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Board of Commissioners Policy

LIGHT DUTY POLICY

Adopted August 2, 2023

Purpose

In order to minimize an employee's lost income during a temporary disability or condition that prevents them from fulfilling the duties outlined in their job description, the Town may provide light duty in accordance with this policy. If approved, light duty work will provide benefit to the Town with duties that are aligned with Town and departmental objectives.

Light Duty Defined

"Light duty" is non-strenuous work or work which requires limited or reduced physical activity. Such duties will only be provided if approved by the employee's physician and if the town can identify an appropriate light duty assignment. Light duty assignments usually involve temporary modifications of existing positions or the temporary elimination of duties. Such temporary changes do not constitute reasonable accommodations and are not required by the Americans with Disabilities Act. As such, light duty assignments are necessary temporary.

Eligibility for Light Duty Status

An employee is eligible for light duty status when the following conditions are met:

- a. The employee suffers from an injury, illness or condition (work-related or other) that temporarily restricts their ability to perform the essential functions of his or her job, as certified by a physician. Examples of this may include, but not limited to, recovery from a surgical procedure, pregnancy, or severe sprain.
- b. Work beneficial to the Town must exist with duties which can safely and effectively be performed by a person within the restrictions indicated by the physician.

If all of these conditions are met, the Town may request and require the employee to return to light duty work. An employee eligible for FMLA under the Town's FMLA policy may accept, but may not be compelled to accept, a light duty position during their FMLA leave. An employee who elects not to accept a light duty assignment while on FMLA leave will not be terminated for such election during

their FMLA leave. If a work-related injury or illness is approved by workers compensation, and the Town has a light duty assignment available that the employee chooses not to accept, the wage benefits provided under workers compensation may be affected as provided by the Workers Compensation Act. An employee's base compensation will remain the same while working light duty.

The Town is under no obligation to create a position to offer light duty to any employee.

Approval Process for Light Duty Status

- a. The employee must provide the Town with the certification completed by a licensed physician knowledgeable about the employee's condition(s) and the requirements of the job (job description will be provided), which sets out a definite time after which the employee should be able to return to full duty. The physician must also certify the restrictions that the employee must follow during the temporary period.
- b. Light duty status will only be approved if the proposed duties are needed by the Town.
- b. Light duty status must be approved by the Town Manager following consideration of recommendations by the Department Head and the Director of Human Resources.
- c. Light duty status should not extend for more than thirty days without review, an updated medical certification and approval by the Town Manager, following consideration of recommendations by the department head and the Director of Human Resources. If extended, similar reviews must occur every thirty days.
- d. Current employees in existing positions may not be replaced solely for purposes of making a light duty position available.
- e. The availability of light duty work may change after the initial approval or denial. The Town reserves the right to end a light duty assignment at any time. The Town may also develop a need for a light duty assignment after it was determined there was previously none available.

Options Available for Light Duty Status

Light duty status may deviate from an employee's normal position, including, but not limited to as follows:

- a. The employee's schedule may provide for fewer working hours and/or different working hours.
- b. Duties may be different and/or the same as required in the employee's normal position.

- c. Light duty may be performed in a different department or under different supervision than the employee's normal position.
- d. Light duty responsibilities may be adjusted as the employee's recovery progresses, per the restrictions highlighted in the physician certification.

Special Considerations for Public Safety Employees:

Employees working as a Law Enforcement Officer or Firefighter that have been approved for light duty for a period of 4 or more continuous weeks will shift to an administrative non-exempt status. The required work hours will be 37.5 hours/week and the vacation accrual and holiday leave benefit will be adjusted accordingly. If light duty status is for less than 4 continuous weeks, employees will continue with their regular work hour requirements and vacation and holiday benefits. If employees are not able to meet their required work hours, the difference will be supplemented with paid leave in this order: sick leave, comp time, vacation, then leave without pay if all paid leave has been exhausted.

Return from Light Duty Status to Full Duty

An employee will be returned to full duty as soon as the employee's conditions permit. However, before an employee placed on light duty status may be transferred back to regular duty, the employee must provide a physician's certification that he or she can return to work without restrictions based on the provided job description. Return to regular duty must be approved by the Town Manager, following consideration of recommendations by the department head and the Director of Human Resources. Once approved, the employee must immediately return to regular duty. Failure to comply with any requirements during a light duty assignment or to perform adequately while on light duty is grounds for discipline, including dismissal.

Under no circumstances will an employee be allowed to work in a light duty position for more than 6 months unless the position is one that retains all the essential functions for the position and that is within the Town's position classification plan. When an employee desires to work for more than 6 months in a light duty assignment that also constitutes a permanent position, the employee must request and accept a permanent reassignment and any corresponding reductions in pay that accompany the position.