

Book	Policy Manual
Section	300 Employees
Title	Workers' Compensation Transitional Return-to-Work Program
Code	347
Status	Active
Legal	<a href="#">77 P.S. 1 et seq</a> <a href="#">29 U.S.C. 2601 et seq</a> <a href="#">42 U.S.C. 12101 et seq</a> <a href="#">29 CFR Part 825</a> <a href="#">45 CFR Part 160</a> <a href="#">45 CFR Part 164</a>
Adopted	February 24, 2020

### **Purpose**

The purpose of a workers' compensation transitional return-to-work program is the safe, timely return of injured district employees to transitional or regular employment.

### **Authority**

In an effort to control workers' compensation costs, the Board adopts this policy to ensure that employees who have been injured at work and are covered by workers' compensation return to work as soon as possible, in accordance with Board policy and administrative regulations.

This policy shall apply only to an employee who meets all of the following conditions:

1. Has been injured at work.
2. Is disabled as defined under the state Workers' Compensation Act.
3. Is capable of productive work.
4. Cannot return to his/her pre-injury job for the district with or without reasonable accommodations as a result of his/her work injury.
5. Is expected to be able to return to his/her pre-injury job within a definite period of time.
6. Is being paid workers' compensation disability benefits.

An employee shall not be eligible for continuation in the transitional return-to-work program if one (1) of the following determinations is made:

1. Employee cannot perform the assigned lighter duty work.
2. Employee will be unable to return to his/her pre-injury occupation with or without reasonable accommodations within a reasonable period of time.

The work that shall be offered to an eligible employee shall be productive work that will advance the interests of the district.

### **Delegation of Responsibility**

The Superintendent or designee shall establish a transitional return-to-work program and develop administrative regulations to implement the Board policy.

The Superintendent or designee shall ensure that all district staff responsible for the transitional return-to-work program shall receive periodic training from legal counsel with expertise in the Family And Medical Leave Act, Americans With Disabilities Act, workers' compensation and labor relations. The training shall include information on the interaction of the transitional return-to-work program and applicable laws, contracts and collective bargaining agreements.

The Superintendent or designee shall determine if a lighter duty job will be offered to an eligible employee.

When the interactive process is going to be engaged in, the Superintendent or designee shall engage the solicitor or special labor counsel.

### **Guidelines**

The transitional return-to-work program and Board policy shall be implemented in a manner that does not conflict with applicable laws, contracts or collective bargaining agreements.

Nothing in this policy shall be construed as requiring that a lighter duty job be provided to an eligible employee or that the essential functions of any job be eliminated. Lighter duty jobs are intended as a transitional opportunity to assist an injured employee to return to his/her pre-injury occupation with or without reasonable accommodations.