

**Policy**

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MODIFIED AND LIGHT-DUTY ASSIGNMENT

The Little Silver Board of Education recognizes that when employees have temporarily disabling medical conditions, temporary modified or light-duty assignments can allow the district to continue to use their valuable knowledge, skills, and abilities while minimizing time away from work. Temporary modified/light-duty assignments may also serve to facilitate the employee's transition back to his/her regular duties or full-time work. In addition, temporary modified/light-duty assignments will help reduce workers' compensation costs and maximize employee productivity and morale.

A "temporary modified or light-duty assignment" is a temporary assignment, as an alternative to the employee's regular duties, to which the employee will be assigned until he/she can return to full duty or is classified as permanently disabled. Modified or light-duty assignments shall be designed to accommodate medical restrictions specified by the employee's physician. They may include work in the same job classification or a different job classification at the employee's regular salary rate. Employees who receive modified or light-duty assignments that include a shortened work day or week shall be compensated only for the days and hours worked. Modified or light-duty assignments to accommodate the physical restrictions shall not be provided when it causes an undue hardship on district operations or resources.

Modified or light-duty assignments are intended to address short-term medical restrictions and will normally extend for less than eight weeks' duration. These assignments shall not be used as a means to establish new assignments or displace other employees.

Any employee may request a modified or light-duty assignment when he/she has a temporary medical condition which prevents the performance of the essential functions of his/her current assignment or position. The superintendent or designee shall determine, on a case-by-case basis, whether a suitable temporary position currently exists to accommodate the physical restrictions specified by the employee's medical provider. The superintendent shall present all assignments to modified or light-duty positions to the board for approval. Modified or light-duty assignments shall be determined on a case by case basis and shall not set a precedent for future accommodations.

An employee's initial assignment to a temporary modified or light-duty position shall be for a limited duration, not to exceed 30 days. At the end of the initial assignment, the employee may request that the board extend the assignment. When requesting any such extension, the employee shall submit documentation from his/her medical provider verifying that the employee is still temporarily disabled and is not medically able to return to his/her regular assignment. Temporary assignments generally shall not exceed 90 days, but may be extended with board approval for an additional 90 days upon verification by the employee's medical provider that such an extension will allow the employee to return to unrestricted regular duties.

The modified duties and responsibilities will be determined by the school business administrator/board secretary, the district's designated workers' compensation coordinator, after a medical examination and evaluation of the injured staff member by the board's designated workers' compensation physician. The workers' compensation coordinator will determine if the injured staff member is eligible for modified duties or responsibilities. This determination will be based on:

- A. The workers' compensation physician's examination and evaluation report;
- B. The injured staff member's capabilities to assume modified duties or responsibilities;

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- C. The availability of modified duties and responsibilities within the district at the time; and/or
- D. Other issues that may impact the district's ability to assign modified duties and responsibilities.

This Modified Duty Early Return to Work Program will be administered consistent with applicable Federal and State laws and in accordance with provisions of collective bargaining agreements within the district.

An employee who rejects a temporary modified or light-duty assignment may be subject to a loss of workers' compensation benefits.

Reasonable Accommodations

The board will make reasonable accommodation to the known physical or mental limitation of any otherwise qualified applicant or employee with a verified disability, pregnancy or pregnancy related disability, unless the board can demonstrate that the accommodation would impose an undue hardship on the operation of the program.

Reasonable accommodation may include making facilities used by employees readily accessible to and usable by persons with disabilities and job restructuring, temporary part-time or modified work schedules, acquisition or modification of equipment or devices, the provision of readers or interpreters, and other similar actions. In determining whether the accommodation would impose an undue hardship on the operation of the program, the board of education will consider:

- A. The overall size of the school district's program with respect to the number of employees, number and type of facilities and the size of the budget;
- B. The type of operation, including the composition and structure of the school district's workforce; and
- C. The nature and cost of the accommodation needed.

The board of education will not deny any employment opportunity to a qualified handicapped/disabled employee or applicant if the basis of the denial is the need to make reasonable accommodation to the physical or mental limitations of the employee or applicant.

The superintendent shall ensure the conduct of an "interactive dialogue" with any individual submitting a request for accommodation. The interactive dialogue shall be for the purpose of ascertaining all of the related facts (but not privileged medical information) from the requestor.

The superintendent shall create a reasonable accommodation committee (RAC), as needed to review accommodation requests. Whenever feasible, the RAC will be a multi-disciplinary committee headed by the workers' compensation coordinator and may include as appropriate a medical professional, human resource personnel and the district attorney. The purpose of the RAC shall be the review every request for accommodation. The supervisor of any individual submitting a request to the RAC shall be invited to the meeting held to review the request for accommodation.

Adopted:	October 8, 2009
NJSBA Review/Update:	May 2023
Readopted:	August 24, 2023

Key Words

MODIFIED DUTY (continued)

## Accommodation, Modified Duty, Light-duty

<b>Legal References:</b> <u>N.J.S.A.</u> 18A:6-6	No sex discrimination
<u>N.J.S.A.</u> 18A:6-66	Rights and benefits of personnel (educational services commission)
<u>N.J.S.A.</u> 18A:16-2 through -5	Physical examinations; drug testing; requirement
<u>N.J.S.A.</u> 18A:27-4	Power of boards of education to make rules governing employment of teacher, etc.; employment thereunder
<u>N.J.S.A.</u> 18A:40-10	Exclusion of teachers and students exposed to disease
<u>N.J.S.A.</u> 18A:66-39	Disability retirement
<u>N.J.S.A.</u> 26:4-1	"Communicable disease" defined
<u>N.J.S.A.</u> 26:4-6	Prohibiting attendance of teachers or students
<u>N.J.S.A.</u> 26:4-15	Reporting of communicable diseases by physicians
<u>N.J.S.A.</u> 26:5c-1 <u>et seq.</u>	AIDS Assistance Act
<u>N.J.A.C.</u> 6A:16-1.4 <u>et seq.</u>	District policies and procedures
<u>N.J.A.C.</u> 6A:16-2.1	Health services policy and procedure requirements
<u>N.J.A.C.</u> 6A:32-6.1 <u>et seq.</u>	School Employee Physical Examinations
<u>N.J.A.C.</u> 8:61-1.1 <u>et seq.</u>	Participation and Attendance at School by Individuals with HIV Infection
<u>N.J.A.C.</u> 12:100-4.2	Safety and Health Standards for Public Employees (Adoption by reference)

**Possible**

<b>Cross References:</b> *4112.4/4212.4	Health
*4112.6/4212.5	Personnel records
4150/4250	Leaves
*4151/4251	Attendance patterns
*4151.1/4251.1	Personal illness or injury

\*Indicates policy is included in the Critical Policy Reference Manual.