

EIGHTH JUDICIAL DISTRICT COURT ADMINISTRATIVE ORDER

JENNIFER TOGLIATTI
Chief Judge, District Court

STEVEN D. GRIERSON
Court Executive Officer

CLARK COUNTY COURTS
ADMINISTRATIVE ORDER NUMBER:
09-01-Marshall Amendment
EFFECTIVE DATE: January 2, 2009
REVISION DATE: June 1, 2012

**SUBJECT: POLICY STANDARDS FOR MODIFIED DUTY FOR EIGHTH JUDICIAL
DISTRICT COURT BAILIFF (DEPUTY MARSHALS)**

I. POLICY GOAL

The purpose of this policy is to clarify modified duty (light duty) practices and distinguish the differences between **occupational** injury, illness or disease and **non-occupational** related injury, illness/disease or pregnancy. This policy is to be fairly and consistently applied to all staff covered under the current Memorandum of Understanding between the Eighth Judicial District Court and the Clark County Courts Deputy Marshals Association (CCCDMA)-COPS/CWA Local 911 Labor Agreement, hereinafter referred to as the CCDMA Agreement.

II. RESPONSIBILITIES

Employee:

- a. Review and understand contents of policy and seek clarification if necessary;
- b. Report any occupational injury, illness/disease or pregnancy 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 or pregnancy to Eighth Judicial District Court Employee Benefits Specialist;
- c. Forward incident reports/forms to Eighth Judicial District Court 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, or 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 or 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.

Pregnancy: The state of carrying a developing embryo or fetus within the female body, childbirth and related medical conditions.

IV. OCCUPATIONAL INJURY/ILLNESS /DISEASE

If an employee is temporarily disabled because of an occupational injury/illness or disease and the treating physician releases the employee with work restrictions, Eighth Judicial District Court 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

Eighth Judicial District Court will follow a Structured-Return-To-Work Program which is designed to assist the employee and Court as a whole in providing temporary work assignments for employees with temporary injury, illness, disease or pregnancy. This program is available on a short-term basis only, up to 120 days, when the Court has available, productive work appropriate for the work restrictions as defined by the employee's treating physician.

Eighth Judicial District Court 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 Eighth Judicial District Courts 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 or 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 OR 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 Eighth Judicial District Court Employee Benefits Specialist. All follow-up treatment must include a Physician's Disability Statement (PDS).

VIII. NON-OCCUPATIONAL RELATED INJURY, ILLNESS, DISEASE OR PREGNANCY

Except as otherwise provided in subparagraph VIII (b), an employee who is temporarily disabled because of a non-occupational related accident, injury, illness, disease or pregnancy *may* be granted a modified duty position if management deems 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 Eighth

Judicial District Court 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 (Deputy Marshal), who is temporarily or totally disabled because of a non-occupational related accident, injury, illness, disease or pregnancy, may be granted a modified duty position. This applies to Bailiff (Deputy Marshals) positions working in both an Administrative or Judicial capacity. Bailiffs (Deputy 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.

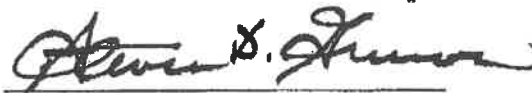
IX. FALSE OCCUPATIONAL INJURY CLAIMS

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.


Jennifer Togliatti
Chief Judge, District Court


Steven D. Grierson
Court Executive Officer

I acknowledge that I have received Eighth Judicial District Court Administrative Order Number 09-01-Marshal Amendment, "POLICY STANDARDS FOR MODIFIED DUTY FOR EIGHTH JUDICIAL DISTRICT COURT BAILIFF (DEPUTY MARSHALS)" 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