



Non-Occupational Injuries or Illnesses

Administrative Regulation | Workplace Safety & Return-To-Work | #10.10

Effective Date: November 20, 2020
Revised Date: July 14, 2025
Supersedes: November 8, 2021

Note: Terms that are ***bolded and italicized*** the first time they appear in this regulation are defined below. After the first occurrence, defined terms appear in *italics only*.

Purpose

To support employee health, recovery, and well-being by assisting in the transition from a non-occupational injury or illness back to regular work. This policy reinforces the City's commitment to Occupational and Physical Well-Being, ensuring employees feel valued and supported while returning to meaningful work.

Scope

This regulation applies to all employees.

Policy

Employees who are temporarily unable to perform their essential duties due to a non-occupational injury or illness may request a temporary modified work assignment through Human Resources. The assignments are designed to:

- Keep employees engaged with their work groups and the community,
- Promote a sense of purpose and contribution during recovery, and
- Reflect the City's investment in inclusive, recovery-supportive practices.

Modified assignments must not interfere with state or federal rights related to protected leave, disability accommodation, or similar entitlements.

The City is not obligated to remove essential job functions due to a non-occupational injury or illness and may only assign modified work when such work is available and beneficial to the organization. The determination of availability lies solely with the City.

Employees are encouraged to proactively engage in the ADA interactive process. Depending on circumstances, the modified work assignment may run concurrently with that process.

Procedure

1. Requesting

- a. Employees experiencing an injury or illness may be considered for a modified duty assignment if they:
 - (1) Submit a completed request to Human Resources.
 - (2) Have **provisional approval** for **Family and Medical Leave (FMLA)** or **Oregon Family Leave (OFLA)** if eligible.
 - (3) Provide a medical prognosis indicating the ability to return to full duty within six months.

2. Assignments

- a. Modified duty typically lasts less than sixty (60) days but may be extended up to six months depending on.
 - (1) Availability of work,
 - (2) Ongoing recovery, and
 - (3) Whether the employee remains non-**medically stationary**.
- b. Probationary employees may be assigned modified duty, but their probationary period will be extended to account for any time they are unable to perform essential functions.

3. Determination for Modified Assignment

- a. Determination is based on:
 - (1) The type and duration of available work.
 - (2) The employees' current skills and recovery status.
 - (3) The City's operational needs, and
 - (4) Any medically documented restrictions.

4. Ending a Modified Assignment

- a. A modified assignment will end if:
 - (1) The employee provides Human Resources with a full medical release to return to work without restrictions.
 - (2) The employee is unable to return to their regular job after six (6) months. In this case:
 - (i) The employee must use any available protected leave (*FMLA*, *OFLA*, disability leave).
 - (ii) If no leave remains, time off may be unpaid.
 - (iii) If not eligible for protected leave, medical separation may be considered.

5. Employee Responsibilities:

- a. Employees on modified duty are expected to:
 - (1) Submit updated medical documentation to Human Resources every four weeks, or sooner if requested.
 - (2) Inform their supervisor of any changes in medical condition or limitations.
 - (3) Report immediately if modified duty work worsens their condition.
 - (4) Use approved leave for all appointments or absences related to health condition.
 - (5) Accurately report hours worked using the MOD pay code.
 - (6) Follow standard time-off request procedures.
 - (7) Contact Human Resources to request further workplace accommodation if needed.

6. Supervisor’s Responsibilities:

- a. Supervisors must:
 - (1) Forward all medical documentation to Human Resources (no side files allowed).
 - (2) Continue supervising the employee per normal performance and conduct standards, including:
 - (3) Work assignments
 - (4) Schedule adherence
 - (5) Performance evaluation and feedback
 - (6) Monitor the modified assignment for safety appropriateness. Notify Human Resources if risk or complications arise.

Definitions

| Term: | Definition |
|---|--|
| <i>Family and Medical Leave Act:</i> | Refers to a United States labor law requiring covered employers to provide employees with job-protected and unpaid leave for qualified medical and family reasons. |
| <i>Medically Stationary:</i> | A condition or injury is not expected to get better with further treatment or the passage of time. |
| <i>Oregon Family Leave Act:</i> | The State of Oregon law that protects workers that need to take time off for several reasons. |

Provisional Approval: The time period between when an employee submits a request for a protected leave to the date that the Human Resources receives the completed medical certification from the treating medical provider. Per *FMLA/OFLA* laws, the City can elect to “provisionally approve” leave requests pending completion of paperwork rather than denying the request until all documentation has been submitted and approved.

Related Resources

Administrative Regulations:

- [Disability Accommodation](#)
- [Family Medical Leave](#)
- [Alternative Work Schedules](#)
- [Leave of Absence](#)