

# **DEPARTMENTAL STANDARD OPERATING PROCEDURE**

**Miami-Dade Aviation Department**

**DSOP No. 02-02**

**Effective: March 26, 2002**

## **SUBJECT: RETURN-TO-WORK (RTW) PROGRAM**

**PURPOSE:** To provide continued and productive employment to full-time, permanent Miami-Dade Aviation Department (MDAD) employees who, due to a job-related or non-job related illness or injury, are temporarily unable to perform their normal job tasks in their regular classification.

### **I. BACKGROUND:**

In the course of daily operations, employees may go through temporary periods of illness or injury which would prevent them from performing the normal job tasks in their regular classifications. Therefore, in addition to various existing County policies addressing illness or injury such as sick leave, disability benefits, etc., MDAD is establishing a Return-to-Work Program that will operate as delineated in this Departmental Standard Operating Procedure (DSOP). The RTW Program is intended to provide continued and productive employment to those full-time, permanent MDAD employees who are recuperating from an illness or injury and are able to work in a restricted duty capacity.

### **II. AUTHORITY:**

- A. [Family and Medical Leave Act of 1993, 29 CFR 825 et seq.](#)
- B. [The Americans with Disabilities Act.](#)
- C. [Municipal Code of Ordinances, Part III.](#) Chapter 2, Administration. Article IV. Personnel, Division 4. Services-Connected Disability Program.
- D. [Miami-Dade County Employee Leave Manual.](#)
- E. Operational Directive 99-03, Aviation Department Written Directive System.

### **III. POLICY:**

- A. Full-time, permanent MDAD employees who are recuperating from a job-related or non-job related illness or injury may apply for temporary restricted duties.
- B. MDAD will make a reasonable effort to find a suitable temporary assignment for the employee.

- C. Temporary, restricted-duty assignments are full-time. Exceptions for part-time assignments will be considered on a case-by-case basis.
- D. The temporary assignment shall not exceed four months from the date of the original assignment.
- E. Employees on temporary, restricted duty will be paid 100 percent of their regular hourly rate, and shall not be eligible for overtime.
- F. Applicants must have been employed with MDAD for at least one year and have worked at least 1250 hours in the last twelve months.

**V. APPLICATION PROCEDURE:**

- A. Employees must complete the Application for the RTW Program (Annex A) and submit it to the MDAD RTW Coordinator (see Section VI. A. below) along with a Physician's Work Status Form (Annex B) from a County physician (if the injury is work-related) or the employee's private physician. The physician must state why the employee cannot perform the normal job functions, the job restrictions, and if possible, the expected recuperative duration.
- B. If the Physician's Work Status Form is from a private physician, the employee may be asked to undergo a physical examination by a County appointed physician.

**VI. MDAD'S RESPONSIBILITIES:**

- A. The Administrative Services and Employee Development Division will appoint an RTW Coordinator to manage the program.
- B. MDAD will establish a committee comprised of the RTW Coordinator, the appropriate Division Managers and a Union representative to review each application.
- C. If the committee approves the employee's request, every effort will be made to find a suitable job for the employee. In the interim, the employee will remain on Sick or Sick Injury leave as appropriate.
- D. The RTW Coordinator will prepare the non-job or job-related illness or injury Temporary Restricted-Duty Assignment Memorandum (Annex C), and the Assignment Form (Annex D) advising the appropriate staff (e.g., employee, supervisor, payroll section) of the temporary, restricted-duty assignment.

- E. While the employee is under temporary restricted-duty assignment, there will be no payroll changes. The reassignment supervisor will send the employee's attendance record to his or her regular supervisor on a weekly basis.
- F. If the reassignment supervisor notices a less than a satisfactory performance based on the employee's skills or if physical limitations inhibit performance, the supervisor may send proper documentation to the RTW Coordinator justifying a request for the employee to be reassigned to another unit.
- G. An attempt will be made to reassign the employee if another temporary-restricted duty assignment is available.

**VII. EMPLOYEE RESPONSIBILITIES AND OBLIGATIONS WHILE IN THE RTW PROGRAM:**

- A. The employee will report to the RTW Coordinator on the first day to obtain the necessary paperwork for the temporary assignment.
- B. At least once a month and depending on the individual case, the employee may be asked to bring to the RTW Coordinator an updated Physician's Work Status Form either from his or her private physician or a County physician.
- C. Employees on temporary, restricted-duty assignment will seek out medical treatment during non-working hours. In those unusual circumstances where this cannot occur, the employee will be charged with the leave policy indicated in the Payroll Guidelines in Section VIII of this document.
- D. Uniformed employees will wear the MDAD uniform while performing the temporary, restricted-duty assignment. Exceptions will be made for maternity cases.
- E. Employees will adopt the work conditions of the temporary, restricted-duty assignment and will observe all County rules and procedures.
- F. Employees in the RTW program found to be in violation of any County rule or procedure are subject to disciplinary action.
- G. If an employee on a temporary restricted-duty assignment due to an on-the-job injury or illness is terminated for cause, he or she may lose disability benefits.

- H. The employee will stay in the restricted, temporary assignment until released by a physician or until the expiration date for the temporary assignment is reached, whichever comes first.
- I. When it is determined by medical examination that an employee is able to resume his or her normal duties and the employee does not do so, all benefits of this program shall be immediately terminated. Failure to submit the required Physician's Work Status Form to the RTW Coordinator may result in disciplinary action. Continued refusal by the employee to resume duties may result in disciplinary action up to and including termination.
- J. Once the employee is released for his or her normal duty, the employee must turn in the Physician's Work Status Form indicating "Full Duty/No Limitations" status to the RTW Coordinator. The employee is responsible for coordinating the reassignment to regular duty with the RTW Coordinator.
- K. If the assignment for the employee on temporary, restricted-duty has been completed and (a) the employee is still within the four-month period from the original illness or injury and (b) is still unable to return to his or her normal duties, the employee will report back to the RTW Coordinator with the original Temporary Restricted Duty Assignment memorandum. At this time, the employee will either be reassigned to another temporary, restricted-duty assignment (if one for which the employee is qualified is available), or sent home on Sick or Sick Injury leave until such time as the employee is able to return to work.
- L. If at the end of the four-month restricted duty period, it has been determined by an employee's physician that he/she cannot return to a full-duty capacity, he/she will be placed on leave of absence and the following options, including but not limited to, will be applicable:
1. Disability Retirement
  2. American with Disability Act (ADA) Accommodation
  3. Employment outside of the Department
  4. Resignation

### **VIII. PAYROLL GUIDELINES:**

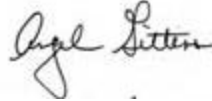
If the employee goes for medical treatment during working hours, the following leave policy will apply:

- For on-the-job injury with either non-approved or approved disability, Sick Injury (SI) leave will be used.
- For non-job related illness or injury, Sick (S) leave will be used.

- Once the employee's Sick leave is depleted, other kinds of leave still available to the employee can be used as indicated in the County Leave Manual.

**REVOCATION:** None.

**CROSS REFERENCE:** None.



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Angela Gittens, Aviation Director

Date: March 26, 2002

**ANNEXES:**

- A. Application for the Return-to-Work Program
- B. Physician's Work Status Form
- C. Temporary Restricted Duty Assignment Memorandum
- D. Assignment Form