

CITY OF SAN DIEGO  
ADMINISTRATIVE REGULATION

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ADMINISTRATION OF TEMPORARY LIGHT DUTY PROGRAM	Effective Date August 17, 2018		

1. PURPOSE

- 1.1. The *Temporary Light Duty (TLD)* Program provides City employees with an opportunity to return to work, where possible, through the identification and management of temporary work restrictions resulting from a work-related (industrial) or non-work related (non-industrial) injury or illness. Serious injuries and illnesses may not allow employees to return to the workforce, even in a *TLD* capacity.
  - 1.1.2. A *TLD* assignment is transitional and short-term (typically 90 calendar days or less) with the intent to keep the employee working while recovering from a temporary injury or illness.
- 1.2. The *TLD* Program is designed to help transition employees back to their regular position following an illness or injury.
- 1.3. The *TLD* Program only applies to employees with medically-required temporary work restrictions.
  - 1.3.1. Injuries, illnesses or conditions resulting in permanent work restrictions shall go through the City's *Interactive Process* as outlined in Administrative Regulation 96.21.
- 1.4. This Administrative Regulation is intended to define departmental responsibilities and establish procedures for administering the *TLD* Program.

2. SCOPE

- 2.1. This Administrative Regulation applies to all City departments and all City employees.

(Supersedes Administrative Regulation 75.40, Issue 2, effective July 1, 1984)

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Authorized

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CHIEF OPERATING OFFICER

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3. DEFINITIONS

- 3.1. Department Reasonable Accommodations/Temporary Light Duty Coordinator (Coordinator) – A department representative, designated by the Department Director, who assists the department and its employees through the *Interactive Process* per Administrative Regulation 96.21, and who assists employees through the identification and assignment of *TLD* work based on the employees’ medically-required temporary work restrictions.
- 3.1.1. A *Coordinator* will keep track of, and report on, available *TLD* assignments and employees on *TLD* within the department.
- 3.2. Temporary Light Duty (TLD) – A temporary work assignment for no more than 90 calendar days, allows the employee to return to work in a limited capacity, subject to the employee’s medically-required temporary work restrictions.
- 3.2.1. A *TLD* assignment may not be extended beyond 180 total calendar days (for non-work-related injuries or illnesses). Non-work-related injuries or illnesses requiring *TLD* beyond 180 total calendar days shall go through the City’s *Interactive Process* as outlined in Administrative Regulation 96.21; work-related injuries or illnesses requiring *TLD* beyond 180 total calendar days will be managed as active workers compensation claims with the provision of *TLD* whenever possible.
- 3.2.2. *TLD* does not include modified duty; modified duty entails temporary modifications to an employee’s regular job duties as determined by the employee and the department.
- 3.2.3. *TLD* and modified duty are only temporary accommodations.
- 3.3. TLD Assignment Supervisor – An employee’s supervisor for a *TLD* assignment.
- 3.4. TLD Program Manager – An employee of the Human Resources Department who is responsible for monitoring the *TLD* Program and ensuring department compliance with this Administrative Regulation.

4. POLICY

- 4.1. An employee who has a work-related (industrial) or non-work related (non-industrial) injury or illness may be returned to work in a *TLD* capacity, where possible, on the date approved by his or her licensed health care provider.
- 4.1.1. Employees will remain in their regular classification while performing *TLD*.

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- 4.1.2. *TLD* is an informal, temporary work assignment; employees should not be formally reassigned.
- 4.1.3. Employees performing *TLD* can work in vacant positions within classifications at a lower pay rate and within their recognized employee organization but are not allowed to work above their regular classification.
- 4.2. Following a *TLD* assignment, an employee with an injury or illness will be returned to the employee's regular position, unless the employee is unable to perform the *Essential Functions* of the position with or without accommodation or the department demonstrates that holding open the position during the *TLD* assignment would impose an undue hardship.
- 4.3. An employee with an injury or illness must notify his or her supervisor of the need for *TLD* if the employee is able to return to work with medically-required work restrictions.
  - 4.3.1. For a work-related injury or illness with a recovery period beyond 180 days, a *TLD* assignment, modified duty, or other reasonable accommodation will be explored for the duration of the employee's recovery (prior to the employee being deemed Permanent and Stationary by the workers' compensation health care provider). If *TLD* cannot be offered, the employee will be eligible for all workers' compensation benefits to which he or she is entitled under the California Labor Code. The employee should go through the City's *Interactive Process* as outlined in Administrative Regulation 96.21, as appropriate.
  - 4.3.2. For a non-work-related injury or illness, please proceed to Section 4.4.
- 4.4. *TLD* Assignment Limit
  - 4.4.1. *TLD* will not be extended beyond 180 total calendar days for a non-work-related specific injury, illness or condition. The City will not grant more than 180 calendar days of *TLD* for each injury or illness.
  - 4.4.2. Non-work-related injuries or illnesses requiring *TLD* beyond 180 total calendar days shall go through the City's *Interactive Process* as outlined in Administrative Regulation 96.21; for a work-related injury or illness with a recovery period beyond 180 days, a *TLD* assignment, modified duty, or other reasonable accommodation will be explored for the duration of the employee's recovery (prior to the employee being deemed Permanent and Stationary by the workers' compensation health care provider).
  - 4.4.3. At the 90-calendar-day mark, including after an extension of *TLD* for an additional

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90 calendar days (i.e., at 180 calendar days), the employee's department will issue an Options Letter to the employee.

4.5. Criteria for Determining TLD Assignment

4.5.1. If an employee can return to work with medically-required work restrictions that allow the employee to perform a *TLD* assignment, the employee must provide his or her documented work restrictions to the *Coordinator*. The *Coordinator* will review the work restrictions and determine if there is a *TLD* assignment within the department that satisfies the work restrictions.

4.5.2. An alternate work assignment will be considered a *TLD* assignment if it meets the following criteria:

- a. It is within the employee's department;
- b. It is medically suitable per the employee's medically-required temporary work restrictions;
- c. It is anticipated to be a temporary work assignment for no more than 90 calendar days; and
- d. It fulfills a necessary job function or functions, and it enables the employee to use skills and abilities other than those which are anticipated to be temporarily limited by injury or illness.

4.6. Process for Selecting TLD Assignment

4.6.1. If there is an available *TLD* assignment within the employee's department that satisfies the employee's work restrictions:

- a. The *Coordinator* will complete a *Temporary Light Duty* Assignment Form (HR-12) with the assistance of the *TLD Assignment Supervisor*.
- b. The *Coordinator* will meet with the employee and the *TLD Assignment Supervisor*.
- c. The employee and the *TLD* Assignment Supervisor must sign the *Temporary Light Duty* Assignment Form (HR-12) prior to the employee commencing *TLD*, as well as at the conclusion of the *TLD* assignment.
- d. At the conclusion of the *TLD* assignment, the *TLD Assignment Supervisor* will provide the applicable portion of the employee's performance evaluation for the time frame of the *TLD* assignment to the employee's regular supervisor for incorporation into the employee's performance evaluation.

4.6.2. If there is no available *TLD* assignment within the employee's department that satisfies the employee's work restrictions:

- a. The *Coordinator* will notify the employee that no *TLD* is available;

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- b. The *Coordinator* will notify the *TLD* Program Manager;
- c. For a work-related injury or illness, the *Coordinator* will notify the Risk Management Department's Workers' Compensation Division that a *TLD* assignment is not available within the department;
- d. If the employee is participating in the City's Long-Term Disability Program, the *Coordinator* will notify the Long-Term Disability Administrator.
- e. The *Coordinator* will schedule a meeting with the employee, the employee's regular immediate supervisor, the *Coordinator*, and the *Reasonable Accommodations* Manager to explore other possible options through the *Interactive Process*, as detailed in Administrative Regulation 96.21.

4.7. *Temporary Light Duty Assignment Form (HR-12)*

- 4.7.1. The *Temporary Light Duty Assignment Form (HR-12)* is used to capture details of the *TLD* assignment including:
  - a. Employee information;
  - b. Relevant medically-required temporary work restrictions;
  - c. Dates of commencement and conclusion of *TLD* assignment;
  - d. Work location of *TLD* assignment;
  - e. *TLD* assignment description;
  - f. The employee's performance during the *TLD* assignment, to be included in the applicable performance evaluation for the employee.
- 4.7.2. The *Coordinator* will complete a *Temporary Light Duty Assignment Form (HR-12)* with the assistance of the *TLD Assignment Supervisor*.
- 4.7.3. The *Coordinator* will meet with the employee and the *TLD Assignment Supervisor* to review the employee's work restrictions and the proposed *TLD* assignment.
- 4.7.4. The employee and the *TLD Assignment Supervisor* must sign the *Temporary Light Duty Assignment Form (HR-12)* prior to commencing *TLD*, as well as at the conclusion of the *TLD* assignment.
- 4.7.5. A copy of the signed *Temporary Light Duty Assignment Form (HR-12)* must be forwarded to the *TLD Program Manager* at [HumanResourcesTLD@sandiego.gov](mailto:HumanResourcesTLD@sandiego.gov) prior to the commencement of the *TLD* assignment.
- 4.7.6. At the conclusion of the *TLD* assignment, the employee and the *TLD Assignment Supervisor* will meet to close out the assignment and determine a date for the employee's return to his or her regular work assignment. The completed *Temporary Light Duty Assignment Form (HR-12)* is provided to the *Coordinator*,

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the employee's regular supervisor, and *TLD Program Manager* at [HumanResourcesTLD@sanidiego.gov](mailto:HumanResourcesTLD@sanidiego.gov).

4.7.7. An employee performing a *TLD* assignment shall continue to receive the pay of his or her regular classification.

- a. An employee performing a *TLD* assignment in conjunction with medically-certified return-to-work restrictions limiting the employee's work schedule, may be eligible for Workers' Compensation Temporary Total Disability (TTD), Industrial Leave, Long-Term Disability, or Labor Code section 4850 benefits.

4.8. Evaluation of Need for Extension of *TLD*

4.8.1. If the need for *TLD* extends beyond 90 calendar days, the employee will go through an evaluation process:

- a. No later than the 80<sup>th</sup> calendar day of the *TLD* assignment, the *Coordinator* will set a meeting with the employee, Department Director or designee, *Coordinator*, and *TLD Program Manager* to evaluate the employee's continued need for *TLD*.
- b. The evaluation will consider the particular work assignments available, specifically for the purpose of providing an alternative work assignment for the employee who is unable to perform some or all of his or her regular job duties.
- c. The *Coordinator* will determine the employee's workers' compensation claim status by contacting the Risk Management Department. The *Coordinator* will also determine if it is anticipated that the employee will return to full-duty at the end of 90 days.
- d. Departments will provide a *TLD* assignment, if available, to employees with work-related (industrial) injuries until the employees reach a Permanent and Stationary condition, at which time other *Reasonable Accommodations* may be considered through the *Interactive Process* set forth in Administrative Regulation 96.21.
- e. Departments will provide a *TLD* assignment, if available, to employees with non-work-related injuries, but other *Reasonable Accommodations* may also be considered through the *Interactive Process*.

4.8.2 The *Coordinator* will issue an Options Letter to the employee by the 80<sup>th</sup> calendar day of the *TLD* assignment if an evaluation determines a need for *TLD* beyond the original 90 days. The Options Letter will present the following options to the employee:

- a. Request Special Leave Without Pay from the Civil Services Commission;
- b. Request Absence Without Pay for 30 days or less;

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- c. Apply for a *Reasonable Accommodation*;
- d. Retire;
- e. Resign;
- f. Return to work with a full release;
- g. Request an additional *TLD* assignment for a medically-identified time period, if the department has an appropriate *TLD* assignment. No more than one *TLD* extension can be granted (180 days total *TLD*);
- h. Apply for Long-Term Disability;
- i. Seek eligibility and activation of Industrial Leave benefits (for workers' compensation claims only).

4.8.3 *TLD* may be extended for up to an additional 90 days. If *TLD* is extended, the *Coordinator* will issue an Options Letter to the employee no later than the 80<sup>th</sup> calendar day of the *TLD* extension (no later than the 170<sup>th</sup> day of the total *TLD* time period). The Options Letter will present the following options to the employee:

- a. Request Special Leave Without Pay from the Civil Services Commission;
- b. Request Absence Without Pay for 30 days or less;
- c. Apply for a *Reasonable Accommodation*;
- d. Retire;
- e. Resign;
- f. Return to work with a full release;
- g. Apply for Long-Term Disability;
- h. Seek eligibility and activation of Industrial Leave benefits (for workers' compensation claims only).

4.8.4 In the event an employee's work restrictions become permanent while working in a *TLD* assignment, the employee should be directed by the *Coordinator* to go through the *Interactive Process* with the Department Director or designee, the *Coordinator*, and the *TLD* Program Manager, as detailed in Administrative Regulation 96.21.

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5. RESPONSIBILITY

5.1. *TLD Program Manager*

- 5.1.1. Monitors the *TLD* Program and ensures department compliance with this Administrative Regulation.
- 5.1.2. Receives *Temporary Light Duty* Assignment Forms (HR-12) and reviews them for consistency.

5.2. Department Directors

- 5.2.1. Ensure that an employee who has a work-related (industrial) or non-work related (non-industrial) injury or illness is returned to work in a *TLD* capacity, where possible, on the date approved by the employee's licensed health care provider.
- 5.2.2. Ensure that a suitable *TLD* assignment is provided for the employee, if available, within the employee's medically-required work restrictions, if the licensed health care provider's statement authorizes a *TLD* assignment.
  - a. Department Directors should contact the *TLD Program Manager* with any questions concerning work restrictions or the medical suitability of work assignments under consideration for a *TLD* assignment.
- 5.2.3. Designate a *Coordinator* to assign and oversee *TLD* assignments for the department's employees.
- 5.2.4. Return the employee to unrestricted duty in his or her regular position on the date specified by the employee's licensed health care provider.

5.3. *Coordinators*

- 5.3.1. Identify viable *TLD* assignments and place employees into appropriate *TLD* assignments.
- 5.3.2. When an employee has an active workers' compensation claim, will immediately inform the Risk Management Department's Workers' Compensation Division of an available *TLD* assignment for the employee's work-related injuries, prior to the employee meeting with the *TLD Assignment Supervisor* and beginning the *TLD* assignment.
  - a. *Coordinators* should contact the claims adjuster assigned to the workers' compensation claim.



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- 5.3.3. Utilize a *Temporary Light Duty* Assignment Form (HR-12) for each *TLD* assignment to assist in documenting employee information (e.g., name, classification, and restrictions), *TLD* assignment description, and the duration of the assignment.
- 5.3.4. Regularly monitor *TLD* assignments to ensure compliance with medically-required work restrictions, the duration of restrictions, and the appropriateness of the *TLD* assignments.
- 5.3.5. Maintain records and files and prepare appropriate reports regarding the *TLD* Program for the *Coordinator's* department.
  - a. Records and files should track the number of *TLD* assignments available, details of placements made into *TLD* assignments, and the duration of each assignment.
- 5.3.6. In cases when *TLD* is unavailable or the need exceeds 90 days, will schedule a review process with the employee, Department Director or designee, *Coordinator*, and the *TLD Program Manager* to explore other possible options.
- 5.3.7. Assist the *Reasonable Accommodations Manager* in the *Interactive Process* detailed in Administrative Regulation 96.21.
- 5.4. Employee
  - 5.4.1. Inform regular supervisor of any medically-required work restrictions provided by the employee's licensed health care provider concerning the employee's ability to return to work in a *TLD* assignment, ability to return to the employee's regular job duties, or any changes in the employee's medical restrictions, including the duration of restrictions. *TLD* assignments cannot be provided until documentation of the employee's medically-required work restrictions has been submitted.
  - 5.4.2. Advise regular supervisor and *TLD Assignment Supervisor* of any changes in the employee's medically-required work restrictions during the *TLD* assignment. If there is a change in the employee's work restrictions, the employee must immediately notify his or her supervisor for a determination regarding the employee's continued need for *TLD*.
  - 5.4.3. Provide written, signed, and dated documentation from a licensed health care provider regarding the employee's medically-required work restrictions and the duration of the restrictions. Permissible documentation includes the following:
    - a. Return to Light Duty Medical Release, regarding a return to work from Long-Term Disability;
    - b. Medical Status Report, related to a workers' compensation claim;

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- c. Work Status Report from a licensed health care provider;
- d. Physician's Statement in valid and verifiable medical correspondence, such as on medical office letterhead or a prescription form from a licensed health care provider;
- e. Other valid and verifiable methods of medical correspondence.

5.4.4. Responsible for meeting performance standards in any *TLD* assignment.

5.4.5. Required to complete the *Temporary Light Duty* Assignment Form (HR-12) with the *Coordinator* and *TLD Assignment Supervisor*.

5.5. Regular Supervisor

5.5.1. If an employee notifies his or her regular immediate supervisor of medically required work restrictions, the supervisor will work with the *Coordinator* to determine if a *TLD* assignment is necessary and available.

5.6. Personnel Department

5.6.1. Enforce the Personnel Manual.

5.7. Risk Management Department

5.7.1. The Workers' Compensation Division will provide appropriate notification to the employee's Department Director or Deputy Director and the *TLD Program Manager* when medically-required work restrictions are identified.

5.7.2. Manage and enforce the Long-Term Disability Program, including appropriate notification to departments when an employee submits a Return to Light Duty Work Medical Release.

5.7.3. Ensure the availability or continuation of benefits for employees eligible for Workers' Compensation TTD, Industrial Leave, Long-Term Disability, or Labor Code section 4850 benefits while performing a *TLD* assignment in conjunction with return-to-work restrictions limiting the employee's work schedule.

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APPENDIX

Legal References

Personnel Manual, Index Code H-3 (Out-of-Class Assignments)  
Personnel Manual, Index Code I-1 (Leaves of Absence)  
Long-Term Disability Plan Document, Resolution No. 254623  
Administrative Regulation 62.00 – Administration of Workers’ Compensation Liabilities  
Administrative Regulation 63.00 – Industrial Leave  
Administrative Regulation 96.21 – City Policy for Individuals with Disabilities: Employment  
California Labor Code section 4650 et seq.  
California Labor Code section 4850

Forms

Attachment 1 - *Temporary Light Duty* Assignment Form (HR-12)

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*Temporary Light Duty*  
*Department Reasonable Accommodations/TLD Coordinators*  
*Temporary Light Duty* Assignment Supervisor  
*Reasonable Accommodation*

Administering Department

Human Resources Department