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Approved:	John J. "Ski" Sygielski, President
Date:	

## **Return to Work Policy**

### **1.0 Purpose**

The purpose of the Return to Work Policy is to ensure a safe and healthy workplace for employees, to reduce the number of work-related accidents and illnesses occurring at Lord Fairfax Community College (LFCC) and to assist employees in returning to work from both work-related and non work-related injuries and illnesses.

### **2.0 Revision History**

Original Policy: August 2001  
Revised: February 2006

### **3.0 Applicability**

The policies and procedures provided herein apply to classified, hourly, wage, administrative and faculty employees of LFCC. This policy shall apply to employees who are restricted in the performance of their essential functions due to compensable work-related injuries and non-occupational injuries/illnesses.

### **4.0 Policy**

LFCC believes it is in the best interest of the agency and its employees to facilitate the expedient return of staff to full duty after they have been absent due to injury, illness, or other medical condition. This policy shall be applied in situations when a full-time administrative, faculty or classified employee or part-time classified employee is restricted in the performance of their regular duties due to personal injury, illness or medical condition or due to a work-related accident/injury. This policy may, at supervisor discretion, be applied in situations when an adjunct faculty or hourly/wage employee is restricted in the performance of their regular duties due to personal injury, illness or medical condition or due to work-related accident/injury. LFCC provides for the use of transitional duty assignments and shall, to the extent possible, assist employees by temporarily modifying work assignments, duties or arranging for a temporary transfer until the employee is medically released to resume regular duties.

## **5.0 Definitions**

Occupational Injury – an accident arising out of and in the course of employment.

Occupational Illness – a disease arising out of and in the course of employment, but, unless otherwise provided by the Virginia Worker's Compensation Act, not an ordinary disease of life to which the general public is exposed outside of the employment.

Transitional Duty – accommodating an injured employee with work restrictions as set forth by the attending physician. The director of human resources and the employee's supervisor will decide if the agency is able to accommodate the medical restrictions.

## **6.0 Responsibilities**

The supervisor is responsible for completing the Employer's Accident Report (EAR) and submitting it to the human resources office within 24 hours of the incident.

The human resources office, who will serve as the agency's Return-To-Work Coordinator, will review the EAR and submit it to the Workers' Compensation Program (WCP), administered by the Department of Human Resource Management, within 10 days from the date the agency receives notice of the work-related injury. As required by Virginia Workers' Compensation law, the director of human resources will also offer the employee a listing of a panel of at least three physicians skilled in the handling of work-related injuries. This panel shall be obtained from the listing maintained by the Commonwealth's Office of Workers' Compensation.

## **7.0 Procedures**

An employee must immediately notify his or her supervisor of any work-related injury. The supervisor must notify the human resources office and complete the Employer's Accident Report (EAR) and submit it to the human resources office within 24 hours of the incident.

For non-occupational injuries, an employee shall notify his or her supervisor as soon as possible after the personal injury or onset of the illness or medical condition that restricts the performance of the employee's regular duties. Within a reasonable period after the incident or injury, the human resources office will communicate with the attending physician. This communication shall include a discussion of return-to-work options, such as transitional duty, which is a temporary situation when an employee returns from a work-related or non-occupational injury or illness to medically restricted or modified duties. Under transitional duty, duties assigned can be those identified in the employee's current Employee Work Profile with restrictions or another assignment entirely. The human resource office will submit the employee's Work Profile and the Physical Demands form (attachment), if necessary, to the attending physician to be used in the evaluation of a transitional duty recommendation.

## **Return-to-Work Options**

**Released to Return to Work with No Restrictions:** If the employee is released to return to work and can perform the essential functions of his or her pre-injury position, the physician's office or the employee will give the release to the director of human resources, who will coordinate a start date for the employee to report to work. The human resource office will submit a supplemental report indicating this return to work to the WCP and will notify the Virginia Sickness and Disability Program (VSDP – Unum Provident), if applicable.

**Released to Return to Work with Restrictions:** If the employee is released to return to work with restrictions, the director of human resources and the employee's supervisor **will review the restrictions set forth by the attending physician and will decide if the agency is able to provide transitional duty for the employee.** Transitional duty must meet the agency's staffing needs and accommodate the employee's medical restrictions while taking into consideration the welfare and safety of the employee, co-workers, and customers.

The director of human resources will schedule an initial return-to-work meeting with the employee and the employee's supervisor to coordinate the return to work. They will develop transitional duties, which will focus on the employee's abilities as well as comply with the employee's medical restrictions and the College mission.

The human resources office will complete the Transitional Employment Plan (attachment), which serves as documentation of the duties the employee will perform during the transitional duty period. The director of human resources will review the Transitional Employment Plan with the injured/ill employee and the employee's supervisor, obtain their signatures, and then submit it to the attending physician for approval.

The human resources office will submit a supplemental report indicating this return to work to the WCP and also will notify (VSDP – Unum Provident), if applicable, of the employee's return to work.

During transitional duty, human resources will meet with the injured/ill employee to discuss concerns and to evaluate his or her progress every month. Transitional duty may be altered, upgraded, or changed in a manner consistent with medical restrictions and in accordance with an individual's improved condition. Human resources, in coordination with the employee's supervisor, may amend the Transitional Employment Plan should the employee demonstrate improvement or regression. Any amendments must be resubmitted to the attending physician for approval and a copy forwarded to WCP and (VSDP-Unum Provident), if applicable.

If the employee cannot return to work in his or her pre-injury department, the director of human resources will attempt to coordinate a return to work within another department.

**No Release to Return to Work:** If transitional duty is not possible for an employee within the agency or if the employee is not released to work, the human resources office will maintain communication with the employee, WCP, (VSDP-Unum Provident) (if applicable), and the attending physician in order to obtain the employee's prognosis for recovery and the employee's functional capacity.

### **Length of Transitional Duty**

Transitional duty shall be made available to those employees who are expected to return to their pre-injury position and may not normally exceed 90 days. At the conclusion of 90 days, the supervisor in consultation with the human resources office may terminate the transitional duty assignment. If it is determined that the employee has permanent restrictions that result in his or her inability to perform the essential functions of his or her primary position, the provisions of the Americans with Disabilities Act (ADA) and other applicable laws will be applied to determine suitability for employment.

## **8.0 Sanctions**

Failure to report an on-the-job injury or illness may result in the denial of a claim.

## **9.0 Interpretation**

The authority for interpretation of this policy rests with the director of human resources and the Department of Human Resources Office of Worker's Compensation.

## **10.0 Authority/Reference**

- Department of Human Resource Management, Policy 4.57, Virginia Sickness and Disability Program
- Department of Human Resource Management, Policy 4.60, Workers' Compensation
- Governor's Executive Order 94 (05) Workplace Safety and Health

Per governance policy, personnel policies are not part of the governance model for policy formation.

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President