



Early Return to Work Program

Revised January 2015

Program Intent

The Shasta County Office of Education Early Return to Work program has been in existence since 1994. It includes Modified, Alternate, and Light Duty assignments. The program is intended to assist an injured or ill employee in regaining the ability to perform the essential functions of his or her job. Modified, Alternate, and Light Duty assignments are temporary lasting at the maximum 90 days. This type of duty is a transitional process that enables the employee to gradually resume their full-time duties. It is not intended to establish a permanent assignment or displace other employees.

Originally the Early Return to Work Program was established for those employees who had experienced an on the job injury or illness. Over the years the benefit of having an Early Return to Work Program was seen when dealing with Medical leaves as well. However, no matter the cause of the disability, each case is considered individually.

It has been found that modified work enhances both psychological and physical healing thereby reducing the period of time until the employee is returned to full capacity in their usual and customary job. Mental attitude and rehabilitation depend to a large extent on the employee's attitude toward their work, their supervisor, and their employer. Work is an excellent form of mental therapy. The employee moves from a disability environment to a work environment normalizing his or her day and life.

Limitations

The Early Return to work Program may not always be offered to the employee. In certain circumstances although the doctor says the employee can return to work with restrictions the type of work or the type of environment the employee must deal with must be considered by the employee, the employee's supervisor, human resource services and the risk manager to determine if accommodation can be made.

Interactive Process

Over the years Workers' Compensation and Employment Law has changed to such a degree that it is necessary to incorporate all the parties into what is now called an Interactive Process. The parties include: The employee, the supervisor, the administrator, human resource services,

and many times an interactive facilitator. The union representative may also be included if so desired by the employee.

The process begins when the doctor determines what the restrictions are for a particular type of injury or illness. The doctor should be reviewing the job descriptions and evaluating the employee's medical condition in reference to the essential functions of the position. The employee will bring in the list of restrictions and a meeting is held. Accommodation may be made by temporarily adjusting or eliminating some of the essential functions of the position, changing the employees hours or days, or any other type of accommodation that does not create an unsafe working condition, or is an undue hardship on the employee's coworkers or the employer.

Accommodation

An employee may be accommodated in his own position, on his own worksite, or on another worksite. The accommodation must be based upon an agreement between the employee and the employer that all restrictions will be followed by the injured employee and that the supervisor will not ask the employee to do anything beyond what the restrictions allow. It is important to know that the value of this program must be realized by employees and management to aid in the supervision of the employees working under physical limitations. Accommodation is for all employees, no matter if they are classified or certificated or management.

In those rare cases when an employee cannot be accommodated at any site the employee must be returned home until such time as the restrictions change or the employee is determined to have reached his or her maximum medical improvement and is permanent and stationary. The permanent restrictions will then be evaluated for accommodation purposes on a permanent basis. This once again is done in the interactive process venue.

At Home Employees

Employees who have been returned home are not permitted to return to the worksite or campus without an interactive. Employees newly released back to work must bring in the release and/or restrictions to his or her supervisor before going back to the worksite.

If an employee has been accommodated during a 90 day period, but is not yet ready after the 90th day to return to his or her usual and customary job, the employee will be returned home until such time as he has been released with no restrictions or it has been determined by the doctor that he or she has reached maximum medical improvement and is permanent and stationary for the purposes of evaluation for permanent accommodation.

Leaves Used for Time Off

The leave time used for these types of absences is based upon the accrued sick leave, vacation, comp time, differential and the utilization of Industrial Accident Leave and/or FMLA. The

employee may or may not be entitled to State Disability Insurance as well. If an employee exhausts all leaves and is still not able to return to work then that employee will be given his rights to 39 month rehire. At this juncture the employee will be given an opportunity to meet with his supervisor and human resource services again. If the 39 month rehire letter is issued, it will contain instructions explaining what the employee will need to do when and if he has been medically released.

Communication

An additional point to understand is that Employees, Doctors, and SCOE must stay in communication with each other. The doctor must be aware that SCOE has an Early Return to Work Program. This is easy to do with Prestige Urgent Care because they have been notified by the Shasta Trinity Schools Insurance Group JPA, but it is harder when an employee has their own personal physician designated as their workers' compensation physician or is recovering from a medical leave. At these times a letter is sent to the Physician from Human Resource Services letting the Doctor know about the Program.

Once an agreement has been made the interactive facilitator will send everyone a copy of the meeting notes and agreements. If a facilitator is not used, a letter is sent and signed by the employee and his or her supervisor outlining the agreements made.