


<p style="text-align: center;">TOWNSHIP OF VERONA COUNTY OF ESSEX, NEW JERSEY</p>  <p style="text-align: center;"><i>POLICIES AND PROCEDURES</i></p>	Policy Title:	Light Duty Policy
	Policy Reference No:	5-11
	Release Date:	16-December-2020
	Approved By:	Matthew Cavallo, Township Manager
	Authority:	§ 36-1 (C) § 36-21
	Revision History:	None
	No. of Pages:	4
	Applicability:	All Employees

Purpose

The purpose of this policy is to establish the authority for temporary light-duty assignments and procedures for granting temporary light duty to eligible employees.

Policy

Temporary light-duty assignments, when available, are for employees who, because of injury, illness, or disability, are temporarily unable to perform their regular assignments but who are capable of performing alternative duty assignments.

Therefore, it is the policy of the Township that eligible employees be given a reasonable opportunity to work in temporary light-duty assignments where available and consistent with this policy. Light duty, however, cannot be guaranteed.

Definitions

Eligible Employees: For purposes of this policy, any full-time and permanent part-time employees suffering from a medically certified illness, injury or disability requiring treatment by a licensed health-care provider; and who, because of injury, illness or disability, is temporarily unable to perform their regular assignment, but is capable of performing alternative assignments.

Procedures

A. General Provisions

1. Temporary light-duty positions are limited in number and variety. Therefore,
 - a. Employees who are on workers compensation and have been out of work due to an on-the-job injury shall be given preference in initial assignment to light duty; and
 - b. Assignments may be changed at any time at the sole discretion of the Township, upon the approval of the treating physician, if deemed in the best interest of the employee or the Township.
2. This policy in no way affects the privileges of employees under provisions of the Family and Medical Leave Act, Fair Labor Standards Act, Americans with Disabilities Act, or other federal or state law.

Policy Title:	Light Duty Policy
Policy Reference No:	5-11
Release Date:	16-December-2020
Page	2 of 4

3. Assignment to temporary light duty shall not affect an employee's pay classification, pay increases, promotions, retirement benefits, or other employee benefits such as bonus pay for special assignments.
4. No specific position within the Township shall be established for use as a temporary light-duty assignment, nor shall any existing position be designated or utilized exclusively for employees on temporary light duty. Rather, temporary light duty assignments may be drawn from a range of duties performed within the Township. The temporary alteration of assignments or the creation of additional assignments as a result of temporary alternate duty shall not be used as a basis for determining the essential job functions of any position within the Township, and shall not be used as a basis for determining whether a reasonable accommodation exists.
5. Light-duty assignments are strictly temporary and should not exceed six months in duration. Light duty will only be assigned to employees who, based on medical information, may be able to return to full duty (with or without additional accommodations) after a six (6) month light duty period has expired. Exceptions may be made at the sole discretion of the Township Manager for good cause shown and where necessitated by law. After six (6) months, employees on temporary light duty who are not capable of returning to their original duty assignment shall
 - a. Present a request for extension of temporary light duty, with supporting documentation, to the Township Manager; or
 - b. Pursue other options as provided by employment provisions the Township or federal or state law.
6. Prior to returning to full duty, the employee must provide a return to work note from his or her physician. The Township may seek a second medical opinion if there is reason to question the legitimacy of the return to work note.
7. Employees on temporary light duty are prohibited from engaging in outside employment in which they have been determined physically or mentally unable to perform on behalf of the Township and that form the basis for their temporary light-duty assignment.
8. Light-duty assignments shall not be made for disciplinary purposes.
9. Employees may not refuse temporary light-duty assignments that are supported by and consistent with the recommendations of an attending physician or certified health-care provider. If the employee believes that the

Policy Title:	Light Duty Policy
Policy Reference No:	5-11
Release Date:	16-December-2020
Page	3 of 4

light duty assignment is beyond the employee's abilities, the employee may grieve such assignments through established grievance procedures.

B. Temporary Light-Duty Assignments

1. Temporary light-duty assignments may be drawn from a range of technical and administrative areas that include but are not limited to the following:
 - a. Administrative functions
 - b. Clerical functions
 - c. Desk assignments
 - d. Report taking
2. This Township Manager shall maintain an inventory of available job assignments that may be used for temporary light duty.
3. In addition to considerations included in this policy, decisions on temporary light-duty assignments shall be made based upon the availability of an appropriate assignment given the applicant's knowledge, skills, and abilities; availability of light-duty assignments; and employee's work restrictions as identified by the employee's treating physician.
4. Every effort shall be made to assign employees to positions consistent with their grade and pay classification. However, where appropriate, employees deemed may be assigned to positions designated for employees of lower rank or pay classification.
5. Employees thus assigned shall
 - a. Retain the privileges of their employment but shall report to the supervisor of the department or division to which they are assigned light duty with regard to work responsibilities and performance; and
 - b. Retain the pay classification and related benefits of the position held prior to their assignment to temporary light duty.

C. Requests for and Assignment to Temporary Light Duty

1. Requests for temporary light-duty assignments shall be submitted to the employee's supervisor. Requests must be accompanied by a medical certification to support a requested reassignment, which must be signed either by the treating physician or by other licensed health-care provider. The certificate must identifies specifically the employee's

Policy Title:	Light Duty Policy
Policy Reference No:	5-11
Release Date:	16-December-2020
Page	4 of 4

work abilities and restrictions, and the expected duration of the restrictions, based on a review of the employee's current job description. The treating physician must be provided a copy of the employee's current job description prior to the medical evaluation.

2. The supervisor shall forward the request for temporary light duty and the physician's statement to the Township Manager.
 - a. The Township may require the employee to submit to an independent medical examination by a health provider of the Township's choosing. In the event the opinion of this second health provider differs from the foregoing health provider, the employee may request a third opinion at the employer's expense.
 - b. The employee and representatives of the Township shall cooperate and act in good faith in selecting any third health-care provider, and both parties shall be bound by that medical decision.

3. All medical information shall be kept strictly confidential to the extent reasonably possible.

This policy should be read in conjunction with all applicable collective bargaining agreements, and is not meant to alter any term or condition of employment set forth therein.

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Revision No.	Revision Date	Nature of Revision	Approved By