

BOROUGH OF MT. OLIVER

RESOLUTION NO. 784-19

The Mt. Oliver Borough Council hereby resolves to amend its Personnel Policies and Procedures Manual adopted July 15, 2013 by Resolution No. 627-13, by amending Section 4.0, Classification of Positions, to add new Subsection 4.5, Light Duty Policy, to read in the form attached hereto.

This Resolution adopted by the Council of the Borough of Mt. Oliver at a duly assembled public meeting held on this 15th day of April, 2019.

ATTEST:

BOROUGH OF MT. OLIVER


Borough Manager

By: 
President, Borough Council

4.5 Light Duty Policy

It is the purpose of this policy to establish the authority for temporary, light duty assignments and procedures for granting light duty assignments to Borough employees.

4.5.1 Policy

Temporary, light duty assignments are for Borough employees who, because of an injury or illness, are temporarily unable to perform their regular assignments but who are capable of performing alternative duty assignments. Use of temporary, light duty can provide employees with an opportunity to remain productive while convalescing, as well as provide a work option for employees who may otherwise risk their health and safety or the safety of others by remaining on duty when physically or mentally unfit for their regular assignment. Therefore, it is the policy of the Borough that temporary, light duty assignments be made at the discretion of the Borough and provided that light duty work is available for personnel.

4.5.2 Procedures

(1) General Provisions

- a. Temporary light duty positions are limited in number and variety. Assignments may be changed at any time upon the recommendation of the employee's treating physician or at the discretion of the Borough, if deemed to be in the best interest of the employee or the Borough.
- b. This policy in no way affects the privileges of employees under the provisions of the Fair Labor Standards Act, Americans with Disabilities Act, the Family and Medical Leave Act, or any other federal or state law.
- c. Assignment to temporary light duty shall not affect an employee's pay classification, pay increases or promotion.
- d. No specific position within the Borough shall be established for use as a temporary, light duty assignment, nor shall any existing position be designated or utilized exclusively for personnel on temporary, light duty.
- e. Light duty assignments are strictly temporary and normally should not exceed six (6) months in duration. After six months, personnel on temporary, light duty who are not capable of returning to their original duty assignment shall:
 - i. present a request for extension of temporary, light duty, with supporting documentation from their health provider, to the Borough Manager; or
 - ii. Pursue other options provided by employment provisions of the Borough or federal or state law.

- f. Employees may not refuse temporary, light duty assignments that are supported by and consistent with the recommendations of their treating physician or certified health care provider.

(2) Temporary Light Duty Assignments

- a. Decisions regarding temporary, light duty assignments shall be made based upon the availability of an appropriate assignment given the employee's knowledge, skills and abilities; availability of light duty assignments; and the physical limitations imposed on the employee by his attending physician or health care provider.
- b. Employees assigned to a temporary, light duty position shall retain the pay classification and related benefits of their original duty assignment.

(3) Requests for and Assignment to Temporary Light Duty

- a. Requests for temporary, light duty assignments shall be submitted to the Borough Manager. Requests must be accompanied by a statement of medical certification to support a requested reassignment, which must be signed either by the treating physician or other licensed health-care provider. The certificate must include an assessment of the nature and probable duration of the disability, prognosis for recovery, nature of work restrictions and an acknowledgement by the health-care provider of familiarity with the light duty assignment and the fact that the employee is physically able to assume the duties involved.
- b. The Borough may require the employee to submit to an independent medical examination by a health care provider of the Borough's choosing. In the event the opinion of this second health care provider differs from the employee's health care provider's opinion, the employee may request a third opinion at the Borough's expense. Otherwise, the health provider chosen by the Borough shall prevail.
- c. An employee who has not requested temporary, light duty may be recommended for such assignment by the Borough Manager or the employee's immediate supervisor.
 - i. Notice shall be provided to the employee of the proposed temporary light duty assignment, together with a proposed description of job duties.
 - ii. Once the employee has received the recommendation for light duty work, the employee shall obtain his or her doctor's or health care provider's written approval for the specific assignment, along with any restrictions and a date for the next medical evaluation.
- d. As a condition of continued assignment to temporary, light duty, employees shall provide the Borough with medical documentation of

their condition to the Borough Manager on a monthly basis, or as otherwise requested.

- e. Hours of work for light duty assignments shall be determined by the needs of the Borough, as determined by the Borough Manager.