

## **Personnel -- Certified**

### **Return to Work**

#### **Responsibility**

Every employee of the Board of Education has a responsibility to minimize loss exposure as a factor in the work place by participating in quality improvement programs and strictly observing safety and standard operating policies and procedures. The term “loss exposure,” as applied to the workplace, is defined as the potential for accidents, which result in illness or injury.

#### **Policy**

Employees of the Board of Education who are, or could be, on leave of absence from their duties as a result of a work related illness or injury may be eligible for the Return-To-Work Program upon written certification of a medical care provider. The medical care provider must certify that the employee may return to work with restrictions on physical requirements of the job in questions, and that those restrictions are not expected to last for more than 30 days.

A restriction identifies a physical condition, which prevents an employee from performing the full scope of his/her job duties as outlined in their job description. There are two types of restrictions: temporary and permanent. Temporary restrictions are defined as those limitations placed on an injured employee by a physician, which are of a relatively short duration (i.e., the employee is expected to fully recover and to return to normal working conditions.)

Permanent restrictions are defined as those limitations placed on an employee by a physician which is expected to be long term (more than 180 days) or from which recovery is not expected. Those employees who fall in this category are not eligible for participation in the Return-To-Work Program. They may elect to seek alternative employment, or file for a “reasonable accommodation” under the Americans with Disabilities Act.

When an employee is approved for participation in the Return to Work Program, primary consideration will be given to job placement within the employee’s department and normal job duties. A secondary consideration will be alternative placement into another department or another assignment, which is within the same bargaining unit. A critical consideration is to place the injured employee in a position to perform productive work that is both useful to the school district and achievable within the limits of the restrictions placed on the employee. Employee must be able to perform the duties established under the applicable job description.

Alternative placement will not be used to avoid the filling of vacancies within the department in question.

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**Return to Work** (continued)

An employee participating in the Return-To-Work Program is subject to all rules, regulations, contractual memoranda of understanding, standards, policies and procedures of the Board of Education.

Each situation will stand on its own merits. An Employee Return-To-Work form, completed by a physician, noting an employee's restrictions, will be evaluated by the appropriate school personnel in order to determine whether or not an employee is able to return to his/her assigned position. A final determination will be made by the Superintendent or designee.

If an employee is approved for the Return-To-Work Program, he/she shall be provided tasks, which fall within the physical restrictions identified by the treating physician. In no case will an employee authorized to participate in the Return-To-Work Program be placed in an area that will pose a health or safety risk to the Board of Education, other staff or themselves. An employee shall not be returned to work to any job that is punitive in nature.

Reference: American with Disabilities Act (ADA)

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The following criteria may be used to initiate Return-To-Work procedures.

Employee suffers a catastrophic injury that will prevent that person from performing the essential functions of the position they hold.

Employee has reached maximum medical improvement with restrictions that prevent the employee from performing essential functions of the job.

There is a medical opinion that the employees' permanent medical restrictions prevent performance of the essential functions of the job, even though maximum medical improvement has not been achieved.

The Superintendent or designee will determine if any of the department's workers' compensation claims meet one or more of the above mentioned criteria. This notice will be sent to the Superintendent or designee. The Superintendent or designee will evaluate, on a case-by-case basis, work accommodations in compliance with the provisions of the American with Disabilities Act (ADA) and collective bargaining agreements.

After this evaluation, the Superintendent or designee will make a recommendation to either accommodate the employee in their current position or an alternate position, or to initiate the separation of the employees' service with the Board of Education. This may be accomplished by, but not limited to, service retirement, disability retirement or unvested separation.