

TITLE: WORKERS' COMPENSATION BENEFITS AND EMPLOYEE RETURN-TO-WORK PROGRAM

POLICY NO: 3-35

EFFECTIVE DATE: 08/01/2001

VCCS POLICY NO: N/A

REVISED DATE: 05/21/2020

I. Purpose:

To provide guidance and direction to reduce the incidence of work-related and non-occupational accidents and illnesses, and to provide transitional duty options to injured employees.

II. Definitions:

Employee: any full-time or part-time administrative, professional, or teaching faculty; classified employee; wage/hourly worker; or work-study student.

Family and Medical Leave Act (FMLA): unpaid leave for up to twelve (12) workweeks in a leave year because of an employee's own serious health condition or the serious health condition of an eligible family member, or because of any qualifying exigency arising out of the fact that an eligible family member is on covered active duty or has an impending call to active duty in the Armed Forces. Up to twenty-six (26) workweeks of unpaid leave are provided to care for a covered servicemember during a single 12-month period for the reasons specified in this policy in conformance with the federal Family and Medical Leave Act (FMLA) of 1993 and the National Defense Authorization Act of January 28, 2008.

Maximum medical improvement (MMI): the point at which an employee has fully recovered from the injury or the medical condition has stabilized and no further improvement is anticipated.

Return-to-work coordinator: the college's human resources senior benefits specialist who acts as a primary internal and external contact for all matters related to the Workers' Compensation Program and who facilitates the return-to-work program.

Transitional duty: a temporary situation when an employee returns from a personal or work-related injury or illness to medically-restricted or modified duties. Duties assigned can be those identified in the employee's current job description with restrictions or another assignment.

Transitional employment plan (TEP): documentation of the duties the employee will perform during the transitional period.

Transitional employment team: college staff designated to develop transitional duty assignments for employees. The following college positions are identified as the transitional employment team: associate vice president of human resources, senior benefits specialist, human resource manager, human resource assistant/leave coordinator, and the appropriate unit manager.

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Virginia Sickness and Disability Program (VSDP): the program administered by the Department of Human Resource Management (DHRM) and the Virginia Retirement System (VRS) which provides employees with income replacement during periods of short- and long-term disabilities.

Workers' Compensation Program (WCP): the program administered by the Department of Human Resource Management for state employees in accordance with the [Code of Virginia](#), §65.2.

III. Policy:

- A. As an agency of the Commonwealth and a member college of the Virginia Community College System, J. Sargeant Reynolds Community College (Reynolds) shall assure compliance with the Workers' Compensation Act of Virginia and Executive Order 109 (2010), Workplace Safety and Employee Health.
- B. The college shall cooperate with the Department of Human Resource Management (DHRM) and the Department of Labor and Industry to implement initiatives to reduce work-related injuries and improve services to injured employees as part of the Workers' Compensation Program.
- C. The college's associate vice president of human resources, senior benefits specialist, and human resource manager shall have joint responsibility for evaluating work-related injuries and illnesses annually, in order to determine how to prevent or reduce work-related injuries. This includes establishing goals on an annual basis to reduce serious occupational injuries and illnesses and to enhance workplace safety; and developing, maintaining, and monitoring strategies on an annual basis, to minimize the risk of work-related injuries and illnesses. The associate vice president of human resources shall have full responsibility for the final written report.
- D. Reynolds believes it is in the best interest of the college and its faculty and staff to facilitate the expedient return of employees to full duty after they have been absent due to an injury, illness, or other medical condition. This policy shall be applied in situations when a full-time, faculty-ranked employee or full- 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 the supervisor's discretion, be applied in situations when an adjunct faculty or wage/hourly employee is restricted in the performance of his/her regular duties due to personal injury, illness, or medical condition, or due to a work-related accident/injury.
- E. Reynolds provides for the use of transitional duty assignments; therefore, to the extent possible, the college's return-to-work coordinator and the employee's immediate supervisor shall utilize a variety of transitional duty assignments, including modified work assignments, or duties, or arranging the temporary transfer of the employee until the employee is medically released to resume his/her regular duties. The assignment of transitional duties is to be documented in writing with copies given to the employee and the Office of Human Resources.

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- F. The college's return-to-work coordinator shall be responsible for coordinating VSDP and FMLA case management functions with the human resource manager and the human resource assistant/leave coordinator for employees involved in eligible workers' compensation injuries.

IV. Procedures:

A. Initiating a claim

1. Employees who experience work-related illnesses or injuries must immediately notify their supervisor. The supervisor is responsible for notifying the Office of Human Resources at 523-5249 upon receipt of this information. The Office of Human Resources will provide the injured employee with a list of three (3) panel physicians available to treat the injury/disease using [JSRCC Form No. 35-0030](#), Workers' Compensation, Panel Physicians.
2. Within twenty-four (24) hours of the injury, the immediate supervisor must complete [JSRCC Form No. 35-0031](#), Accident Report of Workers' Compensation Claim, and submit it along with the completed Panel Physicians form to the Office of Human Resources.
3. In the case of a medical emergency, the employee should go to the nearest hospital emergency room or someone should contact the college's Department of Police by dialing 5911 from any college telephone. The Department of Police will contact local emergency communications and direct the emergency unit to the location of the person or persons requiring emergency care. Workers' Compensation coverage may cover medical expenses incurred for one initial emergency room visit to any hospital. However, the employee and the supervisor must still follow the reporting procedures (Steps 1 and 2) for any injury or disease as soon as possible after the accident or exposure.
4. The Office of Human Resources shall complete the Employer's Accident Report (EAR) and submit it online to the DHRM Workers' Compensation Program within ten (10) days of the incident.
5. In the case of work-related injury/illness, the human resources return-to-work coordinator is responsible for obtaining the completed Panel Physicians form from the employee and/or supervisor. Also, within twenty-four (24) hours of the initial visit, the return-to-work coordinator will communicate with the attending physician to discuss return-to-work options, to include the ability to provide transitional duty. The return-to-work coordinator is responsible for obtaining the completed [JSRCC Form No. 36-3002](#), Commonwealth of Virginia, Position Description, and/or [JSRCC Form No. 35-0500](#), Employee Work Profile (EWP), and [JSRCC Form No. 35-0507](#), Physical Demands Worksheet, from the supervisor within two (2) work days and submitting it to the attending physician within five (5) work days of the accident or injury.

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6. In the case of a non-work related injury/illness, the employee will contact the senior benefits specialist, who is the VSDP and FMLA program coordinator. The senior benefits specialist will work with the supervisor and the employee to facilitate a return-to-work. In these instances, the senior benefits specialist will be responsible for obtaining the completed [JSRCC Form No. 36-3002](#), Commonwealth of Virginia, Position Description, and/or [JSRCC Form No. 35-0500](#), Employee Work Profile (EWP), and [JSRCC Form No. 35-0507](#), Physical Demands Worksheet, from the supervisor and submitting it to the VSDP program administrator and/or the attending physician on the sixth (6th) day of the employee's absence from work.
- B. Managing the return-to-work process for work-related and non-work related claims
1. As the human resources return-to-work coordinator, the senior benefits specialist will serve as the college's case manager for all workers' compensation claims and all non-work-related injuries/illnesses.
 2. After receiving the initial medical treatment and before returning to work, the injured employee must present a physician's medical release to the Office of Human Resources. If the employee is released to return-to-work and can perform the essential functions of their pre-injury position, the Office of Human Resources will coordinate a start date to report to work. If the injury is work related, the return-to-work coordinator will submit a supplemental report indicating this return to the Workers' Compensation Program and will also notify VSDP, if applicable, of the employee's return-to-work. If it is not work related, the senior benefits specialist will notify VSDP, if the employee is a participant in the program.
 3. If the employee is released to work with restrictions, the return-to-work coordinator, in conjunction with the injured employee's supervisor, will review the restrictions set forth by the attending physician and will make a decision if the college is able to provide transitional duty for the employee. The transitional duty must meet the college's staffing needs and accommodate the employee's medical restrictions while taking into consideration the welfare and safety of all employees.
 4. The return-to-work coordinator will ensure that the appropriate information and documentation (current EWP or position description, physical demands, transitional employment plan, etc.) is exchanged between DHRM or VSDP and/or the treating physician, prior to the implementation of the injured employee's return-to-work plan.
 5. The return-to-work coordinator will schedule an initial return-to-work meeting within twenty-four to forty-eight (24-48) hours of receipt or notification of the physician's release with the injured/ill employee, the supervisor, and members of the transitional employment team (as necessary) to coordinate the return-to-work. This group will meet, discuss, and develop transitional duties, which will focus on the employee's abilities and comply with the employee's medical restrictions and the mission of the college. The transitional duties plan will be documented in writing.

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6. If the employee cannot return to the same position and department, the return-to-work coordinator will attempt to coordinate a return-to-work in a different department.
7. At the conclusion of the initial return-to-work meeting, the return-to-work coordinator will develop a transitional employment plan (TEP), review it with the injured/ill employee and supervisor, and obtain their signatures.
8. If the college cannot provide transitional duty to the employee, then the return-to-work coordinator will maintain communication with the employee, WCP, VSDP, and the attending physician, as required, in order to obtain the employee's prognosis for recovery and functional capacity. The Office of Human Resources is required to monitor and evaluate this situation on a weekly basis.
9. While the employee is on transitional duty, the supervisor and the return-to-work coordinator will meet with the employee every thirty (30) days, not to exceed ninety (90) days, to evaluate the progress.
10. During this evaluation period (Items 8 and 9 above), the return-to-work coordinator, in coordination with the supervisor, may amend the transitional duty should the employee demonstrate improvement or regression. The Office of Human Resources will ensure that any amendments are resubmitted to the Workers' Compensation Program and VSDP, if applicable.
11. If the employee reaches the maximum medical improvement and can perform the essential functions of the primary position as indicated by the attending physician, documentation of this matter will be retained in the Office of Human Resources and with the employee's supervisor. This documentation will also be forwarded to Workers' Compensation and VSDP, if applicable.
12. If the employee is unable to return to full duty after ninety (90) days, the Office of Human Resources and the employee's supervisor have the right to terminate the modified assignment. If the employee has long-term restrictions that prohibit the ability to perform the essential functions of the primary position, the provisions of the Americans with Disabilities Act (ADA) and other applicable laws will be applied to determine suitability for employment.
13. The goals of transitional duty and return-to-work are to:
 - retain the valued and experienced employee;
 - provide enhanced benefits to help the employee recover faster;
 - increase productivity and maintain work processes by decreasing lost work time and daily operating costs for the college;
 - help control workers' compensation costs by reducing medical and disability costs; and

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- create positive workplace morale through support for the injured worker.

C. Supervisor responsibilities

1. Supervisors should encourage timely reporting of all work-related or non-work related injuries/illnesses and assist employees with the process.
2. When requested to provide transitional duty, supervisors should actively assess the workplace for appropriate tasks and duties to encourage employee return-to-work.
3. Safety expectations must be included in supervisors' as well as employees' performance plans. Supervisors and reviewers are to ensure safety expectations are evaluated annually for all college employees.
4. Supervisors should perform periodic reviews of the work area and report any safety concerns to the director of facilities management and planning. The Office of Facilities Management and Planning and the Department of Police are available to assist supervisors and managers in maintaining an accident-free work environment and to provide help when safety questions arise.

D. College responsibility

1. The associate vice president of human resources, director of facilities management and planning, human resource manager, and senior benefits specialist will evaluate the work-related injuries that occur each fiscal year for inclusion in the Human Resources Annual Report. Additionally, the report information will be used to assess training needs for individual employees or targeted departments, as needed.
2. The college will implement a variety of workplace and safety initiatives in order to prevent or reduce work-related injuries and illnesses, to include, but not be limited to:
 - regular training sessions and workshops offered through professional development and renewal on the subject of workplace safety, Workers' Compensation procedures, return-to-work procedures, etc.;
 - posters and signage throughout the college;
 - distribution of college policy to all employees regarding Workers' Compensation and return-to-work issues;
 - providing ongoing resources and information through the college's Web page;
 - expectation of clearly defined job responsibilities in the official position description to include physical requirements identified for every college position;
 - biannual review of Reynolds Policy No. 3-35, Worker's Compensation Benefits and Employee Return-to-Work Program; and willingness on the part

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of management to utilize transitional duties whenever possible for injured or ill employees.

V. Other Information:

The Office of Human Resources is responsible for the official interpretation of this policy and procedure. Questions regarding the application of this policy and procedure should be directed to that office.

References

[Governor's Executive Order 109 \(2010\)](#), Workplace Safety and Employee Health

[Department of Human Resource Management \(DHRM\) Policy No. 4-20](#), Family and Medical Leave

[Department of Human Resource Management \(DHRM\) Policy No. 4-57](#), Virginia Sickness and Disability Program

[Department of Human Resource Management \(DHRM\) Policy No. 4.60](#), Workers' Compensation

[JSRCC Form No. 35-0030](#), Workers' Compensation, Panel Physicians

[JSRCC Form No. 35-0031](#), Accident Report of Workers' Compensation Claim

[JSRCC Form No. 35-0500](#), Employee Work Profile (Work Description and Performance Plan)

[JSRCC Form No. 35-0507](#), Physical Demands Worksheet

[JSRCC Form No. 36-3002](#), Commonwealth of Virginia, Position Description