



SUBJECT: Return to Work Program	EFFECTIVE: October 2008 REVIEWED: May 2011 REVISED: May 2023
CATEGORY: 200 (Personnel) POLICY NUMBER: 200.50	CROSS REFERENCE: Compensation Administration 200.08 Safety Manual Chapter 4 Sick Leave 200.51

Purpose

To assist city employees who have sustained a compensable workplace injury in returning to work as soon as possible.

Definitions:

Compensable Injury: An injury sustained while performing work in which the employee is eligible for workers' compensation.

Modified Duty Assignment: The temporary assignment of an injured employee to an alternate set of job duties. The Human Resources Director, working with the department head determines if acceptable modified duty work is available based on the written advice of a competent medical provider and business need.

Medically Stationary: As defined in Oregon Workers' Compensation Law, medically stationary means no further material improvement is reasonably expected from medical treatment or the passage of time.

Scope

All employees.

Policy

The city's return to work program is designed to provide employees, who are unable to perform their regular job duties, with temporary work during the period of medical recovery after having suffered a compensable workplace injury. Employees who are eligible to participate in this program are those injured workers with an open Oregon workers' compensation claim. Human Resources will facilitate the injured worker's participation in the temporary modified duty program with assistance from the injured worker, supervisor, attending physician and the workers' compensation carrier.

Guidelines for Use

At the time of a work-related injury:

- The injured worker's supervisor reviews the employee's responsibilities regarding on-the-job injuries with the employee. The supervisor may assist the injured worker with the completion of a workers' compensation 801-claim form. The supervisor submits the workers'

compensation 801 claim form and the Supervisor's Accident Investigation form to HR, who will contact the workers' compensation carrier.

- Should the treating medical provider authorize time-loss, there is a three-day waiting period before workers' compensation benefits will begin. Employees may access sick, vacation, or other leaves during the waiting period.
- Employees should request documentation of work restrictions from the treating physician.

When ready to return to work:

- The injured worker must report to Human Resources with a completed Release to Return to Work form after every physician visit.
- Human Resources will review the Release to Return to Work form and work with the supervisor to identify whether temporary modified duty work is available within the outlined restrictions provided by the attending physician. Consideration will be given to reduced or flexible work hours, reduced lifting, use of specialty tools/equipment, etc.
- If the injured worker does not provide the completed Release to Return to Work, Human Resources may send the attending physician a written request for the information. Employees may not return to work following an injury that required time loss without a treating medical provider's release to return to work.
- Once work status information has been obtained and a temporary modified job identified, Human Resources in conjunction with the supervisor, may complete a Temporary Modified Duty Job Analysis form and submit to the attending physician for review, usually through the workers' compensation carrier. The supervisor will be notified of the decision.
- Upon receipt of the attending physician's signed approval of the Temporary Modified Duty Job Analysis, HR will provide the injured worker with a written notice of available employment of this position. This is done in the form of a Job Offer Letter delivered to the employee. The Job Offer Letter will be very specific and include the following:
 - Job title and a brief description of the job duties
 - Start date and the duration of the job
 - Hourly wage or wage rate
 - Where to report for work
 - Start time and length of time expected to work each day
 - The name of the person to report to
 - Work restrictions as required by the attending physician
 - A copy of the physician-approved temporary Job Analysis

A copy of the Release to Return to Work form and signed Temporary Modified Duty Job Analysis should be attached and retained in the employee's workers' compensation case file.

- Before the injured worker starts the temporary modified duty job, the employee will meet with the supervisor and review the job, paying close attention to the job duties and the treating physician's limitations. The supervisor should emphasize the need for the injured

worker to perform the job duties and the limitations as prescribed by the attending physician. The supervisor will obtain the injured worker's signature on the Job Offer Letter.

- If an injured worker refuses to accept the temporary modified duty job offer, HR will notify the workers' compensation carrier.
- The workers' compensation carrier may question the employee's medical ability to do the job and arrange for an Independent Medical Examination (IME).
- The temporary modified duty may end when one of the following occur:
 - The attending physician releases the injured worker to regular employment.
 - The workers' compensation claim is closed for the injured worker.
 - The injured worker has returned to other work, which is not considered part of the employer's Early Return to Work (ERTW) program.
 - The city has determined that business needs are not being served by the temporary modified duty work assignment.
- The supervisor is responsible for monitoring the injured worker's participation in the temporary modified duty and for keeping track of the hours worked. These hours will be recorded as On Job Injury hours in Time Entry. If there are any problems with participation in the temporary modified duty job, they should be reported immediately to HR.
- If the attending physician adds any new restrictions and/or changes to the previously approved temporary modified duty job, the injured worker is responsible for providing the HR with written notice. HR will work with the supervisor to determine any necessary modifications.

Communication:

In the Return to Work Program, it is the responsibility of all participants (injured employee, supervisor, human resources) to immediately notify other participants of changes within a modified duty work situation.

Length of Light Duty Assignment:

All modified duty assignments are temporary. The length of each assignment is subject to departmental need and discretion. The maximum initial length is six (6) months. If the employee is still unable to return to regular duty after six (6) months the city will engage in an interactive process under the ADA to determine whether a reasonable temporary or ongoing accommodation is available.

Responsibilities

Employees:

- Report immediately any on the job injury or accident to the supervisor. Waiting until the next work shift is not an acceptable practice.
- Complete an 801 form for the on-the-job injury if seeking medical attention.
- Complete a city incident accident report for the on-the-job injury or accident when not seeking medical attention.
- Provide a release to return to work signed by the treating physician to the supervisor prior to returning to work. An employee must report to work on the next scheduled shift once they have received a release to return to full duty.

- If the treating medical provider releases the employee to return to work with modified restrictions, the employee must inform the supervisor of any physical restrictions or conditions and provide documentation of those restrictions.
- Once the employee has returned to work, if the restrictions change, the employee must report immediately to HR/supervisor and provide supporting documentation from the treating physician.
- If unable to return to work for an extended period of time, contact the supervisor once a week to advise of status.

Supervisors:

- Complete the supervisor's report of any incident or accident at the time of occurrence.
- If the employee seeks medical treatment, ensure an 801 form is completed and submitted to HR by the end of the shift.
- Advise Human Resources of any on the job injuries and communicate status of employee's injuries to Human Resources.
- Work with HR to determine the appropriate work activities, hours, shifts, duration, and locations of all light duty assignments.
- Work with HR to reassess the ability to adjust work assignments as physical capacities improve.

Human Resources:

- Forward 801 forms to the workers' compensation carrier.
- Work with the supervisor to find appropriate modified duty work, if available.
- Work with the supervisor and the worker's compensation carrier to facilitate the completion of a job analysis for the modified duty work and obtain approval from the workers compensation carrier and physician for the assignment.