

# IDAHO STATE UNIVERSITY

## \*RETURN TO WORK PROGRAM

### 1.1\_ Purpose

This program is designed for Worker's Compensation case management and is to be used for staff injuries covered by Worker's Compensation. The purpose of the Return-to-Work Program is to provide standard procedures for the implementation of the Idaho State University's (ISU) *Restricted Work/Light Duty Position Assignments* (Appendix A) and to facilitate the timely returning to work of employees who have been injured or become ill on the job.

The philosophy is to control the effects of disability and absenteeism in the work place, and the goal is the safe return of employees to transitional or regular employment by remaining active and return to their normal routine as soon as possible, avoiding isolation and the mind-set of disability.

### 1.2 Scope and Application

This Return-to-Work Program applies to ISU employees who become temporarily unable to perform their regular work duties as a result of on-the-job illness or injury. Transitional employment consideration will also be given to employees who are unable to perform full duties due to a non-work related injury or illness.

Temporary restricted or light duty assignments, if available, are offered when there is medical documentation that the employee is temporarily unable to perform their regular duties, but is able to perform their regular duties with temporary restrictions/modification (*restricted duty assignment*) or is able to work in a different setting in a specially-designated light duty work site (*light duty assignment*). Based on Idaho State University's Family Medicine Clinic (herein referred to as "Preferred Provider") restrictions, the temporary restricted or light duty assignment will be designed to meet the employee's capabilities while recovering from the injury. Whenever possible, the employee should be returned to their normal work assignment in a temporary *restricted duty assignment* as modified by the supervisor with the assistance of the Return-to-Work Program Coordinator ("RTC Coordinator") at the direction of the Preferred Provider. If the employee cannot be returned to their regular work assignment, with or without modifications due to health concerns, the employee will be offered a temporary *light duty assignment* in another work area, if available, and if in agreement with restrictions.

### 1.3 Responsibilities

Consistent communication is essential to the success of the Return-to-Work Program. Listed below are ISU programs and staff and their delegated responsibilities under the program.

### **1.3.1 RTW Coordinator (Susan Hengel, 282-3234)**

- Evaluating the Return-to-Work Program
- Assist in program implementation
- Communication with State Insurance Fund and Industrial Commission
- Oversight of the return-to-work process for individual ISU staff
- Identify and establish contacts with the Preferred Provider Physicians and Preferred Healthcare Professionals
- Communication/liaison/contact with State Insurance Fund, Industrial Commission, Physicians and Preferred Healthcare Professionals, Human Resources and the injured employee
- Coordinating return-to-work process with the injured employee's supervisor
- Completing and distributing required reports and notifications
- Implementing follow-up procedures if an employee does not report as assigned
- Completing Checklist (Appendix C)
- Notify the Industrial Commission local office if the Preferred Provider or Preferred Healthcare Professional indicates the employee will be off work more than two (2) weeks, so that they can work with the employee and the physician to facilitate recovery.

### **1.3.2 Supervisors**

Supervisors have an important role in facilitating the earliest possible safe return-to-work of occupationally injured employees. Duties of supervisors include:

- Ensuring temporary restricted duty or light duty work assignments are identified on an as-needed basis.
- Designating light duty assignments (may be limited in number) that are temporary in duration (no more than 90 days).
- Coordination/contact with RTW Coordinator to ensure employee's return-to-work status.
- Completing the First Report of Injury through consultation with the injured or ill employee, if possible, within 24 hours of the incident.
- Maintaining weekly employee-supervisor contact during employee leave. This approach reassures the employee he or she is missed and needed at work.
- Ensuring the employee's safety during temporary restricted duty assignments. During

- the first week of temporary restricted duty, the supervisor should contact the employee on a daily basis to monitor the employee's progress in adjusting to their temporarily modified work assignment.
- If the employee is assigned to temporary light duty away from their regular work station, the supervisor may take responsibility for ensuring the employee's safety by contacting the employee on a daily basis during the first week of temporary light duty and weekly thereafter to monitor the employee's progress in adjusting to their temporary work assignment.
- Following up as needed to clarify temporary restricted duty options indicated by the Physical Assessment Form (Appendix D) completed by the Preferred Provider or Preferred Healthcare Professional and retained by the RTW Coordinator and in their HR file.
- Maintaining regular communication with the RTW Coordinator regarding problems and employee progress or changes.
- Ensuring the appropriate recording of lost work time.

### **1.3.3 Employees**

Employees are responsible for the following in the event of an injury or illness incurred in the workplace.

- Reporting work-related injuries or illnesses to supervisor within 24 hours of the event.
- Assisting the RTW Coordinator and/or their supervisor with completion of *First Report of Injury and Claim for Benefits Form IC-1* (or other accepted injury form).
- Using the Preferred Provider for treatment of job-related injuries unless prevented by emergency circumstances. If emergency circumstances result in the employee seeing a healthcare provider other than the Preferred Provider, the employee must see the Preferred Provider for subsequent visits. Visits to other health care professionals without specific permission may not be covered by worker's compensation.
- Notifying RTW Coordinator if the Preferred Provider or Preferred Healthcare Professional makes a referral to a specialist or other health care professional.
- Notifying RTW Coordinator if a petition for Change of Physician is approved by the State Insurance Fund or the Industrial Commission.
- Contacting RTW Coordinator to discuss return-to-work status within 24 hours after the initial medical visit unless the severity of the injury prevents the employee from doing so.
- Contacting supervisor once each week if on leave following an occupational injury.
- Returning to work when released to work by Preferred Provider.
- Discussing restrictions with supervisor and working within medical restrictions as advised by Preferred Provider.

- Keeping medical and therapy appointments as recommended by Preferred Provider.
- Providing supervisor with Preferred Provider updates to work limitations.
- If the employee is referred to a specialist or other health care professional by Preferred Provider, the employee will also keep follow-up appointments with Preferred Provider.

## **2.0 Program Elements**

### **2.1 Preferred Provider**

Establishing a good working relationship with a Preferred Provider can help both the employee and the employer. Benefits for employers who designate a Preferred Provider include the ability to choose a professional whose credentials meet the organization's standards and who will cooperate with the employer to facilitate the earliest possible safe return to work of employees injured on the job. Benefits to the employee include timely access to care by a healthcare professional particularly knowledgeable of work site injuries, work rehabilitation, and return-to-work options. Idaho State University has designated the Idaho State University Family Medicine Clinic, (282-4700), as the Preferred Provider who will treat injury/illness cases, unless the employee's medical status requires more extensive treatment than the Clinic is able to provide, in which case the employee will be referred to emergency care. Employees with work-related non-emergency injuries or illnesses occurring outside the Preferred Provider's regular hours (Mon-Fri, 8:00a.m. - 4:00 p.m.), should go to the Emergency Room at Portneuf Medical Center. Follow-up care should be scheduled with the Preferred Provider. The Family Medicine Clinic will monitor the employee's progress until the case is closed by the State Insurance Fund, even if there is a change of physician or referral to another health care professional.

#### **2.1.1 Change of Physician or Other Healthcare Professional**

Except for emergency circumstances, ISU employees injured on the job are expected to see the Preferred Provider, or in the case of a serious injury, a Preferred Healthcare Professional for initial treatment.

- If appropriate, the Preferred Provider may refer an employee to a specialist or other health care professional.
- The employee must receive a referral from Preferred Provider if he/she wishes to change physicians.
- If the employee is unable to obtain a referral from Preferred Provider, he/she may contact the State Insurance Fund and request a change in physicians. If the Fund will not authorize a change of physicians, the employee may petition the Industrial Commission for a change of physician.

- If a change of physician is approved, Preferred Provider will remain informed of the employee's treatment and participate in return-to-work decisions.
- In the event of difficulty receiving progress reports from the attending physician or other healthcare professional who is not the Preferred Provider, the RTW Coordinator should notify the Industrial Commission local office.

### **3.0 Initial Physician or Other Healthcare Professional Visit**

- Supervisor completes and submits *First Report of Injury* and the RTW Coordinator completes and submits *Claim for Benefits Form IC-1* (or other accepted injury form) to the State Insurance Fund and Idaho Industrial Commission within 10 days of being notified (Idaho Code §72-602).
- The employee should sign the *Form Ic-1*, if possible.
- ISU may provide for transporting the employee to Preferred Provider, or in the case of a serious medical condition or injury, to Emergency at Portneuf Medical Center.
- ISU may also provide for the injured employee's transportation from Preferred Provider to home. Transportation should be provided in accordance with the employee's condition.

#### **3.1 Duty Assignments**

Based on the Preferred Provider's restrictions, temporary restricted or light duty assignments will be designed to meet the employee's capabilities while recovering from the injury. In all cases, the employee retains their normal hourly pay rate and benefits. If the employee is unable to return to full time, the State Insurance Fund may supplement wages by payment of temporary partial disability benefits.

Whenever possible, the employee should be returned to their normal work assignment in a temporary restricted duty assignment as modified by the supervisor with the assistance of the RTW Coordinator and supervisor at the direction of the Preferred Provider. If the employee cannot be returned to their regular work assignment due to health concerns, the employee will be offered a temporary light duty assignment in another work area, if available. The supervisor or designee is responsible for defining temporary light duty assignments. Temporary restricted or light duty assignments can be canceled at any time at the discretion of the supervisor and/or RTW Coordinator.

Temporary restricted or light duty assignments will normally continue until one of the following conditions occurs:

- The employee is released for regular work without restrictions to perform essential job

- functions with or without a reasonable accommodation
- The employee is prevented from returning to regular work by a documented permanent restriction
- Appropriate restricted or light duty tasks are not available or are no longer available
- The temporary restricted or light duty assignment has reached the 90-day limit

### **3.1.1 Case Management**

#### **3.1.1.1 Medical Leave Following an Occupational Injury**

An injured employee should discuss the terms of the Family Medical Leave Act (FMLA) or Americans with Disabilities Act (ADA), and short-term disability with Human Resources and the RTW Coordinator.

#### **3.1.1.2 Physician's Release to Temporary Restricted or Light Duty**

When the Supervisor and/or the RTW Coordinators receives a Preferred Provider written release for an employee who is returned to work with temporary restrictions, the RTW Coordinator will coordinate with the employee's supervisor to ensure the following:

- Ensuring that the Preferred Provider is monitoring the case
- Assist the RTW Coordinator and employee's supervisor in determining whether a temporary restricted duty assignment is available for the employee at their regular work site
- Upon returning to work, the employee will meet with the supervisor to discuss work restrictions
- The employee must adhere to the restrictions for the duration of the temporary restricted or light duty assignment
- Temporary restricted and light duty assignments will be reviewed by the supervisor and RTW Coordinator at 30 and 60-day intervals for possible continuation up to 90 days
- The supervisor in coordination with the RTC Coordinator will notify the employee in writing of an End of Temporary Restricted or Light Duty Assignment
- RTW Coordinator (or designee) will submit *Employer's Supplemental Report Form IC-14* to the State Insurance Fund and notify Program Administrator when:
  - The injured employee returns to work

- Termination of the disability
- At the end of 2 weeks if the employee is unable to work for that long
- At the end of 60 days from the date of injury

### **3.1.1.3 Physician's Release to Work with Permanent Restrictions**

When the RTW Coordinator receives Preferred Provider's written release for an employee to return to work with permanent restrictions, or when restrictions exceed the 90-day limit for a temporary restricted or light duty assignment, the RTW Coordinator will discuss available options with the employee and, where appropriate, Human Resources and/or the Disability Resources Center.

### **3.1.1.4 Refusal of Assignment**

If the employee is released to work with restrictions by the Preferred Physician but declines the opportunity to return to work, the temporary restricted or light duty assignment may be canceled and the employee may be subject to disciplinary action, up to and including dismissal. The RTW Coordinator or designee will inform the employee's case worker at the State Insurance Fund; workers compensation benefits may be affected.

### **3.1.1.5 Failure to Return**

IPC Rule 241.02 states that if an employee is unable to return to work (without restrictions) after six months or when accrued sick leave has been exhausted, whichever is longer, the employee's position shall be declared vacant and the employee placed on the layoff register. The six-month period is not interrupted by intermittent periods of work of less than two consecutive 40-hour weeks. The six month period is calculated by the number of days from the first date of absence related to the injury. Temporary restricted or light duty as part of the Return-to-Work Program does not interrupt the calculation of the period of absence.

## **4.0.**

Each restricted or light duty assignment should be made on a case by case basis and in accordance with all applicable rules and laws, including the Americans with Disabilities Act, the Rehabilitation Act of

1973, the Family and Medical Leave Act, and the Idaho Workers Compensation rules.

If an employee receives a physician or other healthcare professional release to return to work with a duty restriction, the Supervisor may allow the employee to work temporarily with restricted duties in their regular job, or in a light duty position assignment in a different setting.

Temporary Light Duty Positions: After consultation with the ISU's Office of Human Resources, a supervisor may establish light duty positions, which shall be limited in number and temporary in nature (typically not more than three months). Position duties during this limited rehabilitation period should be clearly defined and communicated to the employee. Performance evaluations should reflect the temporary light duty assignments, not regularly assigned duties.

ADA Concerns: A unit that has established light duty positions may not reserve them exclusively for employees with occupational (job related) injuries. Transitional Employment consideration must also be given to the reassignment of employees with qualifying disabilities even though they may not have an occupational injury. An employee with a "qualifying" disability may not be required to be able to work "full duty" in order to return, if full duty includes marginal functions which the employee cannot perform, but the employee can nonetheless perform all essential functions with or without a reasonable accommodation.

Reasonable accommodations involving permanent or long term adjustments to duties which are marginal and not deemed essential to the position, or accommodation requests to enable an employee to perform essential job functions, should be requested by the employee.

FMLA Concerns: Employees qualifying for FMLA leave may not be required to remain on the job with a work adjustment.