

Labor and Public Employees Committee  
Public Hearing  
February 15, 2007

**Written Testimony of Theresa C. Lantz,  
Commissioner of the Department of Correction**

**Raised Bill No. 6957, AAC Light Duty Work in the  
Department of Correction**

Good Afternoon Senator Prague, Representative Ryan and members of the Labor and Public Employees Committee. I am pleased to submit to you testimony regarding some concerns I have with Raised Bill No. 6957, AAC Light Duty Work in the Department of Correction.

Let me begin by stating that I am a proponent of transitioning employees' back to work just as soon as they are deemed by a physician to be physically able. This is why the Department of Correction currently has a Return to Work Program for its hazardous duty correctional employees who are being treated for work and non-work related injuries or temporary disabilities. This program is specifically for employees who are currently unable to perform all essential job functions for their classification but are expected, by their medical professional, to be capable of returning to full-duty within ninety (90) days. A copy of our manual outlining this program is attached.

Also attached are summary pages outlining the use of recuperative posts since August of 2006. Reports are generated at least once a month to track the usage of recuperative posts. We presently have 50 employees assigned to these posts. Recuperative posts utilized in the Return to Work program are existing approved posts which by their function have no inmate contact. They are posts, which are normally staffed as part of each facility's master post plan. The filling of these posts with recuperating employees positively impacts facility overtime expenditures and does not incur the additional cost to the State that a Light Duty program would.

The Department of Correction believes the Return to Work program has positively benefited our employees and the agency as a program that effectively transitions employees' back to full duty.

Currently there are no established light duty positions with the Department of Correction. The concept of light duty would require the establishment of new positions, which would not be related to present job classification duties. This is problematic for a variety of reasons to include:

1. the probability of staff performing work normally performed by employees of other bargaining units;
2. the funding required for light duty positions; and
3. permanent light duty for employees who would not be performing hazardous duty functions, yet would still be given hazardous duty retirement credit. This would also have a fiscal impact on the State based on current workers' compensation laws that would allow for State retirees, with the exception of disability retirees, to continue to collect workers' compensation benefits without an offset towards their retirement earnings.

The DOC has an effective Return to Work program that is monitored to ensure that proper utilization continues. Based on the short term and long term cost to the State to create light duty positions, the department does not support creating a new light duty system to replace the current, well established system that is in place as a Return to Work program for employees.