



Mt. Diablo Unified School District

1936 Carlotta Drive • Concord, CA 94519

www.mdusd.org

EARLY RETURN TO WORK PROGRAM

Purpose

The policy of the Mt. Diablo Unified School District (MDUSD) is to return injured/temporarily-disabled employees back to the workplace as soon as is medically appropriate. The purpose of the transitional work assignment is to promote recovery while continuing to value the employee and to allow the employee to perform productive work and maintain continuity in reporting to District worksites. Accordingly, an Early Return to Work (ERTW) Program has been designed to provide internal guidelines for administering return to work opportunities for employees with temporary limitations in performing their regular duties. The ERTW Program is designed to meet the needs of both the District and its employees by returning employees to productive job duties as quickly as possible following a work or non-work related injury or illness. It also ensures that the employee receives his/her regular wages and benefits while returning to a District worksite to perform a transitional work assignment during a period of temporary work restrictions as the employee is recovering.

Possible transitional work assignments have been identified throughout the District. When available, the goal is to provide these and other short-term duties for an employee during medical rehabilitation. The ERTW Program offers an employee the opportunity to return to the workplace performing tasks that have been approved by the employee's treating health care provider. The number of transitional work positions available may be limited. The ability to participate in this Program will be dependent upon the nature of the job, types and duration of any restrictions, and the District's ability to provide such work.

Staff from Human Resources will work closely with the employee, supervisor, claims administrator, and treating health care provider for a speedy return to transitional and, ultimately, regular work with or without reasonable accommodations.

Confidentiality Information

Access to injury related medical records for non-work-related injuries will only be provided to Human Resources staff with the express permission of the injured employee. However, the employee is responsible for providing medical information that relates to current job limitations and restrictions related to the non-work-related injury or illness.

If it is determined that an employee cannot return to his/her usual job due to permanent work restrictions, the District will explore through the interactive process all potential

appropriate and reasonable accommodations to determine the ability to accommodate the employee's disability under the applicable federal and state guidelines.

ERTW Program Eligibility

An employee who is temporarily unable to perform his/her usual job duties due to a work or non-work-related illness or injury may be eligible for the ERTW Program.

If the injury is work related, the employee will be provided appropriate transitional work approved by the health care provider who is treating the employee. If the employee declines to perform this work, his/her industrial injury (workers' compensation) benefits could be affected.

In a non-work-related injury or illness situation, the employee will be offered the same opportunity. If the employee declines an offer of temporary modified or light duty, his/her benefits would not be affected.

Early Return to Work Preference

The order of preference for an employee to participate in the transitional work assignment is:

1. Temporarily modifying the employee's regular job duties, if appropriate and reasonable;
2. Assigning the employee to a predetermined temporary work or transitional light duty ("transitional") assignment based upon work needs and availability of appropriate assignments. At no time will these assignments displace work that is currently performed by represented, bargaining unit classifications. Transitional assignments will not be used to fill a vacant, regular position.

Treating Health Care Provider Reports

The treating health care provider's reports should provide work restrictions after each visit. If work restrictions are not provided, Human Resources staff will assist in gathering this information in order to facilitate the employee's return to work. It is the responsibility of the employee to provide Human Resources with a copy of their work status report immediately following their medical appointment.

Duties may be increased, with medical approval, with the goal of returning the employee to his/her regular job.

ERTW Program Duration

Under the ERTW Program, the District does not intend to create long-term jobs to accommodate a permanent disability. Therefore, employee participation in the ERTW Program will be periodically reviewed and evaluated to determine whether extension of the transitional assignment or other alternative is appropriate.

District management, in consultation with Human Resources, may assign a transitional assignment to an employee for an initial period of up to 90 calendar days from the date of placement. Upon completion of the 90 days, the transitional assignment will be reviewed by the affected department head or his/her designee and from Human Resources staff to determine if the transitional assignment should be extended for an additional period of time, not-to-exceed an additional 90 calendar days.

For extensions beyond 180 calendar days, reasonable accommodations will be considered through an interactive process.

Criteria to be included when considering an extension, include but are not limited to:

1. **Available Work** — Management staff will evaluate and determine if there is sufficient productive work available that can be performed within the employee's work restrictions.
2. **Employee's Medical Status** — the health care provider should provide sufficient documentation on a periodic basis that the employee's medical condition is improving. Human Resources staff may request additional relevant information to determine if the employee is progressing toward a return to regular duties, with or without reasonable accommodations.
3. **Full Duty Expectation** — At or before 180 calendar days from the date of placement into the transitional assignment, the attending health care provider will be asked to review a job description of the employee's regular duties and provide a statement as to whether or not the employee is expected to return to regular, full duty within a specified time during the extension period. If an employee is determined to be permanent and stationary (P&S) by the attending health care provider, the employee will no longer be eligible for participation in the ERTW Program.

When an employee is no longer eligible for participation in the ERTW Program, the District will evaluate the employee's return to work status. However, even if this particular policy no longer applies, the District will continue to make an effort to engage in a good faith interactive process and offer reasonable accommodation to any employee with a qualifying disability short of inflicting an undue burden on the District.

Employees with work related injury/illness: When an employee with a work-related injury or illness is P&S with permanent restrictions, the District will evaluate all potential positions that the employee can perform, with or without reasonable accommodations. Employees with work related injuries/illnesses that are unable to return to work in any capacity will be provided with industrial injury benefits under the California Workers' Compensation laws.

Employees with non-work related injury/illness: When an employee with a non-work related injury or illness is released by his/her treating health care provider with long term or permanent work restrictions, the District will conduct an interactive process and will evaluate the employee's ability to return to his/her regular job, with or without

reasonable accommodations, or to an assignment for which the employee is qualified and can be performed with or without reasonable accommodations.

Responsibilities

The success of these program guidelines requires the participation, support, and cooperation of all employees. An employee who is working in a transitional assignment in the ERTW Program is treated the same as a regular employee. They are required to be at work, on task, for the assigned schedule.

Employees are required to follow the District's appropriate departmental policies and procedures for standards of conduct, compliance with work rules, or other District-wide Human Resources processes.

Employee shall:

- Promptly report any known or suspected work-related injury or illness to his/her direct supervisor.
- If medical treatment is necessary, unless the employee has pre-designated a treating health care provider, the employee shall seek treatment from a District preferred health care provider.
- Actively participate with the supervisor, District management, and/or Human Resources staff in developing a transitional work assignment.
- Complete any paperwork required by Human Resources.
- Contact the supervisor and Human Resources immediately if problems occur while in the ERTW Program.
- Schedule all medical appointments, as possible, outside of work hours. Appointments scheduled during work hours for non-work related injury or illness will require the employee to utilize their personal leave bank (i.e. sick leave, vacation leave, etc.). Where the employee misses time and is placed off work for a work related injury or illness, he or she will be paid temporary disability indemnity.
- Keep all medical and/or therapy appointments.
- Follow the advice of the treating health care provider, including use of any appliances or aides, as instructed (such as crutches or other mobility devices).
- Adhere to all work restrictions both on and off the job.

Supervisor shall:

- Ensure that daily assignments given to the employee are consistent with the employee's work restrictions.
- Check with Human Resources before changing the tasks, terms and/or conditions of any agreed upon transitional work assignments, and where necessary, obtain approval.
- Complete any paperwork required by Human Resources.
- Monitor the employee's progress within the modified or transitional work assignment.
- Support the employee's daily work and related activities to ensure that adequate supervision and training is provided and that activities do not exceed the employee's physical abilities.

- Provide reasonable training, if necessary, to facilitate the employee's performance of duties not usually performed. If significant training will be required, the treating health care provider will be asked to approve the training aspect of the assignment.
- Maintain contact with employees who are off work due to disability and periodically review for available work in the ERTW Program.
- No employee performance evaluations will be conducted while the employee is participating in a transitional assignment; however, supervisors may address violations of work rules, standards of behavior, or provide on-the-job feedback concerning the employee's performance of job tasks.

District Management shall:

- Take an active interest in the ERTW Program's success by maintaining contact with and supporting supervisors and staff from Human Resources, and periodically reviewing ERTW Program activities.

Human Resources staff shall:

- Assist in coordinating the employee's participation in the ERTW Program.
- Monitor the employee's progress with the employee, his/her supervisor, District management, the claims administrator, and the treating health care provider for the duration of time the employee participates in the ERTW Program; maintain ongoing communication with all parties, providing updates on work status, until the employee is returned to full duty or exits the ERTW Program.
- Communicate with the claims administrator and the treating health care provider at significant intervals, i.e., follow-up appointments, completion of physical therapy regimen, to check for changes in the employee work restrictions.
- Where necessary, obtain approval from the employee's health care provider for any change in duties, tasks, or environmental conditions to the employee's transitional work assignment.
- Assist with analyzing cases for extending the employee's participation in the ERTW Program, in either the same transitional assignment or another assignment, consistent with the employee's functional abilities and/or changed work restrictions.
- In consultation with the supervisor, review all extensions for the employee's participation in the ERTW Program.
- Review all cases involving employees with permanent work restrictions upon notification, and assess the availability of permanent modified or alternate work, in accordance with all legal requirements, including the Fair Employment and Housing Act (FEHA) and the Americans with Disabilities Act (ADA).

Discipline

Any employee who, while working in a transitional work assignment that violates any other District work rule, standard of conduct, or District policy may be subject to discipline, up to and including termination, in accordance with union contracts or other applicable policies and procedures.

Created: (Res. No.)