

<p style="text-align: center;">GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures</p>		
Policy Name: Return-to-Work Program		
Policy Number: 104.23	Effective Date: 10/8/2019	Page Number: 1 of 6
Authority: Commissioner	Originating Division: Administration & Finance Division (Human Resources)	Access Listing: Level I: All Access

I. Introduction and Summary:

Georgia Department of Corrections (GDC) shall manage the Department's Return-To-Work (RTW) Program to enable, when feasible, injured and/or ill employees to return to work as quickly and safely as possible. The Department shall provide temporary, modified job duty assignments or an alternative assignment based on time-frames outlined in this procedure during recovery and return to full duty.

II. Authority:

- A. Equal Employment Opportunity Laws: Americans with Disabilities Act of 1990; 42 U.S.C. §12115, Title VII of the Civil Rights Act of 1964, amended; 42 U.S.C. § 2000 et seq, and Section 504 of the Rehabilitation Act of 1973; 29 U.S.C. § 701, amended;
- B. Family Medical Leave Act (FMLA) of 1993; 29 C.F.R. § 201 et seq;
- C. Official Code of Georgia (O.C.G.A.): § 34-9-81.1 Workers' Compensation and § 45-19-20 Georgia Fair Employment Practices Act;
- D. State Personnel Board Rules (SPB): 478-1-.03 Anti-Discrimination, 478-1-.06 Recruiting, Interviewing and Hiring, 478-1-.15 Changes to Employment Status, and 478-1-.16 Absence from Work; and
- E. GDC Standard Operating Procedures (SOPs): 104.21 Americans with Disabilities Act, 104.22 Workers' Compensation, 104.27 Suspension with Pay, 104.39.02 Annual and Terminal Leave, 104.39.03 Injury Leave with Pay, 104.39.04 Leave without Pay, 104.39.06 Sick Leave, 104.39.11 Personal Leave, 104.39.12 Family Medical Leave Act, and 104.39.13 Leave Donation Program.
- F. ACA Standards: 2-CO-1C-09-01 and 4-4054

III. Definitions:

- A. **Activity Analysis (AA)** - A form which communicates the physical demands of an injured employee's regular job to the treating healthcare provider and allows the treating healthcare provider to describe the functional capacities of the employee who is returning to work.

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- B. **Transitional Employment (TE)** - Any temporary, modified-duty assignment that allows an injured and/or ill employee to return to work, and remain productive, until the employee is able to perform regular, full-time duties within established time-frames in this procedure.
- C. **Transitional Employment Plan** - A written document used to communicate (to all parties concerned) the work schedule, temporary duties, and/or assignments of the returning employee. The TE plan should be updated regularly to reflect the employee's increasing capabilities.
- D. **Transitional Employment Team** - A group of persons responsible for the initial determination and periodic review/consideration of practical employment alternatives for the returning employee. These individuals will collectively decide what is the best (most suitable) TE plan for the affected employee.
- E. **Transitional Employment Tracking Form** - The document which is designed (as an official record) to keep track of all injured employees, who are (or will be) involved in the performance of temporary or modified work assignments.

IV. Statement of Policy and Applicable Procedures:

- A. Georgia Department of Corrections cannot provide "light" duty assignments, but will temporarily modify job assignments until there is a return to full duty.
 - 1. Each GDC Appointing Authority/Designee shall establish a Transitional Employment (TE) Team, which will include a Human Resources (HR) Representative, the DOAS assigned Workers' Compensation (WC) Claims Specialist (for occupational injuries/illnesses), the employee, the supervisor, and other local and/or Correctional Human Resources Management (CHRM) Coordinator, as deemed necessary. For employees assigned to Central Office, the Human Resources Director/Designee will establish the team.
 - 2. All Appointing Authorities (HR Director for Central Office employees) will ensure that all employees are aware of Return to Work philosophy.
- B. TE meetings will be scheduled when there is an employee who is identified as suitable for transitional employment, or when a plan needs to be reviewed or revised. The TE Team shall contact/coordinate with the CHRM Coordinator as needed to facilitate the process. A TE meeting should be scheduled under the following situations:

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1. When released by a healthcare provider to return to work with restrictions (Eligible employees will be considered for TE);
2. When employees develop temporary impairments that interfere with the performance of work assignments;
3. To accommodate temporary disabilities of qualified employees during the process at that time; and
4. A reasonable accommodation evaluation will be initiated by the TE team when it becomes necessary for the Department to comply with the Americans with Disabilities Act (ADA). However, the CHRM Coordinator will be contacted to ensure compliance with all related statutes and State Personnel Board Rules (SPBR).

NOTE: It is the employee's responsibility to authorize release of medical information to the Department to be used to facilitate their transitional employment.

C. Transitional Employment Plan:

1. The plan will specify the following:
 - a. Start and end dates of transitional duty;
 - b. Specific duties to be performed;
 - c. Name and signature of both the supervisor and the employee; and
 - d. Time frames established for the next evaluation by the healthcare provider and dates set to consider revisions of the plan.
2. As the employee's medical condition improves, the team will meet periodically to revise the plan. The TE team should find work activity that will facilitate the employee's recovery and should reflect improvement in the employee's physical capacities, as documented or recommended by the treating healthcare provider.

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3. RTW employees will be active members of the TE process, especially as it relates to reasonable accommodation. Their opinions and input will be solicited when appropriate.
4. When a TE team needs assistance with reasonable accommodation considerations for a person who was injured in the line of duty, or finds that an accommodation cannot be identified, the RTW employee will be referred to the DOAS WC Specialist.

D. Transitional Employment Duty Options:

1. Transitional Employment Plans (Attachment 3) will generally be short-term and temporary in nature (generally set in increments of 2 weeks, 30 days or 60 days). Close scrutiny and a full evaluation of the feasibility/suitability for continuing TE will be given when any employee's restricted medical condition has lasted for 90 days or longer.

NOTE: **Any TE plan that extends beyond 90 days must be approved by the Department Human Resources Director.**

2. Assigned transitional duties will consist of those tasks which are of value to Department operations while facilitating the employee's recovery (with consideration of the healthcare provider's recommendations).
3. The employee's assigned tasks should be the same or similar to his/her regular work and performed within the same work unit (where the worker was employed prior to the injury or absence). However, if this is not feasible, other alternatives should be considered using the following guidelines:
 - a. Focus on unique skills and abilities of the employee;
 - b. Consider duties outside of the employee's regular work (e.g., a Correctional Officer **temporarily** assigned to property management, or a Food Service Supervisor given **short-term** mail room duties);
 - c. Explore opportunities for completing needed in-service training or other on-the-job learning experiences, which enhance the skills of the employee; and

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- d. Provide temporary assignment of the injured employee to special projects which need to be completed.

E. Tracking Form:

1. The TE team leader will ensure that Attachment 4, TE Tracking Form, reflects the injured worker's assigned, primary work unit **within the facility**, start/end dates of transitional work period, official job title, conditions/restrictions and the next healthcare provider's appointment. The "Action/Comments" block can be used as deemed necessary to record important notes about the assigned tasks, scheduled healthcare provider's visits, or other actions.
2. Each TE tracking form must have the **month/year** recorded at the top of each separate sheet, to facilitate the record keeping process.
3. Employees must be included on the tracking form for each month the employee is on TE.
4. Ideally, the local HR representative should conduct a weekly review of the tracking form to ensure that the name of each injured/ill employee involved in the TE process has been recorded (with all appropriate, current information documented).

F. Medical Documentation:

1. Employees are required to provide medical documentation to support a TE Plan.
2. Medical information should be provided along with Attachment 1, WC240a Job Analysis or Attachment 2, Activity Analysis.
3. All medical documentation must be forwarded to HR for maintenance in confidential medical files.

- G. Employees who refuse to cooperate with the Department's Return-To-Work initiatives may be required to take unpaid leave or may be separated from employment. Employees refusing to cooperate should be reported immediately to CHRM.

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V. Attachments:

Attachment 1: WC240a Job Analysis
Attachment 2: Activity Analysis
Attachment 3: Transitional Employment Plan
Attachment 4: Transitional Employment Tracking Form

VI. Record Retention of Forms Relevant to this Policy:

Upon completion, Attachments 1 and 2 shall be retained permanently in the local medical file. Attachment 3 shall be retained permanently in the local medical file and Attachment 4 shall be retained for three (3) years in the HR Office Reports file.