County of Los Angeles
CHIEF EXECUTIVE OFFICE
Kenneth Hahn Hall of Administration
500 West Temple Street, Room 713, Los Angeles, California 90012
(213) 974-1101
http://ceo.lacounty.gov

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January 19, 2010

To: All Department Heads

From: William T Fujioka
Chief Executive Officer

RETURN-TO-WORK CONCERNS AND GUIDELINES

Management of departmental return-to-work issues must be an important priority for all departments. During a recent project, several challenges were identified with respect to return-to-work issues. In a memorandum sent on October 28, 2009, you were given the Disability Management and Return-to-Work Self-Assessment Tool. Your use of this tool and your commitment to proactively manage return-to-work issues will positively impact your department's ability to provide services to your constituents.

Several issues have been identified that require your immediate attention.

Disability Management and Return-to-Work Self-Assessment Tool

As indicated in the October 28, 2009 memorandum, departments were instructed to initiate return-to-work assessments utilizing the self-assessment tool. Department self-assessments should be completed by March 1, 2010. A summary of findings should be reported to the Chief Executive Office (CEO) Risk Management Branch by March 15, 2010. Review of departmental submissions will commence on March 16, 2010. Specific guidelines and a reporting template will be provided under separate cover.

Return-to-Work File Management

Return-to-work files have not always been properly organized and maintained. All incoming mail must be sorted in a timely manner, placed in the proper files and acted on appropriately. This will ensure that decisions are made based on current information. Documentation should be filed in a chronological manner to allow for easy handling of the file and secured in the file. Immediate corrective action should be implemented to ensure that medical certifications are current, plans of action are in place, and diary systems are implemented to indicate when future action must be taken.

Medical Certifications

Each Department Head must ensure that proactive efforts are underway to manage medical certification expirations. If the employee's medical certification has expired, the department should contact the employee to obtain a current medical certification. This contact should

typically be made by phone, by First Class mail (indicate on letter that this was sent by First Class mail), and by certified mail (indicate on letter how it was sent). Exceptions may apply but must be clearly documented in the file.

Where appropriate, the department should contact the employee to offer an interactive process meeting to discuss any reasonable accommodations that could be made.

Work Restrictions in CWTAPPS

Effective immediately, existing work restrictions, including whether they are permanent or temporary and their start and stop dates, must be entered in CWTAPPS on the Personal Data Screen. This will allow for better tracking of work restrictions for all employees.

Leave of Absence Without Pay (Non-Workers' Compensation Claims)

Under Civil Service Rule 16.02, Leaves of Absence Without Pay, each Department Head may grant a leave of absence from regular duties, without pay, for recovery from a prolonged illness or injury. This approval must be documented in the employee's return-to-work file. When the leave is for longer than twelve months, it must be approved by the Director of Personnel.

Each Department Head should evaluate such leaves of absence, and corresponding approvals, within the department. The Auditor-Controller is assessing the capability of developing a report to identify employees who are on leaves of absence without pay. If an employee has been on unpaid leave for twelve (12) weeks or more, and there is no associated workers' compensation claim (industrial accident [IA]) resulting in the leave, the department should offer to conduct an interactive process meeting with the employee to determine if the department can reasonably accommodate the employee in the future. The CEO and/or the Department of Human Resources (DHR) will monitor departmental approval of these leaves of absence.

The goal of the interactive process meeting is for the employee to return to work with or without reasonable accommodations. If an appropriate interactive meeting has been scheduled and the employee fails to meet or provide appropriate medical documentation for his/her absence from the meeting, the department should direct the employee to return to work when appropriate. If the employee does not report to work for three days, the department may commence implied resignation procedures under County Code Section 5.12.020. If the employee indicates he/she cannot return to work, other options including medical re-evaluations through the CEO, must be considered.

Workers' Compensation Claims

When employees are off work due to a workers' compensation claim (IA), the department has an obligation to regularly interact with the employee to determine if the employee can be reasonably accommodated to return-to-work. Such interaction, and offers to interact, must be documented in the employee's return-to-work file.

Updated Contact Information

At least, on an annual basis, such as in conjunction with the Performance Evaluation process, employees shall be asked to provide an updated address, telephone number, and the name and contact information for an emergency contact.

Resource Materials

A wide variety of resource materials are available on the CEO Return-to-Work website located at: http//ceo.lacounty.gov/RTW/rtw_default.htm. These materials include a return-to-work manual, a guide for reporting injuries, injury reporting forms, and interactive meeting procedures. Additional information, including templates for letters to be sent by departmental return-to-work coordinators to employees, medical clinics, etc. will be made available in the near future.

Training and Reviews

CEO Risk Management provides regular training on return-to-work issues. In addition, supplemental training is also available for your return-to-work staff, Departmental Human Resource Manager, Administrative Deputy and Chief Deputy to ensure that proper procedures are followed. Departments are requested to have all departmental return-to-work staff attend at least the basic CEO Risk Management training. Risk Management will provide further information on training dates and times.

CEO Risk Management Return-To-Work staff and DHR will commence random reviews of departmental return-to-work procedures. To prepare for your department's review, follow the guidelines referenced above as well as previous training materials provided during the CEO's Return-to-Work Seminars. The key to success in return-to-work cases is the exercise of due diligence, timely follow-up with the employee off work and proper documentation of the return-to-work activities.

If you have any questions regarding return-to-work practices or require assistance in managing your return-to-work caseloads, contact Steve NyBlom at (213) 351-5346. In addition, there are resource materials on risk management at http//ceo.lacounty.gov/RTW/rtw_default.htm.

Thank you for your assistance and cooperation in this important matter.

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c: Each Supervisor