

DIRECTIVE

GIPSA 4610.3

3/8/02

UTILIZATION OF CURRENT EMPLOYEES WITH DOCUMENTED MEDICAL CONDITIONS - LIMITED/LIGHT DUTY GUIDELINES

1. PURPOSE

This Directive establishes the Grain Inspection, Packers and Stockyards Administration (GIPSA) policy and procedures for effective utilization of current employees with documented medical conditions which render them unable to perform the full scope of duties of the position to which they are officially assigned.

2. REPLACEMENT HIGHLIGHTS

This Directive replaces FGIS Directive 4610.3, dated 9/21/93. (Formerly FGIS Directive 306.3 dated 9/21/93.)

3. COVERAGE

Federal agencies are required by law to assign light duty assignment, if light duty assignments are available, when an employee has a job related injury and has medical documentation that substantiates that the employee can no longer perform the essential functions of his/her position. However, GIPSA has extended the assignment of light duties, when duties are available to employees who are no longer able to do the essential functions of their current position due to a medical condition or an injury sustained at home.

4. POLICY

It is GIPSA policy to productively employ, when possible, current employees who because of illness or injury are unable to perform essential functions of the job.

Light duty will be considered when an employee has physical limitations, identified by a qualified physician, which interfere with or limit the employee's ability to perform officially assigned duties. If duties are available and compatible with the employee's medical limitations, the employee will be assigned the limited duties.

Within GIPSA, there are no positions that can be designated or structured in such a manner as to constitute permanent light duty positions. Therefore, it is necessary to evaluate, on a case-by-case basis, the availability of light duty.

5. RESPONSIBILITIES

a. The employee will:

- (1) Inform management of a medical condition that is adversely affecting his/her performance or ability to perform the full scope of duties of the officially assigned position.
- (2) Furnish supervisory personnel a definitive medical summary, clearly documenting medical limitations that require accommodation. (See Attachments.)
- (3) Accept a suitable light duty assignment.
- (4) Work within the prescribed work limitation tolerances imposed.
- (5) Request and obtain approval for all absences from duty stemming from a medical condition.
- (6) Advise the supervisor of a change in a medical condition, including the ability to perform the full scope of duties to which officially assigned, and provide medical documentation to substantiate any changes in the medical condition and/or approval to return to the full range of duties.

b. The Supervisor will:

- (1) Receive and acknowledge requests for limited/light duty and determine the adequacy of the medical documentation.
- (2) Determine the availability of limited/light duty and monitor such assignments for continued availability and need of the duties.
- (3) Require employees assigned light duty to submit medical information at designated intervals to support continued light duty or to modify the assignment consistent with changes in physical limitations imposed.
- (4) Require an employee to submit a current medical evaluation or report for an Agency-directed medical evaluation when the Agency has identified an assignment or position (including the employee's regular position) which the Agency reasonably believes the employee can perform consistent with the medical limitations of his/her condition.

- (5) Advise the employee in writing of:
 - (a) Light duty availability and its expected duration.
 - (b) The duties of the proposed job or set of duties.
 - (c) The specific physical limitations imposed.
 - (d) The employee's responsibility to work within the prescribed work limitation tolerances.
 - (e) Information regarding injury compensation, disability retirement benefits, and eligibility requirements.
- (6) Follow-up on an employee's request for a light duty assignment to ascertain if light duty becomes available after an initial determination of unavailability.
- (7) Deny or terminate a light duty assignment when medical documentation does not substantiate a light duty assignment or when a light duty assignment is not available.
- (8) Document efforts to utilize partially disabled employees.
- (9) Initiate appropriate requests for personnel action to effect details of employees or other required actions.

6. LIMITED/LIGHT DUTY DETERMINATIONS

- a. The decision as to the feasibility and availability of limited duty is strictly a managerial decision and will be based on the circumstances present in each case. The determination as to the availability of light duty for a particular employee, at a particular time, is highly individualized and depends on a number of factors, such as:
 - (1) Nature and extent of physical limitations. Light duty will not be assigned when the employee's medical condition is so restrictive that it precludes performance of available duties.
 - (2) Work tolerance/physical abilities.
 - (3) Availability of suitable limited duties.
 - (4) Duration of the limited duties (need for those duties to be performed).

- (5) Extent of the available limited duties (effective utilization/sufficient meaningful duties exist to constitute a full-time assignment).
 - (6) Extent to which the light duty assignment is feasible (would not impact adversely on mission accomplishment or create an undue hardship on the Agency).
 - (7) Extent to which the presence of the employee in the workplace poses a hazard or threat to himself/herself or others.
 - (8) Extent to which available light duty assignment(s) is exhausted.
- b. Employees may not perform light duty assignments in the following situations:
- (1) When an employee fails to provide acceptable documentation of a medical condition requiring accommodation despite a well defined opportunity to do so, the supervisor has no basis to grant, or otherwise act in favor of, the employee's request for light duty, a change in duty status, assignment, working conditions, or any other accommodation or special treatment due to medical reasons. Accordingly, failure to furnish the necessary medical documentation will result in the employee being held responsible for acceptable performance of the full range of officially assigned duties.
 - (2) When an employee reports for duty, but refuses or fails to furnish the appropriate medical documentation and it is obvious that the employee is not ready, willing, and able to perform the full range of duties, the employee may request the appropriate type of leave. If the employee does not request the appropriate leave, contact the Employee Relations Branch, Human Resources Division, MRP, for guidance.
 - (3) If the employee accepts the light duty assignment but neglects to comply with the physical limitations imposed and this neglect results in further injury or disability, the employee may not be entitled to compensation and will be carried on sick leave or annual leave, if requested and approved. Additionally, the employee, by virtue of his/her actions, subjects himself /herself to the appropriate corrective action, which may include disciplinary action.

7. PROCEDURES FOR ASSIGNING EMPLOYEES TO LIGHT DUTY

When an employee can be provided limited duty, the work schedule, basic workweek, work location, and assigned duties may be altered as the case may warrant. The following procedures must be followed when effecting limited/light duty assignments:

- a. If adequate work is available within the employee's work limitation tolerances in the general skill area and work facility to which the employee is regularly assigned within the employee's regular hours of duty, that work will constitute the limited/light duty to which the employee is assigned.
- b. If adequate work is not available within the employee's work limitation tolerances in the general skill area and work facility to which the employee is regularly assigned within the employee's regular hours of duty, other work may be assigned within the facility.
- c. If adequate work is not available at the facility within the employee's regular hours of duty, available work outside the employee's regular schedule may be assigned as limited duty. However, all reasonable efforts will be made to assign the employee to limited duty within the employee's general skill area and to keep the hours of limited duty as close as possible to the employee's regular schedule.
- d. An employee may be assigned limited duty outside of the work facility to which the employee is normally assigned only if there is not adequate work available within the employee's work limitation tolerances at the employee's facility and work is available. In such instances, every effort will be made to assign the employee to work within the employee's general skill area, within the employee's regular schedule, and as near as possible to the regular work facility to which normally assigned. Additionally, work assignments outside the employee's work facility may be made at the supervisor's discretion when adequate work is available.
- e. The supervisor will:
 - (1) Advise the employee in writing of the assignment and initiate the necessary documentation to effect the employee's detail to a set of unclassified duties or classified duties or to an existing position in accordance with applicable procedures and regulations.
 - (2) Review the assignment periodically to determine the continuing availability of duties.
 - (3) Establish performance standards for such duties if they are expected to last more than 90 days, and communicate these standards to the employees.
- f. If light duty is not available initially, but later becomes available, the immediate supervisor will contact the employee and advise him/her of the availability of the light duty assignment and will direct the employee to return to the corresponding duty and pay status.

- g. If the employee refuses to accept light duty when the Agency has suitable work for the employee to perform in consideration of the physical limitations imposed, the supervisor will document the employee's reasons for declination of light duty and forward all documentation to Employee Relations Branch, Human Resources Division, MRP, for appropriate action and submission to Office of Workers' Compensation Programs (OWCP) in cases involving workers' compensation.
- h. In those cases where effective utilization of the employee within the prescribed limitations is not possible due to the unavailability of a light duty assignment and all reasonable efforts to place the employee in a light duty assignment have been unsuccessful, the supervisor will inform the employee and document his/her efforts to utilize the employee and the reasons the attempts were unsuccessful. The employee has the option of requesting the appropriate type of leave. If the employee does not request the appropriate leave, the Supervisor will forward this documentation to the Employee Relations Branch, Human Resources Division, MRP, for guidance.

8. INQUIRIES

Questions regarding these provisions should be directed to Employee Relations Branch, Human Resources Division, MRP.

Copies of MRP, GIPSA Directives are accessible on the Internet at www.aphis.usda.gov/library/gipsa/GIPSA.html

/s/ David R. Shipman
Acting Administrator

Attachments