

EIGHTH JUDICIAL DISTRICT COURT
LAS VEGAS JUSTICE COURT
ADMINISTRATIVE ORDER

FILED

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T. ARTHUR RITCHIE, JR.
Chief Judge, District Court

CLARK COUNTY COURTS
ADMINISTRATIVE ORDER NUMBER: 09-01
EFFECTIVE DATE: January 2, 2009

ANN E. ZIMMERMAN
Chief Judge, Las Vegas Justice Court

EDWARD A. FRIEDLAND
Court Executive Officer

SUBJECT: POLICY STANDARDS FOR MODIFIED DUTY FOR CLARK COUNTY COURTS

I. POLICY GOAL

The purpose of this policy is to clarify modified duty (light duty) practices and distinguish the differences between **occupational** injury/illness/disease and **non-occupational** related injury/illness/disease. This policy is to be fairly and consistently applied to all staff covered under the current SEIU, Local 1107 Labor Agreement, hereinafter referred to as the SEIU Agreement, and any Interlocal Agreement(s) between Clark County and Clark County Courts. This policy applies to all employees of the Court except for elected and appointed officials of the Court.

II. RESPONSIBILITIES

Employee:

- a. Review and understand contents of policy and seek clarification if necessary;
- b. Report any occupational injury/illness/disease to supervisor;
- c. Complete and submit appropriate incident reports/forms within appropriate time frames.

Supervisors:

- a. Provide and review the policy with employees;
- b. Communicate any occupational injury/illness/disease to Clark County Employee Benefits Specialist;

- c. Forward incident reports/forms to Clark County Courts Employee Benefits Specialist.

III. DEFINITIONS:

Illness and Disease: A physical, physiological process which can cause an abnormal condition of the body or mind, harm or loss of capacity produced by systematic infection; continued or repeated stress or strain; exposure to toxins, poisons, fumes, etc.; or other continued and repeated exposures over a period of time. For practical purposes, it is any reported condition which does not meet the definition of injury (traumatic).

“Injury” or “personal injury” [NRS 616A. 265(1)]: A sudden and tangible happening of a traumatic nature, producing an immediate or prompt result which is established by medical evidence, including injuries to prosthetic devices.

Modified Duty: A temporary work assignment with a pre-determined job description containing the physical demands of the job or assignment with an approved, modified, or flexible work schedule.

Non-Occupational Injury/Illness/Disease: Any condition that results from accident, injury, illness or disease that **occurs outside the normal scope of employment or work environment.**

Occupational Injury/Illness/Disease: Any condition that results from accident, injury, illness or disease that **occurs within the normal scope of employment or as a consequence of the work environment.**

IV. OCCUPATIONAL INJURY/ILLNESS /DISEASE

If an employee is temporarily disabled because of an occupational injury/illness/disease and the treating physician releases the employee with work restrictions, Clark County Courts will provide a modified duty assignment to the employee in accordance with Nevada Revised Statutes and Clark County Risk Management and Safety Division’s Structured Return-To-Work Program.

V. STRUCTURED RETURN-TO WORK PROGRAM

Clark County Courts will follow the County’s Structured-Return-To-Work Program which is designed to assist the employee and Courts as a whole in providing temporary work assignments for employees with temporary injury/illness/disease. This program is available on a short-term basis only, up to 90 days, when the Courts have available, productive work appropriate for the work restrictions as defined by the employee’s treating physician.

Clark County Courts' Employee Benefits Specialist has been designated as the coordinator for all activities related to the Structured Return-To-Work Program and all other matters related to the County's Worker's Compensation Program.

VI. REPORTING AN OCCUPATIONAL INJURY/ILLNESS/DISEASE

In the event of a workplace injury/illness/disease, the employee shall seek medical treatment immediately when necessary and report the injury/illness/disease to his/her supervisor. The following forms must be completed within five (5) business days by the employee, regardless of whether medical treatment is needed:

- Accident/Hazard Report
- Notice of Injury or Occupational Disease (Form C-1)
- Brief Description of Rights and Benefits (Form D-2)

If the employee is in need of medical treatment, the following additional forms are also required within three (3) business days of treatment:

- Employee's Claim for Initial Compensation (Form C-4) (completed by employee and facility providing the care)
- Employer's Report of Industrial Injury (Form C-3) (completed by the employer/supervisor only)

The Clark County Risk Management and Safety Division will determine the validity of all occupational injuries, illnesses, or diseases that are submitted through the filing of the Incident Report (C-1).

VII. MEDICAL TREATMENT FOR OCCUPATIONAL INJURY/ILLNESS/DISEASE

Initial medical treatment and any applicable follow-up treatment must be obtained through a contracted Worker's Compensation Provider. For a list of the approved providers, the employee should contact Clark County Risk Management or the Employee Benefits Specialist with Clark County Courts Human Resources. All follow-up treatment must include a Physician's Disability Statement (PDS).

VIII. NON-OCCUPATIONAL RELATED INJURY/ILLNESS/DISEASE

Except as otherwise provided in subparagraph VIII (b), an employee who is temporarily disabled because of a non-work related accident, injury, illness or disease *may* be granted a modified duty position if such an assignment is available in accordance with the Structured Return-To-Work Program as outlined in Section V of this order.

- (a) Availability of modified duty positions shall remain within the purview of Clark County Courts and its needs. Assignment to modified duty assignment is subject to any physician restrictions. These arrangements are temporary and will be periodically evaluated. A medical re-evaluation by a licensed physician may be required based upon length of the temporary modified duty assignment. Normally, employees in a modified duty status will remain on their regularly assigned shift and days off. If, however, operational requirements dictate otherwise, employees in a modified duty status may be required to work a different shift and/or days off.
- (b) An employee working as a Bailiff/Marshal, who is temporarily or totally disabled because of a non-work related accident, injury, illness or disease, **will not** be granted a modified duty position. This applies to positions working in both an administrative or judicial capacity. Bailiffs/Marshals are required to adhere continuously to all physical and/or medical fitness requirements as outlined in the Clark County Job Function Analysis for said position.
- (c) Temporary modified duty will terminate when the employee is released to return to full duty or when the employee is placed on permanent medical restrictions. If the employee is unable to return to full duty as outlined in the job duties after being on temporary modified duties, a medical separation may result.

IX. FALSE OCCUPATIONAL INJURY CLAIMS

An individual injured while off duty who falsely claims an occupational injury or an individual who collaborates a false claim is committing a misdemeanor and will be subject to the penalties provided by law and subject to disciplinary action.

X. CONFIDENTIALITY

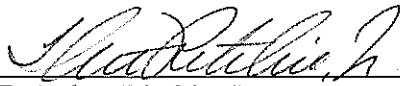
Supervisors, administrators and all other persons involved with the Structured-Return-To-Work Program must ensure that medical records and personal information are managed in such a way that will ensure confidentiality. This includes return to work forms, physical evaluations, prognosis and diagnosis statements, etc.

XI. RESOURCES:

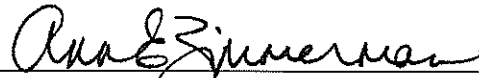
- a. Clark County Risk Management & Safety Division Worker's Compensation Policies
- b. Clark County Personnel Policies & Procedures (Personnel Procedure No. 08)
- c. SEIU Contract (Article 27)

Clark County Courts Policy No: 09-01
Modified Duty Policy

- d. Nevada Industrial Insurance Act (NRS Chapter 616D)
- e. Nevada Occupational Diseases Act (NRS Chapter 617)
- f. Clark County Worker's Compensation Handbook



T. Arthur Ritchie, Jr.
Chief Judge, District Court



Ann E. Zimmerman
Chief Judge, Las Vegas Justice Court

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I acknowledge that I have received **Clark County Courts Administrative Order Number 09-01, "POLICY STANDARDS FOR MODIFIED DUTY FOR CLARK COUNTY COURTS"** and that I agree to read and familiarize myself with its contents and will comply with it at all times.

Employee – Print Name

Employee – Signature

Division

Date