

## **5024 - Workers Compensation Return to Work Policy**

### **1. Purpose**

- 1.1. The Upshur County Board of Education is committed to providing a safe and healthy workplace for our employees. Preventing injuries and illnesses is our primary objective.
- 1.2. If an employee has a work related injury, the Upshur County Board of Education will accommodate all reasonable restrictions and return the injured employee to modified or alternative work as soon after an injury as possible. This will be done by temporarily modifying the employee's job or providing the employee with an alternative position. The employee's medical condition along with any limitations or restrictions given by the attending physician will be considered as a priority when identifying the modified/alternative position. Employees are not eligible for overtime while they are assigned modified/alternative positions. If an employee so assigned is not able to return to their usual and customary duties within thirty (30) days, a complete re-evaluation of the situation shall be made in cooperation with the workers compensation insurance carrier, the treating physician, and the employee.
- 1.3. The purpose of the policy is to promote and support the return of employees who are injured on the job to full duty as soon as they are medically able. The Board desires to minimize any adverse effects of an on-the-job-injury to any of our employees and return the injured employee to their original job. This program is intended to benefit an injured employee by promoting a speedy recovery while keeping their work patterns and income consistent.

### **2. Responsibility**

- 2.1. West Virginia Code § 23-5A-3(b) states in relevant part as follows: It shall be a discriminatory practice within the meaning of section one of this article for an employer to fail to reinstate an employee who has sustained a compensable injury to the employee's former position of employment upon demand for such reinstatement provided that the position is available and the employee is not disabled from performing the duties of such position. If the former position is not available, the employee shall be reinstated to another comparable position which is available and which the employee is capable of performing. A comparable position for the purposes of this section shall mean a position which is comparable as to wages, working conditions and, to the extent reasonably practicable, duties to the position held at the time of injury. A written statement from a duly licensed physician that the physician approves the injured employee's return to his or her regular employment shall be prima facie evidence that the worker is able to perform such duties. In the event that neither the former position nor a comparable position is available, the employee shall have a right to preferential recall to any job which the injured employee is capable of performing which becomes open after the injured employee notifies the employer that he or she desired reinstatement. Said right of preferential recall shall be in effect for one year from the day the injured employee notifies the employer that he or she desires reinstatement.
- 2.2. All employees will be trained and required to participate in the program. The Return to Work Program should assist in the employee's recovery as well as being productive and economically feasible for the Board of Education. The employee's health and safety shall be the first priority in the decision process. The Return to Work program will be applied fairly and consistently to all employees. Employees will receive the normal wage for the time worked.

### **3. Guidelines**

- 3.1. A work related injury is an injury to the employee that occurs while s/he is engaged in the performance of his/her employment duties and is ruled compensatory by the Board's Workers Compensation Insurance Carrier
- 3.2. A modified position is defined as a person's normal work responsibilities that have been changed or "modified" to meet restrictions that have been assigned by the treating physician. All modified positions are considered "transitional positions" and are designed to help the injured employee return to their usual and customary duties as soon as possible.
- 3.3. An alternative position is defined as work responsibilities that are not the normal responsibilities assigned to an employee, yet are responsibilities that are within their job classification and meets the restrictions that have been assigned by the treating physician. All alternative positions are considered "transitional positions" and are designed to help the injured employee return to their usual and customary duties as soon as possible.
- 3.4. The supervisor is the immediate person whose responsibility it is to monitor and evaluate the work and his/her designee.
- 3.5. The Director of Personnel will act as liaison between the Upshur County Board of Education, the injured worker, the attending physician, and the Board's Workers Compensation Insurance Carrier.
- 3.6. The Director of Personnel will monitor the modified or alternative work and gather any additional information that may be needed to properly administer the return to work activities.
- 3.7. In the event of an injury on the job, the employee is required to report the injury to their supervisor immediately. The supervisor will make sure that the injured employee receives first aid, or if necessary, proper medical treatment at a medical clinic or treating physician. The employee's physical restrictions and limitations will be discussed amongst the treating physician, the injured employee, and the site supervisor to facilitate return-to-work.
- 3.8. The attending physician shall be notified on the first visit that the Upshur County Board of Education has a return to work program and that modified or alternative work may be provided.
- 3.9. The site supervisor will work closely with the Personnel Director to coordinate the return to work efforts and will be responsible for introducing the employee back into the work place in the modified or alternative position.
- 3.10. If able, employees are expected to return to the worksite the very **SAME** day to report the physician's findings and to discuss modified or alternative work. If medical treatment occurs in the evening or at night, then the employee should report the physician's findings on the next work day. This will enable all parties to be informed of the employee's condition. Once an employee has returned to work, it is their responsibility to work within the physical limitations that the physician has specified. The employee shall only perform duties assigned to them and shall immediately notify their manager or supervisor of any difficulty in performing those duties.
- 3.11. The employee must notify their site supervisor in advance of any medical appointments. Leave will be allowed for medical appointments associated with an on-the-job injury. The employee shall keep their manager or supervisor informed of the recovery process and their ability to perform modified or alternative work.
- 3.12. Any employee released to return to transitional duty and who refuses to return to work, may have their Workers Compensation Benefits suspended as determined by the Board's Workers Compensation Insurance Carrier.

**4. Authority:** West Virginia Code § 23-5A-3(b).

**5. Adopted:** 4/9/2013 to be effective 7/1/2013