

STANDARD PROCEDURE

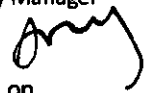
CITY OF WILSON

PERSONNEL MANUAL

SUBJECT	NUMBER	EFFECTIVE DATE	SUPERSEDES
Transitional Duty Policy	E-6	September 1, 2011	Return to Work

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1.0 Purpose

This procedure outlines the requirements for facilitating a return to work program for employees on either workers' compensation, FMLA or other non-work related injury or illness.

2.0 Scope

This procedure applies to all departments. Specific return to work availability will vary by department based upon work load needs and/or position requirements.

4.0 Responsibility

Each department shall designate a contact person responsible for the coordination of the return to work program. Support is provided by Human Resources and Risk Services as needed in regard to specific legal requirements for return to work given individual cases.

5.0 Definitions

5.1 Transitional Employment

Transitional employment is a progressive and individualized program. It is the interim step in the physical conditioning and recovery of an employee with physical limitations directing the employee toward the goal of returning to their original job. This can include modified work provided to an employee that has been injured, whether work related or non-work related. Modified work is defined as activities other than the employee's pre-injury tasks and duties that meet the physical capabilities of the employee as defined by a medical doctor.

The individual and the City will benefit by achieving the following goals:

- Provide productive and therapeutic work, when medically safe, by returning employees to meaningful work within their current range of abilities.
- Reduce employee recovery periods.
- Reduce the loss of work time and increase productivity.
- Effectively utilize medical and clinical services.
- Reduce workers' compensation costs.

The following benefits are derived from a return to work program:

Employees

- Return to productive work in a systematic and impartial manner.
- Minimize the employee's financial burden.
- Promote accelerated healing and recovery.
- Reduce trauma and anxiety related to an injury or illness.
- Maintain work relationships.
- Maintain a productive work routine during the recovery period.
- Minimize feelings of displacement.
- Enhance employee/employer communication.

Physicians

- Provide a formalized program, consistently applied to all employees.
- Allow for informed decisions to be made concerning the type of work the employees can perform given their physical capabilities.
- Build trust between the physician, the employee and the City.

Individual Departments

- Maintain an experienced work force.
- Reduce lost time days.
- Reduce Workers' Compensation liability, particularly wage loss expenses.
- Enhance communication between employee, employer and treating physicians.

North Carolina Industrial Commission

The Industrial Commission employees administer the Workers' Compensation Act, the Tort Claims Act, the Childhood Vaccine-Related Injury Act, the Law Enforcement Officers', Firemen's, Rescue Squad Workers', and Civil Air Patrol Members' Death Benefit Act, and the Act to Compensate Individuals Erroneously Convicted of Felonies to ensure all parties are treated fairly and equally in accordance with North Carolina State Law.

- Providing reliable, accurate and efficient claims servicing;
- Providing quick resolutions to disputed issues in an administrative forum;
- Promoting active resolution of disputes through mediation;
- Resolving controversies by rendering impartial and well-reasoned decisions;
- Facilitating high quality, effective medical care and rehabilitation for injured workers in complex medical/legal situations;
- Providing education and training to employers to reduce accident potential in the workplace;
- Providing prompt, efficient medical bill review in accordance with the NCIC Medical Fees Schedule;
- Investigating potential criminal violations of the NC Workers' Compensation Act, insuring compliance and confidence in our state's workers' compensation system.

5.2 Functional Capabilities Evaluation (FCE) Form

Documentation completed by the physician treating the employee that outlines the physical abilities of the employee.

5.3 Salary Continuation, Sickness and Disability

Salary continuation programs based on disability that vary.

5.4 Family and Medical Leave Act (FMLA)

A federal program that outlines unpaid time off allowances for illness and injury determining minimum levels of insurance coverage. This period lasts up to 12 weeks.

5.5 Americans with Disabilities Act (ADA)

A federal program that outlines requirements for work for qualified disabled employees who can perform the essential functions of specific employment taking into account reasonable accommodations for their disability.

6.0 Procedure

6.1 Reporting of injuries and accidents

Based on the Human Resources & Risk Services Requirements, all employees are to immediately report any personal injury or illness, arising out of employment, to their supervisor. The Supervisor is then to notify the Human Resources & Risk Services Department. *(Upon notification by the employee about a non-work related injury, the employee should be directed by their supervisor to discuss this with Human Resources & Risk Services.)*

6.2 For work related injuries

- 6.2.1 The Human Resources & Risk Services Department will appropriately contact the Industrial Commission for claim notification.
- 6.2.2 The employee should be provided all documentation regarding benefits applicable to their situation. In many cases, multiple programs will apply to the same period of disability and will run concurrently. All necessary paperwork should be completed by the employee within 24 hours or as requested.
- 6.2.3 The Human Resources & Risk Services Department should complete all necessary paperwork for claim filing with the Industrial Commission. This is to include the past 52 weeks' wages as well as determining if other wage benefits may apply. A job description should be provided to the medical care provider for determination of the employee's return to work potential.
- 6.2.4 Upon determination of physical abilities by the medical care provider and completion of an FCE Form, a determination will be made by the department supervisor and Risk Manager as to the feasibility of full duty or participation in the Transitional Employment Program (TEP). If modification or alternate employment is necessary, the plan must be completed by the Human Resources & Risk Services Department. Transitional employment is limited to 26 weeks from the date of injury/illness, unless specified otherwise by City Manager's Office.

6.3 For non-work related injuries

- 6.3.1 The Finance Department (Payroll) should be notified of potential salary continuation or sick leave coverage if employee is not able to return to work.
- 6.3.2 The Human Resources & Risk Services Department shall provide the employee with all documentation regarding benefits applicable to their situation (FMLA, wage loss). In many cases, multiple benefit programs will apply to the same period of disability. All necessary paperwork should be completed by the employee within 24 hours or as requested and/or indicated in the leave type paperwork.
- 6.3.3 The Human Resources & Risk Services Department then notifies payroll of any other wage loss benefits which apply.
- 6.3.4 Upon determination of physical abilities by the medical provider and completion of an FCE Form, a determination will be made by the Supervisor and Risk Manager as to the feasibility of full duty or accommodation of the abilities in the customary employment for return to work. If transitional employment is necessary, the Transitional Duty Plan must be completed by Human Resources & Risk Services, in conjunction with the appropriate department head or designee. Transitional employment is limited to 26 weeks for any injury. If an employee is unable to perform the essential functions of the employee's usual and customary employment (after considering reasonable accommodations) at that time the employee will be placed on a leave of absence, if applicable, in accordance with the City's policy.

6.4 Transitional employment opportunities

- 6.4.1 Each department shall be responsible for establishing a list of available transitional employment available to employees during their recovery period. Transitional work can include both customary job titles, designated by the department, to allow the employee to work at the employee's own pace performing a variety of tasks designated as beneficial to the department. Transitional employment is offered at the discretion of the Department Head and Risk Manager and is only available as the City's needs allow. If no transitional employment is available within the department, alternate assignments may be made which may include opportunities outside the department.

Transitional employment:

- May include assignments less than 40 hours per week but shall not exceed 40 hours per week or 26 weeks per incident.
- Schedules and locations/duties will be determined by operational need and assigned by Human Resources & Risk Services Department.

- May be intermittent in nature for a total of 26 weeks, no more than 1040 hours.
- An alternate wage may be established for transitional employment
- May not be available during a period of reduction in force due to business trends.
- May not be used if the employee also has secondary employment; including self employment or second jobs requiring physical ability more demanding than the employee's transitional employment.

6.5 Coordination of Benefits Program

6.5.1 In an effort to maintain a fair and consistent program of disability management, all programs will run concurrent. If an employee is unable to return to work due to a work-related or non-work related injury, FMLA will run concurrent with either Workers' Compensation and/or Sick Leave.

6.5.2 The employee who is entitled to wage loss benefits should be notified of all wages received for any given injury. Wage loss benefits may be due under multiple programs and should coordinate so that employee receives all wages due under the multiple lines of coverage.

Example: When an employee is out as the result of a workers' compensation injury/illness, during the initial seven (7) days, the employee is required to charge that time off of work to either sick leave, vacation or comp time. Once an employee has been out for twenty-one (21) days on an approved Workers Compensation claim, the employer is responsible for paying the employee for the first seven (7) days which were charged as sick leave, vacation, or comp time. Beginning on the eighth (8th) day, workers' compensation will begin paying the employee two-thirds (2/3) of their average weekly wage. An employee's average weekly wage is determined by adding the gross amount earned for the previous fifty-two (52) weeks and then dividing the sum by fifty-two (52) which then equals the average weekly wage of the employee. This amount is then multiplied by 0.6667 which will equal the workers' compensation weekly rate. The workers' compensation weekly rate is multiplied by two (2) to determine the employees pay for the particular pay period. When picking up the reimbursement check from Risk Services, employees are required to sign a release form stating that they have been paid in full for the time used for their first seven (7) days out of work. When an employee is out of work on workers' compensation and is receiving a discounted weekly wage, the employee must contact the Benefits Administrator in the Human Resources & Risk Services Department regarding their payroll deducted items.

6.6 Department Specific Considerations

6.6.1 Additional department specific procedures should include the process for Human Resource related functions including the following:

Process for tracking the hours and wages worked and reporting to both the Industrial Commission and Payroll.

- Employee shift assignments for transitional work.
- Employee job classification and pay rate.
- Allowances for probationary periods and the extension of same during periods of transitional work.
- Allowances for sick and vacation time accrual during periods of transitional work.
- Holiday pay eligibility.
- Employee contributions for retirement, health and life insurance during periods of transitional work.

6.7 Transitional Employment Exit Criteria

6.7.1 The individualized Transitional Employment participation will be terminated when:

- The employee achieves full duty status and has obtained a written release from the health care provider/physician of record. The City of Wilson reserves the right to require a fitness for duty evaluation upon return to work.
- The 26 week limited time period has been exhausted.
- The employee is not making progress toward return to regular job duties.
- The City of Wilson determines the need to discontinue the individual's Transitional Employment.

During the period of transitional employment, every reasonable effort will be made to accommodate the employee during their functional recovery. Should the employee be unable to return to work by meeting all of the essential functions of the employee's usual and customary duties (with reasonable accommodation, if necessary), the individual's employment will be terminated 26 weeks following the last date that the employee was able to perform the essential functions of the employee's position, unless elsewhere specified.