

# Transitional Return to Work

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	<b>Louisiana Department of Health (LDH)</b>	
	<b>Policy Number</b>	109.1
	<b>Content</b>	Establishes policy and procedures for administering a return-to-work program for employees who have sustained job related injuries or illnesses and are temporarily prevented from performing their normal job functions
	<b>Effective Date</b>	December 12, 2017
	<b>Inquiries to</b>	Office of Management and Finance Division of Human Resources, Training and Staff Development 628 N. 4 <sup>th</sup> Street Baton Rouge, LA 70821-4818 (225) 342-6477 FAX: (225) 342-6892

## I. POLICY STATEMENT

It is the policy of Louisiana Department of Health (LDH) and all offices under its jurisdiction to make a reasonable effort to return injured employees to gainful employment as soon as medically possible after a job-related injury or illness. LDH cannot guarantee placement and is under no obligation to offer, create or encumber any specific position for purposes of offering placement.

The transitional return to work program is based on medical prognosis and recovery. An employee on transitional work duty shall continue on such duty until he or she is able to resume full duty or up to six months from the date the employee was assigned transitional duty. (For transitional duty that lasts beyond six months, the appointing authority must request the approval of the Civil Service Director to continue transitional duty beyond six months). As soon as an employee is released by his or her physician to resume full duty, he or she shall be allowed to return to his or her regular employment with no restrictions.

The transitional return to work program is economically beneficial to LDH and the State of Louisiana, and assists injured employees in regaining the economic, health and emotional benefits of full employment.

## II. PURPOSE

This policy provides procedures to provide a safe return to work for injured employees, give employees return to work options and assure that appropriate documentation is maintained regarding transitional return to work activities.

## III. APPLICABILITY

This policy is applicable to employees of LDH who are off duty as a result of work related injuries or illnesses, and receiving Workers' Compensation benefits.

## IV. EFFECTIVE DATE

The effective date of this revised policy is December 12, 2017.

## V. RESPONSIBILITIES

### A. Human Resources Director (or designee).

Human Resources Director (including Facility Human Resources Directors where applicable) or designee shall be responsible for:

1. Assuring that existing employees review this Transitional Return to Work policy within 90 days of hire and every 5 years thereafter.
2. Assuring that all new hires review this Transitional Return to Work policy during orientation.
3. Coordinating the day-to-day administration of the transitional return to work program, including organizing the activities of the Return to Work Team as described in this policy.
4. Assuring that required documentation is maintained for audit purposes as the Office of Risk Management (ORM) will audit LDH's performance in this area.

### B. Appointing Authorities, managers and supervisors are responsible for:

1. Providing job descriptions that include the physical demands and essential functions of the job.
2. Reporting work-related injuries or illnesses to the Human Resources Director or designee immediately upon being notified of the injury or illness.
3. Assuring that injured workers are treated with dignity and respect.
4. Working with the Transitional Return to Work Team to develop suitable return to work plans for injured employees while staying within the outlined abilities/limitations.
5. Monitoring the progress of the employee through the return to work plan and notifying the Human Resources Director or designee if there are any changes in circumstances.
6. Promoting and enforcing safe work practices.
7. Ensuring a work environment that is conducive for a successful return to work program.

### C. Each LDH employee is responsible for:

1. Reporting work related injuries or illnesses immediately to his or her immediate supervisor or other individual in the chain of command.

2. In case of a lost-time injury, submitting a completed and signed Physician's Modified Work Information Sheet to his or her supervisor no less than 24 hours prior to his or her returning to work with restrictions (if the employee does not submit the completed Physician's Modified Work Information Sheet as required the supervisor shall notify the Human Resources Director or designee who will immediately contact the ORM Third Party Administrator).
3. Following all procedures as outlined in this policy or as directed by his or her supervisor, the Human Resources Director or designee, the ORM Third Party Administrator Return to Work Coordinator or other appropriate agency personnel.

## VI. POLICY PROVISIONS

- A. Reporting a work related injury/illness: **NOTE – Any employee in an accident that occurs during the course and scope of employment may be required to submit to drug and alcohol testing as soon as practicable under La. R. S. 23:1081. (Refer to LDH Policy, Employee Drug Testing Policy).**
1. The injured employee shall immediately report the work related injury or illness to his or her immediate supervisor or other individual in the chain of command.
  2. The employee's supervisor or other individual in the chain of command shall immediately report the work related injury or illness to the Human Resources Director or designee.
  3. The Human Resources Director or designee is responsible for the following:
    - a. HR shall send the Employer Report of Injury or Illness Form and the State Employee Incident/Accident Investigation Form to the employee's supervisor or other individual in the chain of command. Once the completed forms are submitted to HR, HR will immediately report the work related injury or illness via the ORM Third Party Administrator's claim system.
    - b. HR shall also provide the employee with a Physician's Modified Work Information Sheet to be completed by the treating physician.
    - c. The injured employee is allowed to seek treatment with a physician of his or her choice. Treatment may include drug and alcohol testing.
    - d. Upon notice from the ORM Third Party Administrator of a lost time injury, HR shall convene the Transitional Return to Work Team and coordinate the activities of the team.
- B. Transitional Return to Work Team
1. The Transitional Return to Work Team shall include the Return to Work Coordinator (representing ORM's Third Party Administrator), the injured employee's immediate supervisor, a safety representative, a vocational rehabilitation counselor, if applicable, and any other agency personnel as needed.
  2. Transitional Return to Work Team members are responsible for participating in the development of a Transitional Return to Work Plan for each employee who experiences

a lost-time work related injury or illness. When determining the employee's return to work options, the following criteria should be followed:

- a. Assess the job tasks of the employee's pre-injury position.
- b. Identify transitional tasks that can be performed within the employee's current physical restrictions.
- c. Identify other services or tasks that can be performed that would improve the overall function of the agency.

3. The supervisor of the injured employee and a representative from the Return to Work Team shall prepare a specific written Transitional Return to Work Plan that includes:
  - a. Specific job tasks to be performed.
  - b. Hours to be worked.
  - c. Assigned duty station.
  - d. Physical restrictions.

The Transitional Return to Work Plan shall be reviewed and approved by each member of the Transitional Return to Work Team.

**C. Return to work meeting:**

1. The Return to Work Team will hold a return-to-work meeting with the employee to review the plan before the employee returns to work.
2. If the injured employee is represented by counsel, the meeting notice shall be sent to the employee via counsel and also to the LDH Bureau of Legal Services attorney who represents the agency in legal matters.
3. Once the meeting has taken place, an offer of transitional duty employment shall be made to the injured employee in writing.

**D. Return to work offer:**

1. The offer of transitional return to work employment shall include the following:
  - a. Offer must be made in writing.
  - b. Certified mail return receipt request (if mailed to the employee).
  - c. A specific return to work date and time.
  - d. Duty assignment (the employee may be returned to his own position on transitional duty or he may be detailed to another position in accordance with the Civil Service rules governing details to special duty).
  - e. Whom to report to.
  - f. The employing agency shall provide transitional employment for up to six months or until the employee has reached maximum medical improvement whereby he can return to his previous job, whichever is less (transitional duty lasting more than six months may be made by the Appointing Authority to the Director of State Civil Service)
2. Employee responsibility upon receiving a return to work offer:
  - a. Accept the transitional return to work offer.
  - b. Return to work as directed in the return to work offer letter.
  - c. Work within the restrictions provided by the physician.

- d. Comply with medical treatment and keep all scheduled medical appointments.
- e. Advise the immediate supervisor and the Return to Work (RTW) Coordinator (ORM Third Party Administrator) if the transitional work is physically too difficult.
- f. Advise employer of any changes on medical condition.

**E.** After the employee has returned to work on transitional duty.

When an employee returns to work on transitional duty employment, the agency shall not require the employee to perform tasks that exceed the limitations indicated by the treating physician. The Return to Work Team shall evaluate the plan every 30 days to assess the employee's ability to return to full duty. The ORM Third Party Administrator will be responsible for communications with medical personnel. An agency shall not have direct contact with the treating medical personnel without the approval of ORM's Third Party Administrator.

**F.** Termination of employment

An agency should notify ORM's Third Party Administrator if a person is at risk of termination due to exhaustion of sick leave. Termination of employment because an injured worker has exhausted sick leave is not an alternative to transitional return to work. It should be used only after other methods have failed.

1. Maintain documentation of failed transitional return to work employment.
2. Maintain documentation of efforts made to identify transitional return to work tasks.
3. Maintain documentation of barriers in identifying transitional return to work.
4. The employing agency shall document the necessity to terminate employment.
5. Documentation shall include evidence that transitional return to work tasks could not be identified.
6. Notify the RTW Coordinator for ORM's TPA when an injured worker is removed from work or the accommodations are no longer available.

**G.** Measure of effectiveness

The Human Resources Director or designee shall use the Transitional Return to Work Audit Form (DA WC4000) to measure the effectiveness of the agency's transitional duty employment program. This report will be reviewed by the Loss Prevention Section of ORM's Third Party Administrator during the agency's annual loss prevention audit.

Information to be tracked shall include the following:

1. Number of workers injured per month.
2. Number of lost-time days from work-related injuries per month.
3. Number of employees returned to work on transitional employment duties (includes employees who have subsequently resigned or who have been terminated).
4. This information is tracked as long as the employee is receiving workers' compensation indemnity benefits.

5. Lost-time days for those employees will be tracked as an average of 21.5 days per month.

## **VII. DISCIPLINARY ACTIONS**

Violations of this policy may result in disciplinary action up to and including dismissal.

## **VIII. REFERENCES**

Louisiana Revised Statute 39:1547

Office of Risk Management – Transitional Return to Work Plan for State Agencies

LDH Employee Drug Testing Policy

## **IX. REVISION HISTORY**

<b>Date</b>	<b>Revision</b>
March 04, 2015	Policy created (Replaced #51.1 – Return to Work Policy for Employees on Workers’ Compensation)
November 06, 2017	Policy revised
December 12, 2017	Policy revised