



**CITY COUNSELOR/
DIRECTOR OF PERSONNEL**

**JOINT REGULATION NO. 7
LIGHT DUTY**

Effective: January 21, 2020

I. PURPOSE

The purpose of this joint regulation is to establish a light duty policy and procedures for requesting light duty when an employee is temporarily unable to perform the essential functions of his/her position because of an illness or injury. Light duty is not intended to be permanent. Those employees who wish to seek a permanent accommodation should submit a request for such an accommodation to the City's Commissioner on the Disabled at NewburgerD@stlouis-mo.gov or (314) 622-3686.

II. LIGHT DUTY

Light duty means a temporary change in an employee's regular assignment in order to comply with work restrictions imposed by an employee's health care provider.

III. LIGHT DUTY ASSIGNMENTS

All departments/divisions are required to identify potential light duty assignments within said department/division. Each department/division shall provide to the Classification and Compensation Section of the Department of Personnel a list of potential light duty assignments within said department/division. Said list will note the essential functions of the assignment including all tasks and physical movements (*e.g.*, lifting requirement, how many pounds, etc.). This list shall be updated every six (6) months by the department/division and provided to the Department of Personnel.

Normally, employees shall be assigned to light duty assignments within the department/division in which he/she is employed. However, if the department/division does not have any light duty assignments which can be performed by the employee due to his/her restrictions, he/she may be assigned to perform light duty in another department/division that has an appropriate light duty assignment available.

IV. WORK RELATED INJURIES OR ILLNESSES

A. An employee shall report to work at his/her normal work site once he/she receives a work status summary, signed by the workers' compensation treating health care provider, indicating he/she may return to work and listing any restrictions (*i.e.*, describing any physical movements or tasks that the employee cannot perform). He/she shall provide the work status summary to

his/her appointing authority or designee. The Workers' Compensation Unit of the Law Department or the City's Third Party Administrator will also send the employee's department/division a work status report listing the employee's work restrictions.

B. A determination shall be made by the appointing authority or his/her designee as to whether the employee can perform the essential functions of his/her job with the listed work restrictions. If the employee can perform the essential functions of his/her position, he/she shall continue to do so. Essential functions are the basic job duties that an employee must be able to perform, with or without reasonable accommodation. Appointing authorities should carefully examine each job to determine which functions or tasks are essential to performance and may make adjustments to non-essential functions if the employee's restrictions preclude him/her from performing these duties.

C. When it is determined that an employee who is injured on the job and placed on restrictions is unable to perform the essential functions of his/her position, the appointing authority or his/her designee shall make reasonable efforts to find a light duty assignment or assignments that the employee can perform within the employee's department/division. The Workers' Compensation Unit of the Law Department can be contacted at (314) 622-4724 if there are questions whether a specific light duty assignment is appropriate given the employee's restrictions.

D. If a department/division does not place an employee on light duty, the department/division must contact the Classification and Compensation Section of the Department of Personnel and provide it with a copy of the employee's restrictions and advise why the employee was not placed on light duty. The Classification and Compensation Section shall review said documentation. It may consult with the Workers' Compensation Unit of the Law Department as to whether the employee should be placed in a light duty assignment. The Department of Personnel shall advise the department/division as to whether it recommends that the employee be placed in a light duty assignment within said department/division. If the department/division does not follow the recommendation of the Department of Personnel then the appointing authority, department director and the Executive Director for Operations of the Mayor's Office will be notified.

E. If a determination is made by the Department of Personnel that the employee's department/division does not have a light duty assignment that the employee can perform, given his/her restrictions, the Department of Personnel will ascertain if another department/division has a light duty assignment which the employee can perform with his/her restrictions. The Department of Personnel may review the light duty assignment list provided to it by other departments/divisions or consult with the Workers' Compensation Unit of the Law Department to make its decision. If it is determined that such a light duty assignment exists, it will contact the other department/division to confirm the light duty assignment is still available. If said light duty assignment is available, the Department of Personnel will provide the employee's department/division with instructions as to when and where the employee should report for said assignment including the name of the department/division, work location, contact person, supervisor's name and date and time to report. The employee's department/division shall notify the employee to report to the light duty location by providing him/her with a completed copy of a "NOTICE TO EMPLOYEE OF LIGHT DUTY ASSIGNMENT" form. A copy of the notice shall be provided to the Department of Personnel.

The employee's department/division shall forward an attendance sheet for said employee to the department/division providing the light duty assignment. Said attendance sheet shall be returned to the employee's department/division at the conclusion of each week. Employees shall be required to follow the call in procedure of his/her department/division for unscheduled absences even while on light duty. Said department/division will notify the department/division providing the light duty assignment of such absence as soon as possible.

F. Light duty will cease upon the employee reaching maximum medical improvement ("MMI") or at any time that light duty tasks or assignments being performed by the employee are no longer available. If the employee is unable to return to full duty upon reaching MMI, he/she should be referred to the Office on the Disabled.

V. NON-WORK RELATED INJURIES OR ILLNESSES

A. A permanent full time employee with a non-work related injury or illness placed on work restrictions who desires light duty because he/she is unable to perform the essential functions of his/her job should first obtain a certification form for his/her health care provider to complete. The certification form is attached hereto and is available online. The employee should then provide the certification form to his/her health care provider, along with the employee's job description. The job description should be obtained from the employee's department/division and should include a detailed description of the duties of the employee's position, including all of the position's essential functions. The employee must then submit the certification, completed by his/her health care provider, to his/her appointing authority. The certification must sufficiently describe the employee's work restrictions to enable the appointing authority to determine the light duty assignments that the employee will be able to perform. If the employee is on family/medical leave, the appointing authority should contact the Employee Relations Section of the Department of Personnel at (314) 622-3563 regarding the manner in which clarification of restrictions should be requested.

B. Once the appointing authority receives the certification completed by the employee's health care provider, a determination shall be made by the appointing authority or his/her designee as to whether the employee can perform the essential functions of his/her job with the listed work restrictions. If the employee can perform the essential functions of his/her job, he/she shall continue to do so. Appointing authorities may make adjustments to non-essential functions if the employee's restrictions preclude him/her from performing these duties.

C. When it is determined that an employee with a non-work related injury or illness who is placed on restrictions is unable to perform the essential functions of his/her job, the appointing authority or his/her designee shall make reasonable efforts to find a light duty assignment or assignments that the employee can perform within the employee's department/division. If there are questions about whether a specific light duty assignment is appropriate given the employee's restrictions, the Classification and Compensation Section of the Department of Personnel should be contacted.

D. If a department/division does not place an employee on light duty, the department/division must contact the Classification and Compensation Section of the Department of Personnel and provide it with a copy of the employee's restrictions and advise why the employee was not placed on light duty. The Classification and Compensation Section shall review said documentation. The Department of Personnel shall advise the

department/division as to whether it recommends that the employee be placed in a light duty assignment within said department/division. If the department/division does not follow the recommendation of the Department of Personnel then the appointing authority, department director and the Executive Director for Operations of the Mayor's Office will be notified.

E. If a determination is made by the Department of Personnel that the employee's department/division does not have a light duty assignment that the employee can perform, given his/her restrictions, the Department of Personnel will ascertain if another department/division has a light duty assignment which the employee can perform with his/her restrictions. If it is determined that such a light duty assignment exists, it will contact the other department/division to confirm the light duty assignment is still available. If said light duty assignment is available, the Department of Personnel will provide the employee's department/division with instructions as to when and where the employee should report for said assignment including the name of the department/division, work location, contact person, supervisor's name and date and time to report. The employee's department/division shall notify the employee to report to the light duty location by providing him/her with a copy of a completed "NOTICE TO EMPLOYEE OF LIGHT DUTY ASSIGNMENT" form. A copy of the notice sent to the employee to report for the light duty location shall be provided to the Department of Personnel.

The employee's department/division shall forward an attendance sheet for said employee to the department providing the light duty assignment. Said attendance sheet shall be returned to the employee's department/division at the conclusion of each week. Employees shall be required to follow the call in procedure of his/her department/division for unscheduled absences even while on light duty. Said department/division will notify the department/division providing the light duty assignment of such absence as soon as possible.

F. Light duty shall cease upon the initial anticipated date that the employee would be fit for full duty, upon any subsequent anticipated date that the employee would be fit for full duty, upon the date that the employee's restrictions become permanent or at any time that the light duty tasks or assignments that the employee is performing are no longer available. In no event shall a light duty assignment last longer than three (3) months. If the employee is unable to return to full duty after three (3) months or if it is clear that the employee will not be able to return to full duty prior to that time, the employee should be referred to the Office on the Disabled at (314) 622-3686.

Questions regarding this joint regulation should be referred to the Workers' Compensation Unit of the Law Department at (314) 622-4724 or to the Classification and Compensation Section of the Department of Personnel at (314) 622-3565.

Julian L. Bush
City Counselor

Richard R. Frank
Director of Personnel

Attachments