

# Return to Work

Location:  
Effective Date:  
Revision Number:1

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## PURPOSE

This policy is in place to ensure provides meaningful work activity for employees who are temporarily unable to perform all, or portions, of their regular work assignments or duties. This policy applies to employees suffering from either work- or non-work-related injury or illness. The goal is to allow valued company employees to return to productive, regular work as quickly as possible. By providing temporary transitional or modified work activity, injured and recovering employees remain an active and vital part of the company. Studies show that a well-constructed Return to Work Policy reduces lost time days, allows workers to recover more quickly and makes for a more positive work environment.

## SCOPE

All active employees who become temporarily unable to perform their regular job duties due to a compensable work-related or non-work-related injury or illness may be eligible for transitory work duties within the provisions of this program. Return to work tasks may be in the form of:

- Changed duties within the scope of the employee's current position
- Other available jobs for which the employee qualifies, outside of the scope of his or her current position
- An altered schedule of work hours

## DEFINITIONS

- **Transitional duty** is a therapeutic tool used to accelerate an injured employee's return to work by addressing the physical, emotional, attitudinal and environmental factors that otherwise inhibit a prompt return to work. These assignments are meant to be temporary and may be limited to 90 days, though permits multiple 90-day assignments back-to-back if it is medically warranted.
- **Alternate duty** is a part of 's Return to Work policy. The policy is designed as a placement service for individuals who have reached maximum medical improvement (MMI) and are still unable to perform the essential functions of their pre-injury jobs.

## APPLICABILITY

### Length of Duty

- If work is available that meets the limitations or restrictions prescribed by the employee's attending practitioner, that employee may be assigned transitional or modified work for a period not to exceed 90 days unless permits additional 90-day assignments based on medical necessity. Transitional or light duty is a temporary program, and an employee's eligibility in these reduced assignments will be based strictly on medical documentation and recovery progress.

### Daily Application

- Any employee who fails to follow his or her restrictions may cause a delay in healing or may further aggravate the condition. Employees, who disregard their established restrictions, may be subject to disciplinary action, up to and including termination. Where applicable and as allowed by law, a disregard for restrictions may also jeopardize disability benefits.

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Prepared by Brier Grievés Agency

*This Return to Work Policy is a guideline. It does not address potential compliance issues with Federal, State or local OSHA or any other regulatory agency standards. Nor is it meant to be exhaustive or construed as legal advice. Consult your licensed commercial Property and Casualty representative at Brier Grievés Agency or legal counsel to address possible compliance requirements. © 2000, 2015 Zywave, Inc. All rights reserved.*

### Qualification

- Transitional or modified duty will be available to all employees on a fair and equitable basis with temporary assignments based on skill and abilities. Eligibility will be based upon completion of the Return to Work Evaluation Form by the employee's attending medical professional. An employee on modified duty will be considered part of the regular shift staffing, with recognition of the employee's limitations within the department.

## **RESPONSIBILITIES**

The following responsibilities apply to various levels within the company.

- **Senior management** will ensure the policy's enforcement among all levels at and will actively promote and support this policy and the Return to Work Program as a whole.
- **Supervisors** will support the employee's return to work by identifying appropriate modified assignments and ensuring the employee does not exceed the medical professional's set restrictions. Supervisors will also stay in regular contact with absent employees and communicate 's attendance expectations clearly. They are also responsible for reporting any problems with employees and this policy to the return to work manager or program supervisor.
- **Injured workers** will notify their supervisors in a timely manner when their condition requires an absence. Injured workers should also note that, often, state law requires employees to report injuries and illnesses within specific time frames in order to qualify for certain benefits and protections. Injured employees will also closely follow their medical professional's treatment plan and actively participate in 's Return to Work Program, which includes following all the guidelines of this policy. Injured employees will also help supervisors identify potential options for transitional duties. While supervisors are responsible for maintaining constant communication with the injured employee, the worker also has the obligation to maintain contact with about his or her condition and status. The injured worker will complete all required paperwork in a timely manner.
- **Return to Work Program Manager** will be trained in understanding the physical and psychosocial aspects of disability and will understand the nuances of 's Return to Work Program, policies and all associated forms. This individual will be able to testify in court as a vocational expert, if necessary. He or she will provide program leadership by facilitating communication between union officials, employees, managers and medical providers. This manager will own the responsibility of creating the Job Bank and will assist supervisors with on-site problem solving.

## **PROCEDURE**

### Work Schedule

- will do everything in its power to tailor the restricted work schedule to the injured employee's normal, pre-condition work schedule. However, depending on the job limitations, it may be necessary for the employee to take on a specifically designed, temporary schedule to accommodate these restrictions.

### Payment of Wages

- If qualified authorities determine an employee's injury is work related, will pay benefits and wages in accordance with the state workers' compensation statute and with the company's human resources policies. These benefits will be coordinated with all applicable state, federal and company benefits.
- Employees performing modified duty on a restricted workweek will receive payment for hours worked from the company. For work-related illnesses or injuries, employees may be eligible for benefit payments through workers' compensation.
- An employee performing transitional duty for a non-work-related injury or illness on a normal work schedule shall receive an hourly rate for all time worked that may not necessarily equal the full-duty hourly rate.
- Employees performing transitional duty on a restricted workweek following a period of short-term disability (STD) may receive a combination of regular pay and partial disability benefits. The employee and the Human Resources department will work out this combination on a case-by-case basis.
- If employees take vacation or there is a holiday during restricted duty, they are entitled to their regular vacation selection or holiday pay as it would apply to normal, non-restricted duty. **[Employers should verify any workers' compensation or disability benefit plan's language pertaining to payment adjustments for vacation or holiday pay.]**

### Communication Expectations

- If an employee is unable to work in any capacity and the company approves of the absences, the employee must stay in

constant communication with the Return to Work Program Manager and the direct supervisor. Each must receive an update of the employee's medical status on at least a weekly basis. Failure to do so may result in a reduction in available benefits and discipline up to and including termination.

#### Medical Appointments

- asks that, when possible, employees to schedule medical appointments at times resulting in the least interference with work hours. Employees may use time off for medical appointments if they have it available. Employees should inform their superiors of all medical appointments as soon as possible. Non-emergency medical appointments not scheduled in advance may be cause for denial of time off.
- The employee's medical provider must complete the Return to Work Evaluation Form for each visit to evaluate the employee's impairment. It is the employee's responsibility to inform of his or her medical status after each doctor visit. This applies to both work-related and non-work-related injuries and illnesses that interfere with work assignments.

#### Employee Procedures

1. In the event an injury or illness is work related, report it to your supervisor as soon as practicable.
2. Complete and sign a Report of Injury Form.
3. Let your supervisor know that you are seeking medical treatment and obtain a Return to Work Evaluation Form. The Return to Work Evaluation form must be completed for each practitioner visit regardless of your choice of physician and regardless whether the condition is work related or not.
4. Participate in the Return to Work Program on temporary transitional work for up to 90 days while your medical provider and supervisor continuously review your condition. may extend the 90-day period based on medical necessity.

#### **REFUSAL TO PARTICIPATE**

If you are unable to return to your regular job but are capable of performing transitional duty, you must return to transitional duty. Employees who choose not to participate in the Return to Work Program or follow all regulations in this Return to Work Policy may become ineligible for state workers' compensation benefits, and, in some cases, refusal to participate may be a basis for termination. Unpaid family medical leave may apply upon refusal and disability benefits will cease.

#### **FAMILY MEDICAL LEAVE AND OTHER BENEFITS**

State or federal leave laws may provide additional rights and protections during times of illness or injury. Lost wages may be reimbursed if disability benefits are available. Contact the Human Resources department for further details.

# Employee Acknowledgement

's primary goal is to accommodate injured and recovering workers by identifying or modifying jobs to meet their physical capacities and allowing them to return to work as quickly and smoothly as possible. The company is committed to individualizing return to work programs based around the individual's physical capabilities and will review all task assignments regularly to ensure duties are appropriate.

We are committed to early return to work and recognize that it speeds up the recovery process and reduces the likelihood of permanent disability. employees are expected to show the same commitment to the program by following the Return to Work Policy and all guidelines of the Return to Work Program. The Return to Work Program requires a team approach, so employees are expected to cooperate with the management team, supervisors and medical staff should they ever become injured and unable to perform your full job duties.

Prior to working on any job site, each employee is expected to have read the entire Return to Work Policy, which includes the following sections:

- Purpose
- Scope
- Applicability
- Responsibilities
- Procedure
- Refusal to Participate
- Family Medical Leave

If you have any uncertainty or questions regarding the content of these policies, you are required to consult your supervisor. This should be done prior to signing and agreeing to the Return to Work Policy.

I am aware of and have read 's Return to Work Policy, and I understand the requirements and expectations of me as an employee. Should I become injured or ill and unable to carry out my regular duties, whether it happens inside or outside the workplace, I fully recognize 's expectations of me during my recovery. I also know that reserves the right to pay less than my full-duty rate during transitional work if it is justified.

I understand that if I choose not to participate in the Return to Work Program or follow this policy's guidelines, I may become ineligible for state workers' compensation benefits, and, in some cases, my refusal may be grounds for termination.

Employee Signature: \_\_\_\_\_

Date: \_\_\_\_\_