

VIRGINIA SCHOOL FOR THE DEAF AND THE BLIND

Title: Return-to-Work Program (Occupational/Non-occupational Injuries and Illnesses)	Policy Number: HR006
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POLICY

The Virginia School for the Deaf and the Blind (VSDB) ensures the expedient return of employees to full duty after they have been absent due to injury, illness, or other medical condition. VSDB provides for the use of transitional duty assignments and shall, to the extent possible, assist employees by temporarily modifying work assignments, duties or arranging for a temporary transfer until the employee is medically released to resume regular duties. VSDB ensures that all federal and state regulations regarding workplace absences due to injury, illness, or other medical conditions are implemented. The additional procedures are unique to the school organizational structure and supplement the DHRM policies and procedures.

Americans with Disabilities Act of 1990
Governor's Executive Order 109 (2010), Workplace Safety and
Employee Health
Virginia Department of Human Resources Management, Policy and
Procedures Manual:

- Policy 4.20, Family and Medical Leave
- Policy 4.45, Leave Without Pay –
Conditional/Unconditional
- Policy 4.55, Sick Leave
- Policy 4.57, Virginia Sickness and Disability Program
- Policy 4.60, Workers' Compensation

DEFINITIONS

Maximum Medical Improvement (MMI) - Point at which employee has recovered and no further progress is anticipated.

Occupational Health Nurse – Designated agency staff that will act as a medical advisor to the Transitional Employment Team regarding employees with work-related injuries and non-occupational injuries . The Director of Nursing will serve as the Occupational Health Nurse for VSDB.

Return-to-Work Coordinator - Designated agency staff member who will act as a primary contact to the Workers' Compensation Program and will facilitate the return-to-work program. The Director of Human Resources will serve as the return-to-work coordinator for VSDB.

Transitional Duty - A temporary situation when an employee returns from a personal or work-related injury or illness to medically restricted or modified duties. Duties assigned can be those identified in the employee's current job description with restrictions or another assignment.

Transitional Employment Plan (TEP) - Documentation of the duties the employee will perform during the transitional duty period.

Transitional Employment Team - Staff designated to develop transitional duty assignments for employees. The Director of Human Resources, Department Head and immediate supervisor of the employee will serve as the Transitional Employment Team.

Virginia Sickness and Disability Program (VSDP) - Program administered by the Virginia Retirement System which provides employees with income replacement during periods of short and long-term disabilities.

Workers' Compensation Program (WCP) - Program administered by the Department of Human Resource Management for state employees in accordance with § 65.2 Code of Virginia.

PROCEDURES

The procedures provided herein shall be applied in situations when a full-time faculty or classified employee or part-time classified employee is restricted in the performance of their regular duties due to personal injury, illness or medical condition or due to a work-related accident/injury. The policy and procedures may, at supervisory discretion, be applied in situations when an adjunct faculty or hourly/wage employee is restricted in the performance of their regular duties due to personal injury, illness or medical condition or due to a work-related accident/injury.

Occupational (Work-Related) Injuries

The following actions must be completed in the event of a work-related injury.

1. All work related injuries must immediately be reported to the employee's supervisor and the Infirmary. In the event of a life-threatening or severe injury, the employee, co-worker(s) or supervisor shall immediately call 911 and notify the Office of Public Safety.
2. If able, the employee shall report directly to the Infirmary to initiate the Employer's Accident Report (EAR) (Attachment A) process. The employee's supervisor must finalize the EAR, have the injured employee sign a printed copy, and forward the signed copy to Human Resources. If the Infirmary is closed, the employee's supervisor will contact the VSDB Office of Human Resources for assistance.
3. Upon notification of the injury, the nurse on duty will examine the injured worker and offer the employee a panel of physicians. The employee will be allowed to select a physician from the panel. The nurse will then complete Blocks 43 through 45 of the EAR and submit this to the Office of Human Resources, Office of Public Safety and the supervisor, along with the name of the selected physician, if appropriate.
4. The Office of Public Safety will conduct an investigation of the accident and assist the supervisor in preparing a Report of Investigation, to include witness statements and photographs, and recommendations for corrective action. A copy of the investigation will be provided to the Superintendent, Director of Human Resources, Department Head of the injured employee and the Workers' Compensation Program

- (WCP). If corrective action is required, the Department Head will submit a written report to the Superintendent of corrective action taken with a copy to the Office of Public Safety.
5. The Director of Human Resources will review the EAR and submit it to the Workers' Compensation Program within 10 days of the incident. The Director of Human Resources will also confirm that the employee was offered a panel of physicians. Within 24 hours of the employee's initial visit with the physician, the Director will communicate with the attending physician to discuss return to work options, to include the ability to provided transitional duty.

Non-Occupational Injuries/Illnesses

In the case of a non-occupational injury/illness, the employee will contact the Virginia Sickness and Disability (VSDP) program. The Director of Human Resources (the agency return-to-work coordinator), employee's supervisor and the employee will work with the VSDP assigned program staff to facilitate a return-to-work.

Return-to-Work Process

The following actions are required in the event of an occupational (work related) or non-occupational injury/illness:

1. The Director of Human Resources will submit the position description and physical demands if necessary, including documentation detailing the Return-to-Work Program to the attending physician or the VSDP program as appropriate within 48 hours of the initial physician visit.
2. If the employee is released to return-to-work and can perform the essential functions of their pre-injury position, he/she will give the release to the Director of Human Resources who will coordinate a start date to report to work. The Director of Human Resources will also submit a supplemental report indicating this return-to-work to the WCP and also will notify VSDP if applicable of the employee's return to work.
3. If the employee is released to work with restrictions, the Director of Human Resources and the employee's Department Head and supervisor (the transition employment team) will review the restrictions set forth by the attending physician and will make a decision if the agency is able to provide transitional duty for the employee. Transitional duty must meet the agency's staffing needs and accommodate the employee's medical restrictions while taking into consideration the welfare and safety of the employee and their co-workers.
4. Prior to the employee returning to duty, the Director of Human Resources will schedule an initial return-to-work meeting with the injured/ill employee and the supervisor to coordinate the return to work. This meeting will normally occur within five business days of receipt of the restrictions. They will meet, discuss and develop transitional duties, which will focus on the employee's abilities, comply with the employee's medical restrictions, and the VSDB's mission. The Director of Human Resources will notify the employee in writing of the transitional duties and the specific period of these duties.

5. If the employee cannot return to work in their pre-injury department, the Director of Human Resources will attempt to coordinate a return-to-work within another department.
6. If transitional duty is not possible for an employee within the agency or the employee is not released to work, the Director of Human Resources will maintain at least monthly communication with the employee, WCP, VSDP (if applicable), and the attending physician in order to obtain the employee's prognosis for recovery and the employee's functional capacity.
7. The Director of Human Resources will submit a supplemental report indicating this return-to-work to the WCP and also will notify VSDP of the employee's return to work.
8. During transitional duty, the Director of Human Resources will meet with the injured/ill employee to discuss concerns and to evaluate progress every 30 days or upon change of the employee's restrictions. This duty can be altered, upgraded, or changed in a manner consistent with medical restrictions and in accordance with an individual's improved condition.
9. The Director of Human Resources in coordination with the employee's supervisor may amend the transitional duty should the employee demonstrate improvement or regression. Any amendments must be documented in writing and a copy forwarded to WCP and VSDP, if applicable.
10. Transitional duty shall be made available to those employees who are expected to return to their pre-injury position, and may not exceed 90 days. At the conclusion of 90 days, the Director of Human Resources in consultation with the employee's supervisor may terminate the transitional duty assignment. If it is determined that the employee has long-term restrictions that result in his/her inability to perform the essential functions of his/her primary position, the provisions of the Americans with Disabilities Act (ADA) and other applicable laws will be applied to determine suitability for employment.

The Director of Human Resources is responsible for interpretation of this policy. Questions regarding the application of this policy should be directed to the VSDB Office of Human Resources.

Rescission: Effective Date: November 1, 2006; Revised: September 2015 BOV Approved: 4/6/16
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