



# Southern Marin Fire Protection District

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## 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





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## 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

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### *Limited Duty Assignments*

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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.

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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.

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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**



## **SMFD Medical Referral Work Status Form.pdf**

**SOUTHERN MARIN FIRE PROTECTION DISTRICT  
Medical Referral/Work Status Form**

**TO BE COMPLETED BY SUPERVISOR/MANAGER**

Employee \_\_\_\_\_ Occupation \_\_\_\_\_  
Department \_\_\_\_\_ Supervisor \_\_\_\_\_  
Date of Injury \_\_\_\_\_ Date Sent to Doctor \_\_\_\_\_  
Medical Facility Name \_\_\_\_\_  
Circle Days Worked M T W TH F SA SU Regular Work Shift \_\_\_\_\_ a.m. to \_\_\_\_\_ p.m.

**TO BE COMPLETED BY ATTENDING PHYSICIAN**

*Please consider the availability of modified work when considering estimated periods of disability.*

Diagnosis \_\_\_\_\_ ICD-9 Code \_\_\_\_\_ Return Visit on \_\_\_\_\_  
Date of Examination \_\_\_\_\_ Time In \_\_\_\_\_ Time Out \_\_\_\_\_

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

**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 \_\_\_\_\_  
for \_\_\_\_\_ 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**