

**Subject: Return to Work**

1. Purpose .....	1
2. Policy .....	1
3. Responsibilities.....	2
4. Procedures .....	2
4.1. Work-Related Injury.....	2
4.2. Non-Occupational Injury/Illness.....	2
4.3. Return-to-Work Process .....	3
5. Definitions.....	4
6. References .....	5
7. Review Periodicity and Responsibility .....	5
8. Effective Date and Approval .....	5
9. Review and Revision History .....	5

**1. Purpose**

This policy addresses the responsibility of Tidewater Community College to provide for the return to work of employees who are restricted in the performance of their essential functions due to compensable work-related injuries and non-occupational injuries/illnesses, and who are expected to return to their pre-injury position. It applies to all full-time faculty and classified employees and to wage employees. The policy complies with [Executive Order 94 \(2005\)](#), Virginia Department of Human Resource Management (DHRM) [Policy 4.57](#) (Virginia Sickness and Disability Program), and the policies of the Virginia Community College System as detailed in Section 3.9 of the [VCCS Policy Manual](#).

**2. Policy**

It is Tidewater Community College's policy to retain our valued employees, achieve a safe and timely return of injured or ill employees to the workforce, and reduce costs related to disability.

This policy shall be applied in situations when a full-time faculty or classified employee or wage 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. This policy may, at supervisor discretion, be applied in situations

when an adjunct faculty member or work-study student is restricted in the performance of his/her regular duties due to a work-related accident/injury.

Tidewater Community College provides for the use of transitional duty assignments and shall, to the extent possible, assist employees by temporarily modifying work assignments and duties or arranging for a temporary transfer until the employee is medically released to resume regular duties.

### **3. Responsibilities**

The Vice President for Administration shall be responsible for developing and maintaining procedures that are consistent with this policy and that comply with applicable policies and procedures of the Virginia Community College System and the Commonwealth of Virginia.

### **4. Procedures**

#### **4.1. Work-Related Injury**

The following steps will be taken in the event of a work-related injury.

1. An employee suffering a work-related injury must immediately notify his/her supervisor in accordance with the Tidewater Community College Safety Plan.
2. The injured employee's immediate supervisor will complete TCC's "Incident/Observation Report" form and submit it to the Return-to-Work Coordinator in the Office of Human Resources within one working day of the injury.
3. The Return-to-Work Coordinator will complete the "Employer's Accident Report" form and initiate the process of case management.
4. The Return-to-Work Coordinator will submit the completed "Employer's Accident Report" form to the WCP within ten (10) days of the injury.
5. The Return-to-Work Coordinator will confirm that the injured employee is offered a panel of physicians.
6. The Return-to-Work Coordinator will, within 24 hours of the injured employee's initial physician visit, communicate with the attending physician to discuss return to work options, to include TCC's ability to provide transitional duty.

#### **4.2. Non-Occupational Injury/Illness**

In the case of a non-occupational injury or illness, the employee will contact the VSDP Program. The VSDP Program will work with TCC's Employee Benefits Manager, the respective supervisor, and the employee to facilitate a return to work.

### 4.3. Return-to-Work Process

The following process will apply for all work-related injuries as well as non-occupational injuries or illnesses.

1. The TEC will submit the employee's position description and physical demands, if necessary, and a copy of this procedure to the attending physician within 24 hours of the Coordinator's initial discussion with the physician.
2. If the employee is released to return to work and can perform the essential functions of his/her pre-injury position, he/she will provide the release to the Return-to-Work Coordinator who will coordinate a start date to report to work. The Coordinator will submit a supplemental report indicating this return to work to the WCP and, if applicable to the employee's return to work, will notify VSDP.
3. If the employee is released to work with restrictions, the appropriate TEC, in coordination with the immediate supervisor, will review the restrictions set forth by the attending physician to determine whether TCC is able to provide transitional duty for the employee. Transitional duty must meet TCC's staffing needs and accommodate the employee's medical restrictions while taking into consideration the welfare and safety of the employee and co-workers.
4. The decision of whether TCC is able to provide transitional duty for the employee will be reviewed and approved by the Director of Human Resources and the injured/ill employee's supervising member of the President's Executive Staff (i.e., college vice president or director or campus provost).
5. If transitional duty is not possible for an employee within TCC or the employee is not released to work, the appropriate TEC will maintain communication with the employee, WCP or VSDP (as applicable), and the attending physician in order to obtain the employee's prognosis for recovery and the employee's functional capacity within three (3) business days of the determination or notification that the employee will not be able to return to work.
6. Within three (3) business days of being notified of the release to work with restrictions, the appropriate TEC will schedule an initial return-to-work meeting with the injured/ill employee and the immediate supervisor to coordinate the return to work. They will meet—either in person or telephonically—and discuss and develop transitional duties, which will focus on the employee's abilities, comply with the employee's medical restrictions, and TCC's mission.
7. If the employee cannot return to work in his/her pre-injury department, the appropriate TEC will attempt to coordinate a return to work within another college department.

8. The appropriate TEC will complete the TEP, review it with the injured/ill employee and supervisor, obtain their signatures, and then submit it to the attending physician for approval.
9. The appropriate TEC will submit a supplemental report indicating this return to work to the WCP or VSDP, as applicable to the employee's return to work.
10. During transitional duty, the appropriate TEC will meet with the injured/ill employee to discuss concerns and to evaluate progress every thirty (30) calendar days. The transitional duty can be altered, upgraded, or changed in a manner consistent with medical restrictions and in accordance with an individual's improved condition.
11. The appropriate TEC, in coordination with the supervisor, may amend the transitional duty should the employee demonstrate improvement or regression. Any amendments must be resubmitted to the attending physician for approval and a copy forwarded to WCP or VSDP, as applicable.
12. Transitional duty shall be made available to those employees who are expected to return to their pre-injury position and may not normally exceed ninety (90) calendar days.
  - At the conclusion of ninety (90) calendar days, the supervisor, in consultation with the appropriate TEC, the Director of Human Resources, and the injured/ill employee's supervising member of the President's Executive Staff may terminate the transitional duty assignment. If it is determined that the employee has long-term restrictions that result in his/her inability to perform the essential functions of his/her primary position, the provisions of the Americans with Disabilities Act (ADA) and other applicable laws will be applied to determine suitability for employment.
  - If, in the opinion of the attending physician, the injured/ill employee continues to be expected to return to his/her pre-injury position, the supervisor, in consultation with the appropriate TEC, the Director of Human Resources, and the injured/ill employee's supervising member of the President's Executive Staff may extend the transitional duty for an additional thirty (30) calendar days.
  - No extension of transitional duty beyond a total of one-hundred-twenty (120) calendar days may be made without authorization by the college president.

## **5. Definitions**

**Return-to-Work Coordinator.** A designated manager in the Office of Human Resources who will act as a primary contact to the Workers' Compensation Program and will facilitate the return-to-work process. Normally, this responsibility will be

assigned to the Recruitment and Employment Manager with the Employee Benefits Manager acting as an alternate in the case of the primary manager's absence.

**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 an employee will perform during a transitional duty period.

**Transitional Employment Coordinator (TEC).** That manager in the Office of Human Resources who will develop transitional duty assignments and the TEP in consultation with the attending physician and the injured/ill employee's supervisor.

**Virginia Sickness and Disability Program (VSDP).** That program administered by the Virginia Retirement System which provides employees with income replacement during periods of short- and long-term disabilities.

**Workers' Compensation Program (WCP).** That program administered by the Department of Human Resource Management for state employees in accordance with the *Code of Virginia* § 65.2.

## 6. References

[Code of Virginia § 65.2](#) – Virginia Worker's Compensation Act

[DHRM Policy 4.57](#) – Virginia Sickness and Disability Program

[Executive Order 94 \(2005\)](#) – Workplace Safety and Employee Health

[VCCS Policy Manual](#) – Section 3.9

## 7. Review Periodicity and Responsibility

The Vice President for Administration shall review this policy at each anniversary of its approval and, if necessary, recommend revisions.

## 8. Effective Date and Approval

This policy is effective upon its approval by the College President on August 7, 2006.

Policy Approved:

Deborah M. DiCroce  
President

Procedure Developed:

Franklin T. Dunn  
Vice President for Administration

## 9. Review and Revision History

This is the first version of this policy. The policy was re-formatted to be consistent with the college's format for policies and procedures.