

LIGHT DUTY POLICY

The purpose of this policy is to be in compliance with RSA 281-A:23-6 for the district to provide temporary alternative/transitional work opportunities to all employees temporarily disabled by a work related injury or illness.

This policy will apply to all full and part-time employees who have a temporary work related disability, which prohibits the employee from performing full work duties or meeting the essential job functions of the position. An Employee with chronic or permanent disabilities is excluded from this policy.

All requests for light duty assignments must include the physical or medical restrictions, which will be reviewed by the business administrator, who will consult with the building administrator as to the availability of light duty work. The building administrator, or designee, will work with the business administrator to determine the availability of light duty assignments.

Light duty is defined as temporary work, which can be accomplished by a work related injured or ill employee within the stipulated medical or physical limitations and without exposing others to the risk of being harmed. Light duty is further defined as temporary work, which when accomplished, will contribute to the district as distinguished from “make work” assignments created solely to accommodate work related ill or injured employees.

The district will consider providing an employee light duty work for reasons including but not limited to the following:

1. to assist an employee in recuperating from a temporary work related illness or injury by reintroducing them gradually to the demands of full duty work;
2. to avoid placing a temporarily work related disabled employee in positions that may aggravate the existing work related injury or illness or risk harm to themselves, co-workers or to other persons or property, by assigning them work they can perform within the restrictions of the treating health care provider.

There is no intention of creating “make work” assignments for any employee, regardless of the employee’s physical condition, disability or illness. An employee assigned to light duty is placed in full pay status and expected to perform a viable day’s work in a function that substantially contributes to the needs of the district.



There is no right to light duty work and no employee will be removed from a district job to make light duty work available for a recuperating employee. There may be instances where light duty is not available.

An employee may be assigned to light duty within his/her regular job classification or to another job classification in the district. The employee will not receive out-of-classification pay while performing light duty work, regardless of assignment. It is understood that some employees may be unable to perform certain light duty jobs because of lack of skills, training or similar reasons.

Light duty work is temporary in nature and will not be made permanent. Light duty may be denied if a work related injured employee does not have a reasonable expectation of returning to full regular duties within ninety (90) days from the first date eligible for a light duty assignment.

Each case of eligibility for a light duty assignment is considered independently of any other past or present assignments. The circumstances of each case, the needs to the district, the availability of assignments, and the nature of the work shall determine an assignment being made.

The procedure for assigning an employee to a light duty assignment is as follows:

1. **Fitness for Duty Report:** An employee recuperating from a work related injury or illness and unable to perform essential job functions shall have a licensed physician in the tri-state area (Maine, Massachusetts, New Hampshire) complete a Fitness for Duty Report. The employee's health care provider shall review the position description applicable to the employee's job prior to completing the Fitness for Duty Report. It is the responsibility of the employee to inform all health care providers of the district's light duty policy.
2. **Identification of Light Duty Work:** The employee shall submit the Fitness for Duty Report to the business administrator. The business administrator will then consult with the employee's building principal in identifying light duty work that is compatible with the employee's restriction(s) and the duration of the light duty assignment, as determined by the health care provider.
3. **Expiration of Assignment:** When the light duty assignment expires as stated on the Fitness for Duty Report, the employee cannot continue to work without furnishing the business administrator with a new Fitness for Duty Report that will either:



- a.) recommend the continuation of light duty for a specified period of time and state the date on which the employee will next be examined, or
- b.) restrict the employee from performing any work for a specified period and state the date on which the employee will next be examined, or
- c.) release the employee for full duty on a specified date, or
- d.) any continuation of a light duty assignment will be reviewed and processed like the original assignment.

An employee may forfeit their workers' compensation benefits if they choose to do either of the following:

1. fails to notify the business administrator and building administrator of his/her release for light duty by the employee's licensed health care provider, or
2. is released for light duty but refuses the light duty assignment.

Note:

This policy may be affected if non-certified personnel are represented by a bargaining unit established under RSA 273-a.

Legal References:

RSA 281-A:23-b, *Worker's Compensation: Alternative Work Opportunities*

RSA 281-A:25-a, *Worker's Compensation: Reinstatement of Employee Sustaining Compensable Injuries*

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