PERSONNEL COMMITTEE MEETING
Thursday, February 13, 2020
07:30am
Headquarters – Liberty Ship Way
Director Stephen Willis, Chair
Director Daniel St. John and Director Tom Perazzo

AGENDA

Call to Order

Open Time for Public Expression: (limited to 3 minutes per person)
The Board welcomes public comments on all agenda items.

Agenda Adjustments:

Approval of Minutes:
➢ January 9, 2020

1. Workers Comp
2. Hiring Update
3. Captain’s Promotional

New Business

1. Policy 1032: Light Duty Assignment
2. Communications Coordinator

Closed Session:

1. CONFERENCE WITH LABOR NEGOTIATORS
   Government Code Section 54957.6
   Representative Employee: Battalion Chief
   Employee Organization: Southern Marin Chief Officers Association and the Southern Marin Firefighters Association

Adjourn

Next Meeting: Thursday, March 12, 2020
PERSONNEL COMMITTEE MEETING
Thursday, January 9, 2020
7:30 am
Meeting Minutes

Called to Order: 07:35

In Attendance: Deputy Fire Chief Ted Peterson, Human Resource Manager Liza Andre, Director Tom Perazzo, and Recording Board Secretary Shyida Jones.
Absent: Director St. John, Director Stephen Willis.

Open Time for Public Expression: None - No public present.

Agenda Adjustments: None.

Approval of the Minutes:
➢ December 12, 2019
Minutes were accepted by Director Perazzo.

1. Workers Comp Update:
   – Human Resource manager Liza Andre reported that there are 3 out on Worker’s Comp and 1 on modified duty.

2. Hiring Update: No hiring plan at this time.

3. Captain’s Promotional:
   – Deputy Chief Peterson reported that the Captain’s promotion leads to the discussion about the Shared Services agreement which is received as a positive undertaking for those in favor of Shared Services. Both associations independently voted on the creation of a joint test for one Captain’s list for promotions that arise after June 2020. The request is to extend SMFD’s current Captain’s list that expires February 2020 until after June 2020. The requirements for the joint test will be the same for both agencies which would remain the same for SMFD; the ask is that we promote the best person from that list regardless of which agency. From a labor perspective, SMFD’s embrace of this transition would ultimately show us to be in better shape than we were 2 years ago. The challenge our agency faces is with the Shared Services agreement initially being a 2-year trial. The quandary is in the case Mill Valley receives the Captain’s promotion and is assigned to a SMFD Station; if the 2-yr. trial is unsuccessful resulting in the dissolution of the Shared Services agreement, how will this be resolved? Chief Peterson states that both labor groups will need to understand the ramifications of this possibility for either agency, in that the
appointment may need to be provisional until an official merge is fully executed. Chief Peterson adds that there is work still to be done, but there is good progress as both agencies have agreed, and both associations want to move forward with the consolidation. Chief Peterson states that there has been mention of conversation in Mill Valley of mild concerns that joint testing may be a challenge for them, as the Mill Valley labor group has to agree to adopt SMFD standards. These concerns are mostly task book related qualifications that both agencies have agreed to work together to resolve. Chief Peterson stated that all Chiefs from both agencies, and Ben Powers, are in complete agreement that SMFD standards will remain the same and there is no consideration that SMFD standards will be lowered to meet Mill Valley standards.

− Chief Peterson would like an agenda adjustment for next meeting:
  o Discussion item - Policy 1032: Light Duty Assignment; This policy may need to be altered.

Closed Session: Into Close Session at 07:45 am
Open Session: Back in Session at 08:10 am
  No action taken.

Adjourn: 08:11 am
Limited Duty Assignments

1032.1 PURPOSE AND SCOPE
The purpose of this policy is to describe the procedure for assigning employees to limited duty when injuries sustained on- or off-duty result in physical limitations as diagnosed by a qualified health care professional.

1032.2 POLICY
It is the policy of the Southern Marin Fire District to assist injured employees in returning to work as soon as they are medically able to perform meaningful work for the District. In some instances, the return to work may result in a limited duty assignment.

1032.3 PROCEDURE
Limited duty assignments are intended to provide employees who have sustained an occupational or non-occupational injury that temporarily limits their ability to perform their regularly assigned duties with an opportunity to return to work. The ability of the District to offer an employee a limited duty assignment will be based on the limitations of the employee, the needs of the District, and will generally not exceed six months. The process for evaluating an employee for a limited duty assignment who has been medically cleared with restrictions from an injury occurring on- or off-duty, or an illness as a result of an exposure, shall be as follows:

(a) The employee’s primary treating health care professional must have provided the employee with written clearance stating that the employee is able to work limited duty with identified work restrictions.

(b) The employee or primary health care professional must provide the clearance document to the Fire Chief or designee as soon as practicable.

(c) The Fire Chief or designee will determine the availability of a limited duty assignment that is commensurate with the employee’s work restrictions. There may be instances when a limited duty position within the employee’s work restrictions is not available.

(d) If a limited duty assignment is available, the employee may be required to schedule an appointment with the district’s occupational medical provider for final medical clearance before reporting for duty. Limited duty assignments may begin five calendar days from the date of injury and shall not exceed six months without approval from the Fire Chief or the authorized designee. Extensions will be based on the employee’s need for continued limited duty and the District’s need for continued work in the task assigned and will not be guaranteed. Extensions on a limited duty assignment will be granted on a case-by-case basis and at the sole discretion of the Fire Chief and/or the authorized designee. An authorized extension will not expand any limited duty into a permanent assignment and will not be considered as precedent for any other extensions.

(e) Employees on Limited Duty may be given permission to work above their regular weekly hours that would require the District to compensate them overtime pay as determined by current and future FLSA regulations. Persons on limited duty shall abide
by all District policies and procedures and will report to a Limited Duty Supervisor as
designated by the Fire Chief or designee. At any time, limited duty employees may be
assigned to other duties around the District as needed. Limited duty employees will be
expected to attend on duty class room trainings, remain current with Target Solution
trainings, policy and procedure updates, and daily training bulletins (DTBs). Persons
on limited duty shall not be allowed to operate any District vehicle Code 3.

(f) If a day shift employee is released to a limited duty 40-hour work week, the employee
shall report to their assigned position at the start of their regularly scheduled work day
to complete their assignment. Persons on limited duty shall follow their normal chain
of command and may be assigned a Limited Duty Supervisor or to other duties around
the District as needed. If a day shift employee is released to limited duty of less than 40
hours, they shall attempt to complete those hours at their assigned position. Persons
on limited duty shall not be allowed to operate any District vehicle Code 3.

(g) If a 48/96 shift employee is released to a limited duty 48/96-hour work week, the
employee shall report to their assigned position at the start of their regularly scheduled
work day to complete their assignment. Persons on limited duty shall follow their
normal chain of command and may be assigned a Limited Duty Supervisor or to other
duties around the District as needed. If a 48/96 shift employee is released to limited
duty of less than 56 hours, they shall attempt to complete those hours at their assigned
position. Persons on limited duty shall not be allowed to operate any District vehicle
Code 3.

(h) This policy is not intended to create greater rights or benefits than those contained in
the Memorandum of Understanding for the bargaining unit representing the affected
member.

With the exception of employees who are disabled, as defined by the Americans With Disabilities
Act (ADA) or the California Fair Employment and Housing Act (Government Code § 12940 et seq.),
limited duty assignments normally will end at the point when the injured employee’s
condition is declared permanent and stationary. Reasonable accommodation should be requested
for disabilities that limit the individual’s ability to perform a major life activity as defined in the
Americans with Disabilities Act and/or the Fair Employment and Housing Act.

The Fire Chief or designee is responsible for the administration of limited duty assignments.

The District reserves the right to exercise its prerogative to protect itself against excessive future
liability and insurance risk, and the member against further aggravation and/or injury.

A member, released by his or her treating physician or other health care provider to return to
limited duty shall notify the Fire Chief or designee immediately and provide a copy of their
physician’s certificate, SMFD Work Status Form, indicating the member’s physical restrictions.
See attachment: SMFD Medical Referral Work Status Form.pdf

The Fire Chief or designee shall notify the member’s Battalion Chief and/ or direct supervisor,
the Finance Manager, and Telestaff moderator. A copy of the SMFD Work Status Form shall be
placed into the member’s Worker’s Compensation file.
Limited Duty Assignments

The Fire Chief or designee shall consult in advance with the member’s Battalion Chief or direct supervisor about the member’s availability for a limited duty assignment.

Working conditions, including the number of hours worked and classifications of the member assigned to limited duty may be varied to meet the objectives of this program.

If no limited duty is available within the restrictions set by the physician, the member will remain on “no work” status.

The Fire Chief or designee will ensure that all members working in limited duty assignments sign an agreement to work within the restriction established by their treating physician (or confirm via email). Failure of the member to sign the agreement (or email) will result in denial of the limited duty assignment.

If the member’s medical condition is determined to be permanent, or permanent and stationary, precluding work for which the member was hired, the member’s assignment, if any, will be governed by applicable District policies, Workers’ Compensation law and/or state and federal law. If the member believes he or she is eligible for reasonable accommodation under the ADA or FEHA, the Fire Chief or designee will coordinate a meeting with the member and the member’s Battalion Chief to evaluate the member’s eligibility and determine whether a reasonable accommodation is available. The member may invite a labor representative to attend this meeting with them.

Once a member has been on a continuous limited duty assignment for a period of 90 days, the Fire Chief or designee will set up a meeting with the member and the shift Battalion Chief (or Limited Duty Supervisor) to which they are assigned to determine the status of the member’s recovery and whether the Limited Duty assignment will continue. The member may invite a labor representative to attend this meeting with them. A limited duty assignment may extend beyond the six-month period only if medical evidence indicates the member’s return to work is imminent.

If at any time while a member is on a limited duty assignment the treating physician determines that the member is able to perform regular work activities within current work restrictions or without restriction, the member shall start the Return and Re-Orientation to work procedures as defined by the SMFD policy.

1032.4 COMPENSATION

While assigned to limited duty, the member will be paid his or her regular rate of pay and benefits as defined by the current MOU even though the member may be assigned to another division.

Members working limited duty due to industrial injuries may take time off from work for physician appointments or physical therapy without use of accrued leave.

Members working limited duty will be allowed to take vacation and CTO leave with approval of their shift Battalion Chief and/or supervisor. Their respective leave account will be charged on an hour for hour basis for the time taken off.
**Limited Duty Assignments**

Leave categories can be used in the order chosen by the individual i.e. Sick leave, vacation, and CTO. The formula for calculating hours used from an employee’s accrued leave balance(s) is:

- Employee salary less workers compensation payment = Difference
- Difference divided by hourly rate = hours deducted from accrued leave

At the end of the maximum allotted 4850 leave period any member who has not returned to regular or light duty will not be entitled to accrue vacation time, sick leave time or be entitled to the District contribution to their Deferred Compensation Benefit Program, time is considered a break with MCERA so pension contributions will stop. All health benefits will remain in place.

Any job-incurred death, injury, or illness requiring inpatient hospitalization (including loss of any member of the body or any serious degree of permanent disfigurement) for a period more than 24 hours for reasons other than medical observation shall be reported to Cal OSHA by telephoning (707) 576-2388 (24-hour hotline) by the supervising Battalion Chief. The supervising Battalion Chief shall then advise the Fire Chief of the incident.
Attachments
SOUTHERN MARIN FIRE PROTECTION DISTRICT
Medical Referral/Work Status Form

<table>
<thead>
<tr>
<th>TO BE COMPLETED BY SUPERVISOR/MANAGER</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employee: ___________________________</td>
</tr>
<tr>
<td>Department: _________________________</td>
</tr>
<tr>
<td>Date of Injury: _____________________</td>
</tr>
<tr>
<td>Medical Facility Name: _______________</td>
</tr>
<tr>
<td>Regular Work Shift: _______ a.m. to _______ p.m.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>TO BE COMPLETED BY ATTENDING PHYSICIAN</th>
</tr>
</thead>
<tbody>
<tr>
<td>Please consider the availability of modified work when considering estimated periods of disability.</td>
</tr>
<tr>
<td>Diagnosis: __________________________</td>
</tr>
<tr>
<td>Date of Examination: __________________</td>
</tr>
</tbody>
</table>

WORK STATUS

- [ ] Able to return to regular work on __________________________
- [ ] Temporary modified work effective __________________________ until __________________________ with limitations listed below
- [ ] Unable to perform any work until __________________________

Specify what duties preclude the employee from returning to a modified or limited hours capacity __________________________

- [ ] Anticipated date of return to full duty is __________________________

WORK LIMITATIONS (check all functional limitations and outline frequency limitation)

- [ ] No prolonged walking/standard _______________ hrs/min interval
- [ ] Limited walking/standard _______________ hrs/min interval
- [ ] No repetitive bending/stooping _______________ hrs/min interval
- [ ] No kneeling or squatting _______________ hrs/min interval
- [ ] No climbing of stairs or ladders _______________ hrs/min interval
- [ ] No pushing or pulling _______________ hrs/min interval
- [ ] No lifting over _______________ lbs
- [ ] No reaching above shoulder _______________ hrs/min interval
- [ ] No operation/work around moving machinery; or driving _______________ hrs/min interval
- [ ] Keep bandages clean and dry _______________ hrs/min interval
- [ ] Avoid exposure to extreme heat or cold _______________ hrs/min interval
- [ ] Limited/No use of _______________ hrs/min interval
- [ ] Other _______________ hrs/min interval

DISPOSITION

- [ ] Future care recommended, no permanent disability anticipated
- [ ] Future care recommended, permanent disability unknown or anticipated
- [ ] Discharged, no permanent disability anticipated
- [ ] Discharged, permanent disability anticipated; anticipated permanent and stationary date is __________________________
- [ ] Physical Therapy ordered for _______________ / _______________ (times/weeks) or M T W TH F (circle one)
- [ ] Number of visits: _______________
- [ ] Referred to Doctor/Facility: __________________________ on __________________________ at _______ a.m./p.m.

Physician’s name: __________________________ Signature: __________________________
Address: __________________________
Phone: __________________________ Fax Number: __________________________

Send all reports to Southern Marin Fire, 308 Reed Blvd, Mill Valley, CA 94941
Phone (415) 388-8182 Fax (415) 388-8181

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