

**ARIZONA DEPARTMENT OF ADMINISTRATION
POLICIES AND PROCEDURES**

Policy Number: ADOA/HRD PA5.01	Issued: December 7, 2012
Subject: Modified Duty	Effective: September 29, 2012
Policy Section: Human Resources	Revised:
Policy Owner: Human Resources Division	

This policy does not create a contract for employment between any ADOA employee and the Department. Nothing in this policy changes the fact that all uncovered employees of the Department are at will employees and serve at the pleasure of the appointing authority.

Scope:

This policy applies to all Arizona Department of Administration (ADOA) employees.

Authority:

Family and Medical Leave Act of 1993
R2-5A-B603, Sick Leave
R2-5A-C602, Leave Without Pay
R2-5A-D602, Industrial Leave

Definitions:

“Modified duty” means temporarily eliminating, minimizing, or modifying certain job functions normally performed by an employee; may also mean performing all regular aspects of the job, but at a reduced number of hours per week.

“Restrictions” means any temporary physical or mental limitation (that reasonably can be expected to be resolved) which prevents an employee from performing all or some of the employee’s normally assigned duties.

Policy:

This policy provides guidelines for the placement of ADOA employees in modified duty assignments because of a restriction(s). ADOA management shall make every reasonable effort to provide modified duty based on an employee’s restriction(s) and licensed health care provider’s recommendations. This policy applies to employees unable to perform some of their job duties due to temporary physical or mental limitations that do not rise to the level of a disability as defined in the Americans with Disabilities Act (ADA), as amended.

General

- An employee requesting modified duty must provide a written statement by a licensed health care provider which specifies the employee’s work restrictions and duration of said restrictions to the employee’s immediate supervisor.
- ADOA may elect to have an employee examined by a designated licensed health care provider as provided by Personnel Rule R2-5A-B603(D)(3). This examination will be coordinated through the Risk Management Section when the employee has an ongoing Workers’ Compensation claim. If the ADOA-designated licensed health care provider releases an employee to work on a modified duty basis, the employee

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will submit a licensed health care provider's certification of specific duties the employee is able to perform and will identify all work restrictions and duration of said restrictions. An employee with no restrictions or limitations shall report to regular duty.

- Modified duty assignments will be provided as appropriate work is available. These assignments need not be identified in advance, but will be determined by the needs of the divisions.
- Assignment of an employee to modified duty shall be for a maximum of 3 months initially and may be extended for 3 months with the approval of the Assistant Director and the Human Resources Division.
- Modified duty may exceed 6 months with the recommendation of the Assistant Director and the Human Resources Division and approval of the Director.
- If no modified duty consistent with the restrictions stipulated by the licensed health care provider is available in the employee's division or other division within ADOA, the employee will be placed in the appropriate leave status.

Compensation

- While temporarily assigned to modified duty, the employee will be compensated at the employee's current rate of pay, modified, as appropriate, due to a change in work hours.
- Salary increases shall be in accordance with State guidelines, policy, and Personnel Rules.

Procedure:

Every effort should be made by agency managers and supervisors to place employees with restrictions in a full or modified duty status as soon as possible. The following outlines the roles and responsibilities of staff who may be involved.

Employee's Responsibilities

- The employee shall obtain a list showing current work activities and physical requirements from the employee's supervisor. This list shall then be submitted to the attending licensed health care provider by the employee who requests the licensed health care provider to identify all activities that are restricted.
- The employee returns the completed evaluation report to his/her supervisor.

Supervisor's Responsibilities

- Upon an employee's request for modified duty, the supervisor provides the employee a list of current work activities and physical requirements of the employee's position and instructs the employee to submit the list to the attending licensed health care provider and request the licensed health care provider to identify all activities that are restricted.
- When the employee returns the list of restrictions, the supervisor reviews the evaluation report to determine if there are duties within the work unit the employee can perform that are in accordance with the licensed health care provider's restrictions. The supervisor will discuss same with the manager, and the Assistant Director.
 - If it is determined that modified duty is available within the division, the supervisor will place the individual in a modified duty for up to 3 months. The modified duty may be extended for up to an additional 3 months with the approval of the Assistant Director and the Human Resources Division. Modified duty may exceed 6 months with the recommendation of the Assistant Director and the Human Resources Division and the approval of the Director. If the

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employee is returning from industrial leave, the supervisor will notify the Risk Management Office/Workers' Compensation Section adjuster to make changes to the industrial claim payments when the individual is placed in a modified duty status.

NOTE: The employee's supervisor will advise the division Personnel Coordinator when an employee returns to work from industrial leave and record the employee's date of return from industrial leave on the employee's time record under comments. The division Personnel Coordinator will ensure that ADOA Human Resources and ADOA Payroll are notified of the employee's return to work.

- If it is determined that modified duty is not available within the work unit, the supervisor should notify the appropriate manager. The manager will contact the Assistant Director and the Human Resources Division, who will make the final decision whether modified duty is available within the division. If modified duty is not available within the work unit or division, the Assistant Director, and the Human Resources Division may choose to work with other divisions in order to place the employee in a modified duty status on a temporary basis. If no modified duty is available, the employee will be placed on the appropriate leave status until released to work.

Related Forms/Attachments:

Not applicable

Corresponding Policies:

ADOA Policies and Procedures - Donation of Annual Leave

Contact:

If you have any questions related to this policy, please contact your division Personnel Coordinator or the ADOA Human Resources Division.