COASTAL PROTECTION AND RESTORATION AUTHORITY

POLICY NO.:	**39**
EFFECTIVE DATE:	**JUNE 21, 2016**
SUBJECT:	**RETURN TO WORK FOLLOWING COMPENSABLE INJURY/ILLNESS**
AUTHORIZATION:	**MICHAEL ELLIS, EXECUTIVE DIRECTOR**

I. POLICY

The Coastal Protection and Restoration Authority (CPRA) intends to expediently and safely return employees who have suffered job-related injuries and illnesses to their regular position and job duties. When that is not possible because of medical restrictions, CPRA will temporarily allow these employees to perform modified, alternative or transitional duties. All such temporary assignments require that employees perform meaningful and valuable service to CPRA. CPRA is not required to offer, create or encumber any specific position for the purpose satisfying the requirements of this policy.

II. PURPOSE

This policy sets forth the procedure for safely and expediently returning employees to duty following a job-related injury or illness.

III. APPLICABILITY

This policy applies to all CPRA employees who are off from work and receiving worker's compensation benefits resulting from a job-related injury or illness.

IV. PROCEDURE

1) When an employee suffers a job-related injury or illness which results in time off from work, CPRA's Worker's Compensation Coordinator shall immediately report the accident/illness via the Third Party Administrator's (TPA) claims system and separately report the information to the CPRA's Return to Work (RTW) Coordinator.

2) Upon receiving an injury/illness report from the CPRA's Worker's Compensation Coordinator, the RTW Coordinator shall:

   a) Obtain a copy of the employee's position description;

b) Communicate with the employee regarding his/her ability to return to work;

c) Forward the Physician's Modified Work Information Sheet, with a copy of the employee's position description attached, to the employee or, at the employee's direction, his/her healthcare provider. The RTW Coordinator shall inform the employee that the work information sheet must be returned to the RTW Coordinator within three business days;

d) Communicate with the employee's immediate supervisor to determine the essential functions and physical requirements of the employee's position;

e) Upon receipt of the Physician's Modified Work Information Sheet, schedule a meeting of the Return to Work Team (Team) if the employee is or may be capable of performing any meaningful work. If the physician has indicated that the employee cannot work, the RTW Coordinator will follow-up after the employee's next appointment and schedule a Team meeting when appropriate.

3) The core members of the Team shall be:

a) RTW Coordinator;
b) Worker's Compensation Coordinator;
c) Human Resources Director;
d) CPRA's Safety Coordinator; and
e) Employee's immediate supervisor.

The Team may also include the following additional members, as deemed necessary by the RTW Coordinator:

f) Management representatives;
g) TPA staff;
h) CPRA's General Counsel; and
i) Vocational Rehabilitation Counselor.

4) The core members of the Team shall review all information gathered by the RTW Coordinator and determine whether the employee is capable of performing:

a) **Modified duties.** An employee is capable of performing modified work if changes to his/her regular position (job tasks, functions, hours of work, frequency of breaks and/or worksite) will allow his/her return to duty.

b) **Alternate duties.** An employee is capable of performing alternate duties when, although he/she cannot perform the duties of his/her regular position due to temporary or permanent medical restrictions, he/she can perform other meaningful and valuable duties.

c) **Transitional duties.** An employee is capable of performing transitional duties when he/she can perform some of his/her customary duties and some alternate duties.

5) If the employee is capable of returning to work to perform modified, alternate or transitional duties, the Team shall develop a Return to Work Plan (Plan) which specifies:

a) Duties to be performed;
b) Work hours;
c) Worksite;
d) Physical restrictions; and
e) Any other requirements deemed necessary.

6) If the Team cannot identify duties which will allow the employee to return to work in a meaningful and valuable capacity, the RTW Coordinator shall notify and request guidance and assistance from the additional members of the Team.

7) If the Team determines that the employee can perform meaningful and valuable modified, alternate or transitional duties, the RTW Coordinator shall meet with the employee and/or his/her counsel to review the proposed Plan.

8) After considering the employee's input regarding the proposed Plan, the RTW Coordinator will prepare a written Return to Work Offer ("Offer") which must be approved by the appointing authority. The Offer must include:

a) Specific return to work date and time;
b) Description of duties to be performed;
c) Name of person to whom the employee is to report;
d) The requirement that the employee provide notification to his/her immediate supervisor and the RTW Coordinator if his/her medical restrictions are modified in any way or if modification to the Plan is medically necessary;
e) The requirement that the employee work within the restrictions identified by his/her treating physician and provide an updated Physician's Modified Work Information Sheet to the RTW Coordinator after each appointment;

f) The requirement that the employee comply with medical treatment and keep all scheduled medical appointments. Further, that advance notice be provided to his/her immediate supervisor regarding all pending appointments;

g) The requirement that appropriate leave, including FMLA leave, be used for all scheduled medical treatment; and

h) The statement that the Offer is for a maximum term of one year and will expire at the earlier of:
   i) One year;
   ii) When modified, alternate or transitional work is no longer available;
   iii) When the employee has reached maximum medical improvement and can return to his/her original position; or
   iv) When the employee has reached maximum medical improvement and it is determined that he/she cannot return to his/her original position.

9) The Offer shall be mailed with proof of mailing to the employee or his/her counsel, if represented.

10) The employee is responsible for accepting the Offer within 7 days of mailing and complying with the terms thereof. If the employee declines the Offer, he/she is required to immediately notify the RTW Coordinator and explain the reason(s) therefor.

11) If the employee declines the Offer and the parties cannot reach agreeable terms, the RTW Coordinator shall contact the TPA Return to Work Coordinator and the CPRA's Worker's Compensation Coordinator to so advise.

12) If the employee declines or does not respond to the Offer within the designated time, the Offer shall be rescinded.

13) Once an employee returns to work performing modified, alternate or transitional duties, the Plan shall be reviewed at appropriate intervals to assess the employee's ability to return to full duty in his/her regular position.

14) When an employee reaches maximum medical improvement or the Offer otherwise expires, whichever comes first, a determination will be made regarding the employee's status, including his/her ability to work and what permanent duties he/she can perform.

15) All decisions regarding an employee's status will comply with CPRA policies and procedures, Civil Service Rules and applicable state and federal laws.

V. RESPONSIBILITIES

1) All employees shall comply with the procedures set forth above.

2) The Injured/Ill Employee shall:

   a) Accept an Offer to work as soon as he/she is medically able to do so, whether in a regular, modified, alternate or transitional duties;

   b) Comply with all terms of the Offer; and

   c) Cooperate with efforts to recoup any overpayment of benefits or salary resulting from his/her return to work or attempted return to work in a modified, alternate or transitional position.

3) The RTW Coordinator shall:

   a) Maintain confidentially all documents identified above, disclosing information only to those persons in a "need to know" position;

   b) Maintain documentation pertaining to any failed return to work attempts, efforts made to identify modified, alternative or transitional duties, barriers to identifying modified, alternative or transitional duties and reasons for termination of employment, if applicable;

   c) Notify the TPA Return to Work Coordinator when an employee is at risk for termination due to exhaustion of sick leave; and

   d) Notify the TPA Return to Work Coordinator when an injured employee is removed from work or alternate or transitional duties are no longer available.

4) The RTW Coordinator and the Worker's Compensation Coordinator shall cooperate to track the information necessary to complete the Transitional Return to Work Auditor Form (DA WC4000).

5) Supervisors shall:

   a) Ensure that employees performing modified, alternate or transitional duties are not subjected to discrimination or harassment related to their physical restrictions;

b) Ensure that appropriate modifications are made to ensure a safe working environment for employees performing modified, alternate or transitional duties;
c) Ensure that CPRA and the employee comply with all terms of the Offer.

6) The Worker's Compensation Coordinator shall:

a) Communicate with ORM and/or the TPA to ensure that worker's compensation benefits are handled appropriately for employees returning to work in a modified, alternate or transitional position; and

b) Coordinate with the employee to recoup any overpayment of benefits or salary resulting from the employee's return to work or attempted return to work performing modified, alternate or transitional duties.

7) The Return to Duty Team shall:

a) Consider return to work options for employees suffering from a job-related injury or illness, with emphasis on the employee's safe return to duty in a meaningful capacity; and

b) Maintain in confidence information concerning an injured or ill employee's medical diagnosis and treatment.

VI. EXECEPTIONS

The Executive Director may authorize exceptions to this policy in the best interest of CPRA.

VII. QUESTIONS

Questions regarding this policy should be addressed to Human Resources.

M R Ellis

MICHAEL R. ELLIS, EXECUTIVE DIRECTOR

6/21/16

DATE

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