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Phone: ext. 6605

**Title: Return to Work Program - Workers' Compensation**

**Purpose:** UNC Asheville's structured Return to Work Program is designed to promote rehabilitation and enhance the recovery process for employees experiencing work related injuries and illnesses while maximizing productivity and controlling related expenditures. The goals of the program are to promote positive workplace morale through communication and support for the injured employee; minimize the potential for re-injury or permanent disability; reduce medical and disability costs; and increase productivity by decreasing lost work time.

This program supports compliance with the Americans with Disabilities Act and associated guidelines. This is accomplished through a partnership including the employee, medical providers, and University personnel working together toward the common goal of expediting the employee's return to physical and psychological well-being.

The program will make every effort to provide transitional work (restricted duty) for employees who, due to a work related injury or illness, are restricted from performing some or all of their regular duties for a temporary period of time. The program also addresses placement efforts for employees who, after recovery, are permanently restricted from performing their regular duties. The procedures and policies contained herein apply to work-related injuries.

**Scope:** All full-time, part-time and temporary UNC Asheville SPA and EPA non-faculty and faculty employees are covered by the Workers' Compensation Return to Work Program. Student employees who are injured in the course of their employment are also covered. Volunteers are not covered by the program.

**Definitions:** Transitional Duty (restricted duty) is defined as work activity performed by an employee who has had an injury or illness which has resulted in that employee's inability to perform some or all of their normal job activities.

**Policy:** When an employee of UNC Asheville has been out of work for an approved extended absence due to a work-related injury and has been released to return to work by the treating physician, Human Resources will provide the job description to the physician's office. A physician's statement authorizing the return to work must be submitted at least two business days prior to reinstatement to work status. The authorization must include a review of the employee's job description by the



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physician. The physician's office can then fax the authorization for return to work to the Human Resources Office. This authorization must be received before the employee can be authorized to return to work. The University retains the right to require a Functional Capacity Evaluation for any injured employee before granting permission to return to work.

**Procedures:** The University Workers' Compensation Administrator (WCA) will coordinate the program, consulting as needed with the University Safety Officer. The WCA will coordinate with medical providers, the employee, the supervisor, the WC Claims Adjuster (if necessary) and the University Employment Manager to facilitate return to work. The Workers' Compensation Administrator will also communicate with the injured employee on a regular basis to assist in bringing him/her back into the workforce as soon as possible following an injury.

The WCA and the Safety Officer will determine and assign Transitional Duty. A specified starting and ending date will be monitored by the WCA. The supervisor will continually monitor the employee to assure compliance with Transitional Duty requirements until the employee is able to return to work without restrictions.

For any employee of the University who has been released to return to work, there are three possible Return to Work situations:

**1) Employee has been released to return to work with no restrictions.**

When an employee has reached maximum medical improvement and has been released to return to work by the treating physician, the University shall return the employee to the same position or one of like seniority, status, and pay held prior to the work-related absence.

**2) Employee has been released to return to restricted duty work.**

When an employee is released to return to restricted duty work with the approval of the treating physician, but retains some condition which might limit or otherwise prevent successful performance in the original position, the University shall attempt to provide a productive work reassignment (transitional duty) suitable to the employee's capacity to work and in accordance with the ADA (Americans with Disabilities Act).

**This is considered to be a trial return to work by the North Carolina Industrial Commission (NCIC). If within the first nine months the treating physician determines that the employee is not able to perform the transitional work, the employee must file a request for reinstatement of workers' compensation. When the employee reaches maximum medical**



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**improvement the University shall return the employee to the same position or one of like seniority status and pay held prior to workers' compensation leave.**

Transitional duty work is temporary and will not exceed 90 days unless approved by the Director for Human Resources. All transitional duty work is subject to the University's ability to provide such work. The University will not create work if it is not productive work.

If there are no assignments in the employing department compatible with the restrictions as defined by the physician, the department head should contact the Workers' Compensation Administrator in Human Resources to request the employee be given a suitable work assignment elsewhere in the University. However, the employing department's personnel funds will be used to pay the individual during the transitional duty assignment. With discussion and approval from both departments, the receiving department may split the cost with the employing department during the temporary assignment. The Workers' Compensation Administrator will notify the Employment Manager of the employee's availability for placement in a suitable work assignment.

If a position is not available that is suitable to the employee's capacity, the employee shall continue on workers' compensation leave until work placement or separation. Other possible benefits options will be reviewed with the employee.

**3) Employee has a permanent condition which precludes him/her working in original position of employment.**

When an employee who has been released to return to work by their treating physician has a permanent condition which prohibits employment in the previous position, the University shall attempt to place the employee in another position suitable to the employee's capacity to work, which is productive and in accordance with the ADA (Americans with Disabilities Act). Please refer to the University's Reasonable Accommodations policy. This work placement may be a permanent assignment, a temporary assignment, or a part-time assignment until a permanent assignment is found.

If a position is not available that is suitable to the employee's capacity, the employee shall continue on workers' compensation leave until work placement or separation. Other possible benefits options will be reviewed with the employee.



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If a suitable position is not available, the University shall appoint the employee to the first suitable vacancy that occurs. Work placement efforts may continue for a period not to exceed 12 months, except with the approval of the Director for Human Resources.

If the employee accepts a position in a lower pay grade than the pre-injury position, the employee's pay must be adjusted, as appropriate, within the range of the lower pay grade.

Work placement efforts may be in the form of referral to agency internal vacancies, Office of State Personnel vacancy listings, third party reemployment services, vocational rehabilitation, etc.

The Workers' Compensation Act does not prohibit the separation of an employee in receipt of workers' compensation benefits if it is determined critical to fill the position. Separation may occur any time in accordance with the Separation Due to Unavailability Policy, but may not occur as retaliation. (State Personnel Manual, Section 11)

### **Return to Work Program Guiding Principles:**

All University departments are expected to support transitional duty work procedures.

Temporary accommodations should be made to the employee's current position without permanent change to the job description.

The supervisor should provide close oversight of the progress of the employee to assure compliance with restrictions and to maximize recovery while maintaining communication with the WCA.

If the restrictions are permanent and there are no assignments in the employing department compatible with the employee's restrictions, employees will be reassigned to positions in the following order of preference:

- 1) Current division (other than employing department)
- 2) Any suitable University vacancy
- 3) Any temporary assignment

Reassignments to positions listed above are subject to department approval and continued supervisory review and feedback for the trial return to work period. These reassignments will be supported by a signed letter of understanding between the employee and the respective departments.



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### **Refusal of Reemployment or Training**

**When an employee returning from Workers' Compensation refuses re-employment or training for re-employment, the University has the right to terminate the employee.**

Approved on: 1/18/2008  
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