
Subject: Return to Work Policy

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1. Purpose

This policy provides guidelines for the establishment of a return to work program for employees who have sustained occupational or personal injuries and illnesses, are restricted in the performance of their regular job duties and tasks, and are expected to be able to return to full duty. The provisions of this policy comply with the Governor’s Executive Order 94 (05) that superseded Executive Order 52 (99), which required state agencies to implement a return to work program for occupational related illnesses and injuries. This policy applies to classified and university staff employees, wage employees, and where appropriate to faculty employees who have sustained occupational injuries and non-occupational (personal) illnesses and injuries.

2. Policy

It is the policy of Virginia Polytechnic Institute and State University to retain valued employees, achieve a safe and timely return to the work force for those employees absent due to illness or injury, and to reduce and/or control costs related to disabilities.

The health and well-being of all employees is of great importance to the university. Effective rehabilitation and treatment must address the whole person, and the opportunity to return to work within the restrictions of the particular injury is a critical part of an overall treatment plan which benefits the employee and the employer. Further, lost productivity for the employee and the university can be lessened by transitional employment and job modifications.

2.1 Occupational Injuries or Illnesses

Virginia Tech will make reasonable efforts to assist salaried employees who have sustained occupational injuries or illnesses to return to work as soon as it is determined to be medically feasible to do so. The university will, to the extent possible and appropriate, assist eligible employees unable to return to full duty by temporarily modifying work assignments or duties, or arranging for temporary reassignments until the employee is medically released to resume regular duties. This policy may, at the discretion of the department head in consultation with Human Resources, be

applied in situations when an adjunct (wage) faculty or non-student hourly/wage employee is restricted in the performance of his/her regular duties due to an occupational injury/illness.

2.2 Non-Occupational Injuries or Illnesses

The university will make reasonable efforts to enable its current employees on sick leave or short-term disability under the provisions of the Virginia Sickness and Disability Program (VSDP), as applicable, to return to full duty. Eligible employees will be assisted, to the extent possible, through temporary duty modifications or temporary reassignments.

2.3 Financial Responsibilities

The salary and benefits of the employee will normally be the responsibility of the employee's home department during the period of transitional duty assignments. Virginia Tech pays an annual premium for Worker's Compensation which covers a portion of the employee's salary for occupational injuries and illnesses.

2.4 Program Administration Responsibilities

The Department of Human Resources is responsible for policy and procedures oversight and for the technical guidance, administration, communications, training, assignments and supervision of the Return to Work program coordinator. The Return to Work program coordinator (RTW) is responsible for executing the Return to Work policies and procedures and for transitional duty assignments including the technical guidance and assistance to supervisors and employees. The RTW program coordinator is also responsible for communication and training coordination, maintenance of Return to Work documentation, and serves as the liaison between the Office of Workers Compensation and the VSDP as appropriate.

3. Procedures

Virginia Tech will attempt to place returning employees in transitional duty assignments that are the same as or equivalent to those held prior to the illness or injury. The university, however, is under no affirmative obligation to create a position solely for this purpose. Assignments must meet department and university staffing needs and accommodate the employee's medical restrictions as appropriate under the Americans with Disabilities Act (ADA). The first priority for such placement will be within the employee's department. Second priority will be for placement in another department within the same Senior Management area.

The Worker's Compensation Section of Human Resources has the responsibility for the administration of claims for medical and disability benefits for employees who sustain occupational illnesses or injuries. VSDP personnel will coordinate the Return to Work effort for non-job-related illnesses or injuries. The coordination of the return-to-work program at the agency level, including transitional duty assignments, will be under the domain of the RTW program coordinator. The RTW program coordinator will work with the individual, supervisors, Environmental Health and Safety personnel, and the applicable medical personnel.

3.1 Occupational Injuries and Illnesses

3.1.1 Reporting an Occupational Injury

An employee injured on the job or incurring job-related illnesses must report the injury or illness to their supervisor immediately or within 24 hours of the occurrence. The injured employee's supervisor must complete the Employer's Accident Report (EAR) within 24 hours of notification of the injury or illness. The EAR, including instructions, can be found at <http://www.hr.vt.edu/benefits/workerscomp/>. The employee's supervisor will provide to the employee the names of at least three panel physicians, as determined by Human Resources personnel, from whom he/she can choose to receive medical care. The Agency Workers' Compensation Coordinator and RTW program coordinator will review the EAR and submit it to the State Workers Compensation Office within 10 days of the incident.

3.1.2 Medical Treatment for Occupational Injuries and Illnesses

The Physical Capabilities Form P139 (<http://www.hr.vt.edu/forms/>) is required for all medical visits except for x-ray, MRI (Magnetic Resonance Imaging), and Physical Therapy. The employee can obtain this form from the HR website or his/her supervisor and should do so prior to a medical appointment. The employee will give the form to the physician for completion. This form must be returned to the employee's supervisor within 24 hours of the medical visit. Faxed copies will be accepted. The supervisor will then forward a copy of the form to the RTW Coordinator.

3.1.3 Transitional Duty for Occupational Injuries or Illnesses

Employees seeking to return to work less than full time and full duty as defined by the terms of employment should engage in the interactive process under the ADA.

3.1.4 Return to Work from a Work-Related Injury or Illness

Following notification by the VDSP Coordinator, if necessary, the RTW program coordinator will submit the position description and physical demands with documentation pertaining to the Return-to-Work program to the attending physician within five days of the initial visit.

If an employee is released to return to work and can perform the essential functions of his/her pre-injury position, the employee will give the release to their supervisor who will coordinate a start date to report to work. The RTW program coordinator will submit a supplemental report to the Workers Compensation Insurance Carrier and will also notify VSDP personnel, if applicable, of the employee's return-to-work.

Employees seeking to return to work less than full time and full duty as defined by the terms of employment should engage in the interactive process under the ADA.

If transitional duties are not possible for an employee or the employee is not released to return to work, the supervisor will maintain communication with the employee to obtain a prognosis for recovery. When necessary, the RTW program coordinator will communicate with the attending physician and the VSDP personnel. Supplemental reports will be provided as appropriate indicating a return to work.

If it is determined there are long-term restrictions that result in the inability to perform the essential job functions of the primary position, the provisions of the ADA and other applicable laws will be applied to determine suitability for employment.

In the event an employee refuses an accommodation or reassignment to duties that are within the employee's restrictions, the university may not be obligated to provide alternatives. The employee may also be subject to a limitation or termination of any benefits for lost time being received under University Policy 4415, Workers' Compensation Program, (<http://www.policies.vt.edu/4415.pdf>).

3.1.5 Workplace Safety

The university will make every reasonable effort to investigate the cause of the occupational injury or illness to determine what actions can be taken to prevent a reoccurrence of the injury or illness. (Refer to University Policy 1005, Health and Safety Policy, (<http://www.policies.vt.edu/1005.pdf>))

3.2 Non-Occupational Injuries/Illnesses

In the case of a non-occupational injury/illness, those employees covered under VSDP will contact the VSDP program coordinator, and VSDP personnel will work with the agency RTW program coordinator, supervisor, and the employee to facilitate a return-to-work. Staff not covered by the VSDP will work directly with the RTW program coordinator using the protocol outlined below for follow-up.

3.2.1 Return to Work Non-Occupational Injuries/Illnesses

The RTW program coordinator will submit the position description and physical demands if necessary following notification by VSDP program coordinator with documentation pertaining to the Return-to-Work program to the attending physician within five days of the initial visit.

If the employee is released to return to work and can perform the essential functions of the pre-injury position, they will give the release to their supervisor who will coordinate a start date to report to work. The RTW program coordinator will notify VSDP personnel, if applicable, of the employee's return to work.

If the employee is released to work with restrictions, the RTW program coordinator in coordination with the supervisor will review the restrictions set forth by the attending physician and will make a decision if the agency is able to provide transitional duties for the employee. Transitional duties must meet the agency's staffing needs and accommodate the employee's medical restrictions while taking into consideration the welfare and safety of employees and their co-workers.

If transitional duties are not possible for an employee or the employee is not released to return to work, the supervisor will maintain communication with the employee to obtain a prognosis for recovery. When necessary, the RTW program coordinator will communicate with the attending physician and the VSDP personnel. Supplemental reports will be provided as appropriate indicating a return to work.

Where transitional duties are indicated, the employee should engage in the interactive process under the ADA. If it is determined that there are long-term restrictions that result in the inability to perform the essential job functions of the primary position, the provisions of the ADA and other applicable laws will be applied to determine suitability for employment.

4. Definitions

Return-to-Work Program Coordinator (RTW): The designated staff member who will act as a primary contact to the Workers Compensation Program and will facilitate the return-to-work program for job related and non-job-related illnesses and injuries.

Americans with Disabilities Act (ADA): The Act provides protection from discrimination for individuals on the basis of disability. The ADA extends civil rights protection for people with disabilities to employment in the public and private sectors, transportation, public accommodations, services provided by state and local government, and telecommunications services. Besides physical access, the ADA mandates program access, which includes electronic media and web pages.

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

Transitional Duty: A temporary situation when an employee returns from a personal or occupational injury or illness to medically restricted or modified duties. Duties can be identified in the employee's current job description with restrictions or other assignments.

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

Virginia Sickness and Disability Plan (VSDP): A program administered by the Virginia Retirement System (VRS) which provides employees with income replacement during periods of short- and long-term disability.

Workers' Compensation Program (WCP): This program is administered by the State Department of Human Resources Management (DHRM) for state employees in accordance with *65.2 Code of Virginia*.

Staff: Defined as salaried non-faculty employees, and includes Classified Staff and University Staff. Effective July 1, 2006, the university will have two groups of salaried non-faculty employees: those covered by the Virginia Personnel Act and State Human Resource policies (Classified Staff) and those covered under University Human Resource policies (University Staff). All new salaried non-faculty staff, including transfers from other state agencies, hired on or after July 1, 2006, are hired as University Staff and will be covered under University Human Resource policies.

5. References

Virginia Executive Order 94 (2005), Workplace Safety and Employee Health
Archived in the Library of Virginia Web Archives at:
http://www.virginiamemory.com/collections/archival_web_collections

Human Resources Form Library
<http://www.hr.vt.edu/forms>

University Policy 1005, Health and Safety Policy
<http://www.policies.vt.edu/1005.pdf>

University Policy 4010, Human Resources Policies Governing University Staff
<http://www.policies.vt.edu/4010.pdf>

University Policy 4415, Workers Compensation Program
<http://www.policies.vt.edu/4415.pdf>

6. Approval and Revisions

Approved July 12, 2001, by the Vice President for Budget and Financial Management, M. Dwight Shelton, Jr.

October 10, 2001: Technical corrections to update policy links.

Annual review October 23, 2001 by the Vice President for Budget and Financial Management, M. Dwight Shelton, Jr. No revisions.

- Revision 1

Policy has been revised to be in compliance with Executive Order 94(05): *Workplace Safety and Employee Health*. Sections 2.2, 3.2, and 3.2.1 were added to the policy to include coverage of non-occupational injuries/illnesses. Minor modifications were made to policy language to comply with current laws.

Approved March 29, 2006 by the Vice President for Business Affairs, Kurt J. Krause.

- Revision 2

September 1, 2006 – Technical revisions include University Staff in accordance with resolution approved by the Virginia Tech Board of Visitors June 12, 2006 to cover University Staff under policies identical to the current human resources policies until the new human resources system is developed.

- Revision 3

May 21, 2010 – Technical corrections to update policy web links.

- Revision 4

Removed out of date information regarding transitional duties and made technical corrections to titles and wording throughout.

Updated reference document links and added definition for ADA.

Approved January 23, 2017 by Vice President for Administration, Sherwood G. Wilson.