

**I. PROGRAM PURPOSE AND OBJECTIVES**

**A. Purpose**

The return to work program establishes a process for returning employees to work quickly and safely after a work-related injury or illness in order to enhance the employee's recovery while minimizing the impact of the employee's absence on school system operations.

**B. Objectives**

The objectives of the return to work program are to:

1. assist employees who are recovering from a work-related temporary injury or illness to safely return to full duty in their regular job assignment without restrictions at the earliest possible time;
2. assist recovering employees who have temporary work restrictions to return to a temporary, time-limited transitional work assignment of modified or alternate duties approved by the authorized treating physician, when practicable and in the best interests of the school system to do so;
3. assist employees with permanent work restrictions to find available suitable employment within the school system; and
4. maintain close communication, coordination, and cooperation between the employee, school system representatives, the workers' compensation claims adjuster, and others working to expedite the employee's recovery and return to work.

Although this program is designed to bring employees back into the workforce as soon as possible following an injury, nothing in this program or its guidelines is to be construed to require the school system to create a new position or to significantly alter the essential duties of a position for an employee whose temporary or permanent work restrictions prohibit the employee from performing the essential duties of his or her pre-injury/illness position.

**II. RETURN TO WORK PROGRAM GUIDELINES**

The goal of the return to work process is to return the employee to his or her job with or without restrictions as soon as possible when the treating physician releases the employee

to return to work. Unless otherwise required by law in an individual case, the following guidelines shall be observed in returning employees to work.

**A. Return to Work with Temporary Restrictions**

When an employee's authorized treating physician releases the employee to return to work with temporary restrictions during the employee's period of recovery ("pre-maximum medical improvement"), school officials will make reasonable efforts to enable the employee to return to work within the employee's work restrictions. If the work restrictions cannot be accommodated in the employee's pre-injury position, the school system may provide a temporary transitional work assignment suitable to the employee when practicable and in the best interest of the school system.

The transitional work assignment may consist of a modified or alternative work schedule in the employee's pre-injury position, modification of the employee's usual duties, assignment of alternative duties, assignment to a different position, or a combination of these or other modifications as determined by the school system and approved as suitable by the employee's treating physician, and may include noncompetitive employment. A transitional work assignment normally will not exceed nine (9) calendar months. If the employee has not sufficiently recovered to return to his or her usual duties within this period, school officials will seek review of the employee's restrictions with the treating physician to determine whether the transitional work assignment period should be extended.

*[An employee who is offered and refuses suitable employment may lose his or her right to continued workers' compensation benefits. Whether a position will be considered "suitable employment" depends on the stage of the employee's recovery. The legal standard for suitable employment described here, i.e., "within the employee's work restrictions," applies during the employee's healing period and up until the point at which the worker has reached maximum medical improvement ("MMI"), provided the employee's authorized health provider has approved the employment. Rehabilitative or other noncompetitive employment with the employer (also known as "make-work") is considered suitable employment during this stage of the employee's recovery. Caution: A more restrictive standard for suitable employment applies to claims that arose before June 24, 2011. Consult the board attorney for assistance in modifying this section if your school system has such claims still open.]*

**B. Return to Work with Permanent Restrictions**

1. When the treating physician has determined that the employee has completed the healing process (i.e., reached "maximum medical improvement" or "MMI") and has released the employee to return to work with permanent restrictions, school officials will make reasonable efforts to return to the employee to his or her pre-injury position with or without

accommodations unless the employee's work restrictions prevent the employee from performing the essential functions of the job even with reasonable accommodations.

2. If the employee is no longer able to perform the essential functions of his or her previous position even with reasonable accommodations, school officials will explore options to place the employee in an alternate suitable position available in the school system when feasible and in the best interests of the school system. In making this determination, school officials will consider the employee's pre-existing condition and work restrictions, vocational skills, education, and experience, the location of available positions, and the needs, obligations, and other interests of the school system.
3. If the employee is not placed in an alternate suitable position, the human resource director will determine the appropriate further course of action in consultation with the superintendent and/or board attorney as appropriate. This may include, in appropriate cases, separation of the employee due to unavailability.

**C. Offers to Return the Employee to Work**

1. When an employee is represented by an attorney in his or her workers' compensation matter, all communications from school officials regarding return to work should be coordinated and communicated through the workers' compensation claims adjuster. School employees should not communicate directly with the represented employee concerning the employee's return to work or other workers' compensation-related matters.
2. An employee who has been released to resume the full duties of his or her pre-injury position without restriction is expected to return to work upon release. School officials may pursue disciplinary action for an employee who fails to return as scheduled.
3. Any return to work offer made to an employee who has been released to return to work but not to resume the full duties of his or her pre-injury position must meet the return to work guidelines established in subsection II.B for suitable employment. A return to work offer may be oral or in writing.  
*[A written offer may be preferable in some cases to document the details of the offer, such as the date, the specific duties or job description for the work assignment offered, the rate of pay, and if the employee is pre-MMI, to advise the employee that the treating physician has approved the proposed work assignment. A written offer could also establish a deadline*

*for the employee to accept or decline the offer in writing.]*

4. If the employee accepts the return to work offer, school officials will make all necessary worksite accommodations and the employee must return to work at the designated date and time.
5. If the employee declines an offer to return to work in an assignment that meets the return to work guidelines established in subsection II.B for suitable employment, the employee will be requested to acknowledge his or her decision in writing. The acknowledgement should include a statement setting forth the date of the offer, the specific duties or job description for the work assignment offered and the rate of pay assigned, (and if the employee is pre-MMI, acknowledgment that the treating physician has approved the proposed assignment), and should affirm that the employee voluntarily declined the offer of suitable employment with the full and complete understanding that his or her workers' compensation payments may be affected.
6. If efforts to contact an employee fail, school officials will mail a certified letter to the home address of the employee describing the offer. The letter must include the specific duties or job description for the work assignment offered, the rate of pay assigned, and an expected return to work date. (If the employee is pre-MMI, the letter should also advise that the treating physician has approved the proposed assignment.) The letter must inform the employee that if he or she does not return on the designated date, school officials will consider the employee to have refused an offer of suitable employment and will notify the workers' compensation claims adjuster to take appropriate action, which may include application to have the employee's workers' compensation disability benefits terminated.
7. If the employee refuses the offer of a suitable position, school officials will notify the workers' compensation claims adjuster who may file an application to have compensation terminated.

### **III. PROGRAM ADMINISTRATION**

#### **A. Return to Work Program Coordinator**

The human resources director will serve as the RTW Coordinator and will be responsible for implementation and oversight of the return to work program. This includes, but is not limited to, the following duties:

1. Ensure all potential claims are reported to the workers' compensation carrier.
2. Obtain all necessary releases/consents from the employee to facilitate

communication among all parties involved in a workers' compensation claim.

3. Work closely with the worker's compensation claims adjuster and maintain effective communications with all other parties involved, including the employee (to the extent permissible by law), the employee's supervisor(s), the employee's health care provider(s), and school system administrative personnel.
4. When the treating physician releases an employee to work, review the release and any temporary or permanent work restrictions imposed by the physician.
5. Coordinate the return of the injured employee to his or her regular job assignment upon release to full duty by the treating physician.
6. When an employee is released to work by the treating physician with temporary restrictions that prevent the employee from returning to full duty in his or her regular job assignment, facilitate the employee's return to work in a transitional duty assignment in accordance program guidelines.
7. When an employee is released to work by the treating physician with permanent work restrictions that prevent the employee from performing the essential duties of his or her regular assignment even with reasonable accommodations, consult with the superintendent and other relevant school officials to explore other options for suitable employment for the employee.
8. Continuously monitor the improvement of each employee in the return to work program and monitor any changes or modifications to the employee's work restrictions.
9. Keep the employee's supervisor fully informed of any changes or modifications in work restrictions made by the treating physician.
10. Provide employees information on specific work assignments offered to them through the return to work program and provide such offers in accordance with program guidelines.
11. Establish a working list of potential transitional duty assignments across all schools and departments.
12. Develop job descriptions for transitional duty assignments in appropriate cases and assist in obtaining approval for the assignment from the employee's treating physician.

13. Coordinate the timely implementation of transitional duty assignments in appropriate cases.

**B. Supervisor Responsibilities**

1. All employees with supervisory responsibilities are expected to support the goals of the return to work program and to promote positive workplace morale through communication and support for employees returning to work after a work-related injury.
2. All supervisors are expected to cooperate with the RTW Coordinator in identifying potential transitional work assignments within their departments for injured employees who have been returned to work with restrictions.
3. Supervisors shall inform all employees under their supervision of the employees' responsibilities in the event of a work-related injury or illness, including reporting requirements and the possible consequences for failing to timely report a work-related injury or illness.
4. The supervisor of an employee who has suffered a work-related injury or illness is responsible for the following additional duties:
  - a. Maintain regular communication with the employee during the employee's absence from work (unless advised otherwise by the RTW Coordinator, e.g., when an employee is represented by an attorney in workers' compensation matters).
  - b. Assist the RTW Coordinator in returning the employee to work.
  - c. If the employee has returned to work with restrictions, continue regular communication with the employee to monitor the employee's condition and ability to work within the restrictions.
  - d. Take appropriate steps to prevent the employee from returning to work until the employee provides appropriate written medical documentation releasing the employee to return to work.
  - e. Adhere to all work restrictions imposed by the treating physician when assigning the employee specific duties or tasks and monitor the employee's compliance with his or her return to work restrictions.
  - f. Keep the RTW Coordinator informed of the status, condition, and progress of all employees who have returned to work under this

program.

**C. Employee Responsibilities**

Employees who experience a work-related injury must:

1. Comply with all requirements of the Workers' Compensation Act and rules and any reasonable instruction from school officials not inconsistent with law.
2. After each visit to the treating physician or other medical provider, provide medical update information to the employee's supervisor and the RTW Coordinator within two business days; however, immediate notice is required if the treating physician modifies existing work restrictions.
3. Provide appropriate written medical documentation from the employee's treating physician releasing the employee to return to work.
  - a. The release must clearly describe any temporary or permanent restrictions or limitations affecting the employee's ability to perform his or her job duties.
  - b. The employee must provide a copy of the release to his or her supervisor and to the RTW Coordinator within two business days of release.
  - c. Notify the supervisor and RTW Coordinator immediately if the treating physician subsequently modifies the employee's work restrictions.
4. Cooperate with efforts to return the employee to work as soon as possible once released by the treating physician.
5. Follow the work restrictions imposed by the treating physician.
6. Continue all prescribed medical treatment and/or rehabilitation, including all appointments with workers' compensation designated health care providers, while participating in the return to work program. When possible, schedule such appointments outside of normal work hours.
7. Once returned to work, follow all normal call-in procedures for absences. Absences unrelated to the work-related injury will be subject to applicable board leave policies.

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