your schedule regarding doctor appointments, physical therapy, etc. If you will not be coming into work for the day, you must call _____.

_____ will handle the paperwork involved with your temporary assignment, such as time sheets, leave slips, and the authorized medical provider's return to work reports. Please ensure all paperwork is submitted timely and accurately.

If you refuse this transitional duty assignment without verifiable medical cause, your benefits under workers' compensation may be adversely affected. If you believe that the transitional duty

assignment is in excess of the authorized medical provider's suggestion or if you believe that the transitional duty may aggravate your condition, please let us know. Please indicate your willingness to accept this assignment by signing this letter, checking the appropriate box below and returning it to the Transitional Duty Coordinator.

☐ I accept this temporary assignment

☐ I decline this temporary assignment

Employee Signature

Date

Sincerely,

Transitional Duty Coordinator

Attachments:

Work Restrictions from Doctor

cc: Adjuster (if applicable)
Attorney (if applicable)
Personnel Department

TRANSITIONAL DUTY STATEMENT

To All Employees:

It is the policy of the Township of Lumberton to maintain a transitional duty program. Our primary goal is to maintain a safe workplace for our employees. However, when an injury or illness does occur, our program helps make the process of returning to full work capacity as smooth and efficient as possible. This program is designed to minimize the disruption and uncertainty that can accompany an injury for both the Township and each of our employees.

The success of the transitional duty program is the responsibility of every employee. Only by working together can we provide a safe workplace. We ask all our employees to be alert to potential accidents and strive to eliminate them. If we work together to minimize the effects of work related accidents; we will all benefit.

Thank you for your cooperation and assistance.

Signature: _____

Title: _____

Date: _____

Transitional Duty Checklist

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|---|---|
| It is important to review the following (some or all may apply): | |
| <input type="checkbox"/> | Know state law about returning an employee to work |
| <input type="checkbox"/> | Explain to employees their rights, roles, and responsibilities |
| <input type="checkbox"/> | Inform treating physicians about the transitional duty policy and assignments available to injured employees |
| <input type="checkbox"/> | Have treating physicians approve transitional duty jobs or adaptations to fit job restrictions |
| <input type="checkbox"/> | Meet with the employee weekly to document progress and determine problems |
| <input type="checkbox"/> | Continue therapy and treatment during transitional duty assignments |
| <input type="checkbox"/> | Remind supervisors of employee's physical limitations so they do not push the employee to exceed them |
| <input type="checkbox"/> | Identify transitional duty assignments creatively; visit worksites to find tasks similar to the employee's existing job but adaptable to the employee's physical exertion level |
| <input type="checkbox"/> | Use meaningful jobs; never use jobs that demean or demoralize the employee |
| <input type="checkbox"/> | Provide training for the employee's new position if needed |
| <input type="checkbox"/> | Send transitional duty assignment offer letters by first class, certified mail or USPS priority mail with confirmation of receipt and include return, stamped envelope |
| <input type="checkbox"/> | Customize jobs so they can be restructured frequently to accommodate the employee's increased capacity and reduced limitations (utilize the job bank) |
| <input type="checkbox"/> | Make sure transitional duty assignments are productive – not punitive |
| <input type="checkbox"/> | Do not violate union contracts |
| <input type="checkbox"/> | Pay transitional duty at the same rate as the employee received in his/her regular position |
| <input type="checkbox"/> | Consider paying full earnings even if employee works partial hours temporarily to avoid paying lost wage benefits; advise TPA so they do not pay lost wages also |
| <input type="checkbox"/> | Obtain employee's feedback about the transitional duty position; make sure he/she can safely perform the job |
| <input type="checkbox"/> | Have the transitional duty job begin 3-5 days after you send the Job Offer Letter |

- Assists in the ordering of department materials and supplies. Operates various office machines as required.
- Types a variety of correspondence, reports, memoranda, and other material requiring judgment as to content, accuracy, and completeness.
- Serves as cashier including the receipting of payments for permits.
- Provides application forms to permits applicants and the general public including zoning permits, making sure applicants understand the permitting process and the necessary information and attachments required to submit an accurate and complete application.
- Processes permit applications by accepting the application, receipting it in, routing to appropriate review staff within scope of authority and responsibility assigned.
- Schedules appointments, and performs other administrative and clerical duties.
- Assures that policies and procedures are followed in the receipt, routing and processing of permit applications.
- Assists in the scheduling of requests for subcode inspections. Establishes and maintains filing systems, control records and indexes using moderate independent judgment.
- Maintains inventories and orders office supplies and materials
- Performs a variety of routine and complex clerical work as delegated by the Tax Assessor. This work shall include, but not be limited to: Answering phone calls and providing information, clerical and secretarial work, data entry, assisting in the maintenance of filing systems, preparation of certified list of property owners under the municipal land use law, deed processing, tax duplicate changes and entries and mailings.
- Performs any other duties assigned to them by the Township Administrator.
- Carries out duties and responsibilities in accordance with the regulations set forth in the Lumberton Township Employee Handbook.

File Clerk

- Answers central telephone system.
- Performs routine clerical work for all Departments including the Township Engineer.
- Operates listed office machines as required.
- Assists in setting up closing and maintaining filing systems for all Departments.
- Performs any other duties assigned to them by the Township Administrator.

Financial Administrative Assistant

- Processes requisitions and posts to accounting system.
- Prints and distributes approved Purchase Orders.
- Reconciles invoices to pending Purchase Orders.
- Compiles bill lists for Township Committee meetings.
- Compiles over \$5000 bill list for Township Committee meetings.
- Processes checks after Bill list approval.
- Posts cash receipts through the accounting system.
- Additional administrative functions as required by the Chief Financial Officer.
- Carries out duties and responsibilities in accordance with the
- Performs any other duties assigned to them by the Township Administrator.
- Regulations set forth in the Lumberton Township Employee Handbook.

Police Clerk/Administrative Secretary

- Transcribing statements, discoveries, computer records such as accidents, offenses, arrest, incidents, etc.
- Answers in-coming calls and routes callers or provides information as requires,
- Operates radios as needed and assists in radio communications;
- Receives the public and answers questions; responds to inquiries from employees, citizens and other and refers, when necessary, to appropriate persons.
- Serves as cashier including receiving of payments and various other payments, and posting monies to appropriate accounts.
- Assist in the procurement of department materials and supplies.
- Operates listed office equipment.
- Receives, and distributes incoming mail, processes outgoing mail; composes, types, and edits a variety of correspondence, reports, memoranda, and other material requiring independent judgement as to content, accuracy, and completeness.
- Inputs data to standard office and department forms.
- Acts as custodian of departmental documents and records. Establishes and maintains filing systems.
- Responsible for addressing all department confidential and internal affairs matters as assigned by the Chief and Lieutenants.
- Serves as the Executive Administrative Liaison between uniformed department personnel and the clerical function of department.
- Completes quarterly Municipal Forfeiture Report in a timely manner.
- Responsible for ordering and maintaining appropriate departmental supply requirements.
- Develops necessary departmental forms in response to emerging needs.
- Performs any other duties assigned to them by the Township Administrator.