

CLARK COUNTY SCHOOL DISTRICT REGULATION

4126

EMPLOYEES WITH OCCUPATIONAL INJURY OR DISEASE

I. Placement: Employees With Occupational Injury Or Disease

- A. In accordance with employer obligations outlined in NRS 616, 616A, 616D, NRS 617, and the Americans with Disabilities Act, the district may assign an otherwise eligible and qualified occupationally injured employee to temporary modified duty, permanent modified duty (under the Americans with Disabilities Act) or refer the employee to vocational rehabilitation.
- B. A medical examination may be required in accordance with Regulation 4230 before considering an employee's return-to-work assignment. If, to a reasonable degree of medical probability, examination precludes an employee from performing the essential tasks of a position, the district reserves the right to determine if placement of the employee is in the best interest of the district.
- C. The superintendent or designee in Risk Management may assign, change, or suspend the modified work assignment given to an occupationally injured employee when it is believed to be in the best interest of the district. Any change of employment status for an occupationally injured employee will be coordinated with the appropriate administrator, Human Resources Division.
- D. An occupationally injured employee receiving or utilizing workers' compensation benefits or services is subject to the same performance expectations and disciplinary consequences as other district employees.
- E. An occupationally injured employee on temporary modified duty or a medical (workers' compensation) leave of absence shall retain their original/adjusted hire date for purposes of seniority and pay increments, only.
- F. The assignment or transfer of any eligible employee who has an occupational injury or disease between divisions and departments must be approved by the appropriate administrator, Human Resources Division and the appropriate administrator or designee, Risk Management, in consultation with the employee's potential new supervisor(s). Placement may also be reviewed by the district's Executive Manager, Diversity and Affirmative Action Programs when appropriate.

- G. Temporary Modified Duty (TMD) - The return of an employee to the work force prior to the employee's full duty release, and in a job that is within the employee's physical limitations as prescribed by his/her treating physician or medical practitioner licensed by the state of Nevada, shall be accomplished as soon as it is medically determined to be appropriate and in the best interest of the district. If the employee is unable to perform the essential tasks of the pre-injury position, the employee may, at the discretion of the district, be assigned to TMD until the employee receives a full duty release or up to one-hundred twenty (120) calendar days (whichever comes first). An employee who is placed on TMD will be paid at the rate established by law.
- H. Return-To-Work - If an employee's final work release is not to full duty and the employee cannot return to the pre-injury position, an alternative assignment/position for which the employee is eligible and qualified may be identified for the employee. The reassignment may be to any department in the district, including the pre-injury department. If a position for which the employee is eligible and qualified and which meets those restrictions set by the treating physician or medical practitioner licensed by the state of Nevada is not available within thirty (30) days of an employee's release to return to work, referral for vocational rehabilitation will be initiated and employment with the district will terminate. An employee placed in a district position in accordance with this regulation is subject to the same performance expectations as other employees of the district.
- I. The district may require an employee to have a medical examination in accordance with Regulation 4230.
- J. An employee's return to work; either full duty, permanent modified duty (under the Americans with Disabilities Act), or temporary modified duty will include the following conditions:
 - 1. The employee's assignment to a full-duty position or a permanent modified-duty position (under the Americans with Disabilities Act) must include verification from a physician or medical practitioner licensed by the state of Nevada that the employee is able to perform the essential tasks of the position in a manner consistent with any associated physical limitations.
 - 2. When the district offers a permanent modified-duty position to an employee, the starting date and location of the assignment will be provided in writing to the employee and the appropriate

administrative supervisor by the appropriate administrator or designee, Human Resources Division.

3. Should an employee, who has been assigned to a temporary modified-duty position, a permanent modified-duty position, or a full-duty position, refuse to accept said position, the refusal will be deemed as the employee's resignation from the district; consistent with Clark County School District Regulation 4360 - Resignations: All Employees. Not appearing for work on the date specified in the assignment will constitute a refusal to accept the position.
- K. In accordance with NRS 616A to 616D or NRS 617, an employee's failure to comply with return-to-work regulations may result in suspension or termination of statutory benefits for the employee, and will result in termination of further attempts at job placement by the district.
- L. The district will facilitate processing of Workers' Compensation employee claims in the course of return-to-work as follows:
 1. In accordance with NRS 281.390, an employee who is eligible for temporary total disability will be informed of options to: (1) elect only tax-free statutory benefits (approximately 66 2/3% of pre-injury average monthly wage subject to state maximum) or (2) draw down available sick leave balance as taxable income continuation supplement until such leave is exhausted.
 2. Supervisors will assist employees and claims management personnel in enforcing return-to work restrictions.
- M. The determination to fill a position left vacant as the result of an employee's occupational injury or disease will be made in consultation with the employee's department or division administrator by the appropriate administrator, Human Resources Division, and the appropriate administrator, Risk Management Department.

Legal Reference: NRS 281.390, NRS 616A to 616D, NRS 617,

Americans with Disabilities Act

Review Responsibility: Human Resources Division

Adopted: [4/24/90]

Revised: (5/14/91; 9/11/91; 10/26/93; 11/14/95; 1/14/97)

Pol Gov Rev: 6/28/01

