PURPOSE

The purpose of the University of Nevada, Reno Facilities Services Department (FSD) Modified Duty Policy is to provide guidance to employees who are recovering from a medical condition related to an off-the-job injury or illness and who are presumed to be able to return to full unrestricted duty within a maximum of 30 days of the date the original modification was made.

SCOPE

This policy applies to all FSD employees who become temporarily unable to perform their regular work duties as a result of an off-the-job injury or illness. Modified duty assignments resulting from an on-the-job injury or illness are managed in conjunction with the workers compensation process and are not addressed in this policy.

DEFINITIONS

Appointing Authority - for the purpose of this policy is the Senior Director for Planning and Construction, the Senior Director for Facilities Maintenance Services and the Associate Vice President for Facilities Services.

Off-The-Job Injury - means an injury or illness that occurred off the job and is not related to employment.
On-The-Job Injury - means an injury or illness resulting from an event that occurred during the course and scope of employment and for which a worker’s compensation claim has been accepted.

Modified Duty - means assignment of meaningful and restricted work that covers the preponderance of duties of the current position. It is not “busy work” created for the purpose of assigning modified duty.

Very Heavy Duty Work - involves lifting more than 100 pounds at a time with frequent lifting or carrying of objects weighing 50 pounds or more. If someone can do very heavy work, it is determined that he or she can also do heavy, medium, light, and sedentary work.

Heavy Duty Work - involves lifting no more than 100 pounds at a time with frequent lifting or carrying of objects weighing up to 50 pounds. If someone can do heavy work, it is determined that he or she can also do medium, light, and sedentary work.

Medium Duty Work - involves lifting no more than 50 pounds at a time with frequent lifting or carrying of objects weighing up to 25 pounds. If someone can do medium work, it is determined that he or she can also do sedentary and light work.

Light Duty Work - involves lifting no more than 20 pounds at a time with frequent lifting or carrying of objects weighing up to 10 pounds. Even though the weight lifted may be very little, a job is in this category when it requires a good deal of walking or standing, or when it involves sitting most of the time with some pushing and pulling of arm or leg controls. To be considered capable of performing a full or wide range of light work, you must have the ability to do substantially all of these activities. If an individual can do light work, it is determined that he or she can also do sedentary work, unless there are additional limiting factors such as loss of fine dexterity or inability to sit for long periods of time.

Sedentary Duty Work - involves lifting no more than 10 pounds at a time and occasionally lifting or carrying articles like docket files, ledgers, and small tools. Although a sedentary job is defined as one which involves sitting, a certain amount of walking and standing is often necessary in carrying out job duties. Jobs are sedentary if walking and standing are required occasionally and other sedentary criteria are met.

GENERAL

There is no mandatory requirement to place employees recovering from an off-the-job injury or illness into a modified duty assignment.

The applicable unit appointing authority will make the determination, on a case by case basis, if a modified duty request is approved for employees in job assignments rated as medium, light or sedentary duty.
Modified duty requests for employees assigned to very heavy or heavy duty work classifications will not be approved.

PROCEDURE FOR REQUESTING MODIFIED DUTY

Request
When an employee suffers an off-the-job injury or illness and is not able to perform the full range of functions required by their position, the employee may request a modified duty assignment. The restrictions to the duty are established by the employee’s physician and are based upon the physician’s review of the essential functions of the employee’s current position. The request, together with the restrictions, noted on the physician’s letterhead and signed by the physician, is provided to the supervisor. The physician may also provide this information on the Medical Release to Return to Work form.

Determination
The supervisor, in consultation with his or her supervisor, reviews the request to determine if meaningful work exists under the given restrictions. In making the determination to accommodate the request, the following factors are considered:

- Potential risk of injury to the employee
- Estimated timeframe of the modified duty
- Whether or not the preponderance of regularly assigned duties may be performed
- Benefit to the organization
- Any other related factors

The supervisor will make a recommendation to the appointing authority to approve or deny the request. The appointing authority, in consultation with the BCN Risk Manager, will make the final decision to approve or deny the request.

Approval of Modified Duty
Approved modified duty requests are documented on the Temporary Modified-duty Assignment Acknowledgement form. This form details the modified duty assignment, the restrictions, and the duration of the assignment. Both the employee and the supervisor sign the form and agree to comply with the physical limitations of the modified duty.

Modified duty requests are approved in 30-day increments for a maximum of 90 days. The employee is required to provide an update to the restrictions from the physician at the end of each 30-day period. The appointing authority, in consultation with the BCN Risk Manager, will determine whether or not to approve the modified duty assignment for an additional 30-day period.

Denial of Modified Duty
If the modified duty request is denied, employees must use sick leave and/or FMLA leave until such time as either the restrictions change (modified duty request is re-evaluated) or a full duty release is received.
Catastrophic leave may be available if sick leave and/or FMLA paid leave is exhausted and the following condition is met:

- The employee is unable to perform the duties of his/her position because of a serious illness or accident which is life threatening or which will require a lengthy convalescence. “Lengthy convalescence” is defined as a period of disability, which an attending physician expects to exceed 10 consecutive weeks. “Life threatening” is defined as a condition, which is diagnosed by a physician as creating a substantial risk of death (NRS 284.575).

**Return to Full-Duty**

A full duty release, documented on the *Medical Release to Return to Work* form is required from the physician before an employee may be approved to return to full duty. In some cases, after receipt of a full-duty release, if recommended by the BCN Risk Manager in consultation with the appointing authority, a second opinion or functional capacity evaluation may be required. If this occurs, the Facilities Services Department will pay the related expenses and the employee may be placed on paid administrative leave pending the results.

If an employee is unable to return to full duty following a modified duty assignment for a maximum of 90 days, the employee will not be allowed to return to work and will be required to use sick, FMLA, or catastrophic leave for the absence.

**IMPLEMENTATION**

The applicable unit appointing authority is responsible for the implementation of this policy.

**TRAINING**

Each FSD supervisor shall ensure review of and compliance with the policy.

**COMPLIANCE**

Compliance with all UNR and FSD policies is required of each employee. Failure to comply with this policy may result in disciplinary action as outlined in the Nevada Administrative Code, the Nevada System of Higher Education Prohibitions and Penalties, and/or the Nevada System of Higher Education Board of Regents Handbook.