



TOWN OF WINCHESTER

INCORPORATED JULY 2ND 1753



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DATE: May 26, 2006

TO: BOS

FROM: Bob G.

RE: Joint Loss Management Committee Light Duty Policy

In January of 2005, the BOS approved the Light Duty Policy drafted by the Joint Loss Management Committee. This policy has since been reviewed by Primex which has suggested that we place it into a more complete format that more closely conforms with the state statutes before including this policy in the Town's personnel policy.

The Joint Loss Management Committee has, therefore, reworked the Light Duty Policy and has reformatted it using the template provided to us by Primex. At the regular meeting of the Committee on 5/24/06, the final draft was accepted by the Committee. We now place this final draft before the BOS for acceptance and inclusion into our personnel policy.

Please review this copy in advance of the next meeting.

Thank you!

Bob G.

WIC NOTES: This policy was adopted by the board of selectmen at their 7:00 P.M. meeting on May 31, 2006, to become effective on June 1, 2006.



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TEMPORARY ALTERNATIVE DUTY POLICY

I. Policy

In compliance with RSA 281-A:23-b, the Town of Winchester, NH, will provide temporary alternative/transitional work opportunities to all employees temporarily disabled by a work-related injury or illness.

II. Purpose

The Town of Winchester, NH, adopts the principle that it is important to provide meaningful work during the time of healing and strengthening following a work-related illness or injury; to retain the knowledge and expertise of the employee and maintain the dignity and respect of the employee associated with their respective positions. Temporary Alternative/Transitional Duty is meant to be temporary and transitional in nature to return the employee back to full duty, but not longer than 18 months. Once transition stops, the department head, or his/her designee, will reevaluate the temporary/transitional program the employee is participating in. The program is not intended to address those situations in which an employee has been deemed permanently disabled and unable to resume their previous position.

III. Procedure

- a) The injured employee shall have the treating physician complete the NH Workers' Compensation Medical Form (75 WCA-1), based on the findings during the initial examination. Upon completion, the injured employee will be responsible for returning the form to his/her department head/designee.
- b) The department head/designee will work with the employee to facilitate a safe return to work program with limitations listed by the treating physician. If a job description, essential task analysis is needed for the treating physician to determine limitations, the employee will notify the department head/designee. The department head/designee shall be responsible for providing that job description essential task analysis to the treating physician. If necessary, the department head/designee may contact the treating physician if additional information is needed regarding the employees' limitations.

- c) The employee will be responsible for obtaining an updated medical form completed by the treating physician following every medical appointment, but in no longer intervals than 30 days, and returning the form to his/her department head/designee.
- d) Additional modifications will be made to the temporary/transitional alternative duty program as necessitated by the treating physician's NH Workers Comp. Medical Form. The department head/designee will be responsible for reviewing the appropriateness of continuing the program or duty assignments as necessary.
- e) Steps A through D may be repeated until such time as the employee is able to return to his/her normal position or has been deemed permanently disabled.

IV. Appeals

Any grievance that claims a violation to this policy may be filed in accordance with the established grievance procedures.

The provisions of this policy are intended to comply with RSA 281-A:23-b, Alternative Work Opportunities as adopted into law on February 8, 1994, and LAB 504.04. To the extent that this policy is ambiguous or contradicts the RSA or DOL regulations, the language of the RSA or DOL regulations will prevail.

Accepted by the Town of Winchester Board of Selectmen

Gustave Ruth, Chairman

Susan Newell

Gerald Hastings

Sherman Tedford

Theodore Whippie

Date Signed

TITLE XXIII LABOR

CHAPTER 281-A WORKERS' COMPENSATION

Section 281-A:23-b

281-A:23-b Alternative Work Opportunities. – All employers with 5 or more employees shall develop temporary alternative work opportunities for injured employees. If the employee fails to accept temporary alternative work, the employer may petition the commissioner pursuant to RSA 281-A:48, to reduce or end compensation. Notwithstanding RSA 281-A:22, if an injured employee returns to temporary alternative work within 5 days of sustaining the injury, such employee shall be paid workers' compensation from the first date of the injury. The commissioner shall adopt rules under RSA 541-A relative to the administration of this section.

Source. 1994, 3:5, eff. Feb. 8, 1994. 1997, 343:2, eff. Jan. 1, 1998.