

KEYSTONE OAKS SCHOOL DISTRICT

# Policy

# Guide



Policy No. 836

Section OPERATIONS

Title WORKERS' COMPENSATION  
TRANSITIONAL RETURN-TO-  
WORK PROGRAM

Adopted May 28, 2015

Revised \_\_\_\_\_

<b>POLICY NO. 836 WORKERS' COMPENSATION TRANSITIONAL RETURN-TO-WORK PROGRAM</b>	
<b>Section 1</b>	<p><b><u>Purpose</u></b></p> <p>The Board adopts this policy to provide transitional temporary work assignment while an injured school district employee on workers' compensation continues medical treatment and/or therapy in order to facilitate the safe, timely return of injured school district employees to transitional or regular employment by making every reasonable effort to return the employee to work at the earliest possible time, based on medical approval, and also to help promote the productivity and/or efficiency of school district operations.</p>
<b>Section 2</b>	<p><b><u>Authority</u></b></p> <p>In an effort to control workers' compensation costs, the Board adopts this policy to ensure that employees who have been injured at work and are covered by workers' compensation return to work as soon as possible, in accordance with Board policy and administrative regulations.</p> <p>This policy may, at the discretion of the Superintendent or his/her designee, provide a transitional, temporary work assignment to a school district employee who meets all of the following conditions:</p>

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1. Has been injured at work.
2. Is disabled as defined under the state Workers' Compensation Act.
3. Is capable of productive work.
4. Cannot return to his/her pre-injury job for the District with or without reasonable accommodations as a result of his/her work injury.
5. Is expected to be able to return to his/her pre-injury job within a definite period of time.
6. Is being paid workers' compensation disability benefits.

Any employee shall not be eligible for continuation in the transitional return-to-work program if one (1) of the following determinations is made:

1. Employee cannot perform the assigned transitional temporary work assignment.
2. Employee is unable to return to his/her pre-injury occupation without reasonable accommodations within a reasonable period of time.

The work that shall be offered to an eligible employee shall be productive work that will advance the interests of the District.

**Section 3**

**Delegation of Responsibility**

The Superintendent or designee shall establish and oversee a transitional return-to-work program, coordinating the efforts of appropriately involved school district staff persons and develop administrative regulations to implement the Board policy.

The Superintendent or designee shall determine, at his/her discretion, if a transitional temporary work assignment will be offered to an eligible employee. When the interactive process, required by the Americans With Disabilities Act (ADA), is

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going to be engaged in, the Superintendent or designee shall engage the solicitor or special labor counsel.

The Superintendent or designee shall ensure that all District staff responsible for the transitional return-to-work program shall receive appropriate training on a periodic basis from legal counsel with expertise in the Family and Medical Leave Act (FMLA), Americans with Disabilities Act (ADA), workers' compensation and labor relations. The training shall include, but not necessarily be limited to information on the interaction of the transitional return-to-work programs and applicable laws, contracts, collective bargaining agreements, and/or benefit/compensation plans.

**Section 4**

**Guidelines**

The transitional return-to-work program and Board policy shall be implemented in a manner that does not conflict with applicable laws, contracts or collective bargaining agreements.

The work offered to the employee will be within restrictions set forth by the medical care provider. Provisions of any applicable collective bargaining agreement shall be followed if there is a conflict between this policy and any such contract or law. Any transitional return-to-work program may be adjusted and/or altered based on specific language of an applicable agreement, understanding that program and Board policy are inherent managerial prerogatives.

Nothing in this policy shall be construed as requiring that a transitional temporary work assignment be provided to an eligible employee or that the essential functions of any job be eliminated. Transitional temporary work assignments are intended as a transitional opportunity to assist an injured employee to return to his/her pre-injury occupation with or without reasonable accommodations. The development of a transitional return-to-work assignment shall occur in coordination with the employee's medical provider(s).

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Duration of Modified Duty Program

1. Participation in the transitional return-to-work program is not intended to be for an unlimited duration. The program is intended to be of a temporary duration enabling an applicable employee reasonable time to rehabilitate and return to their full duty assignment with or without reasonable accommodations or to secure another regular position where they can perform the essential functions of the job with or without reasonable accommodation.
2. Participation in the transitional return-to-work program shall not exceed six (6) months, unless an exception is granted by the Board. Exceptions will only be granted when it is expected that the individual's return to a regular full-duty assignment is imminent.
3. This program in no way affects the employee's entitlement to benefits under workers' compensation laws as they apply within the state.
4. At its discretion, the District reserves the right to place employees at any time in regular job assignments within their classification where they can perform the essential functions of the job with or without reasonable accommodation.
5. The District may terminate an employee's participation in the transitional return-to-work program at any time when an employee fails to meet the program requirements or when, in the opinion of the District, continued participation is not practical.

Discipline For Noncompliance

Disciplinary actions may be taken against any employee who fails to observe the requirements of the transitional return-to-work program in accordance with the District's policies, procedures and/or regulations and/or as per the applicable agreement or plan.

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References:

Workers' Compensation Act – 77 P.S. Sec. 1 et seq.

Family and Medical Leave Act – 29 U.S.C. Sec. 2601 et seq.

Americans with Disabilities Act – 42 U.S.C. Sec. 12101 et seq.

Family and Medical Leave, Title 29, Code of Federal  
Regulations – 29 CFR Part 825

Health Insurance Portability and Accountability Act, Title 45,  
Code of Federal Regulations – 45 CFR Part 160, 164