

College Procedure: 404.20 – Return to Work

Policy Reference: 404 – Employment Relationship
Responsible Department: Human Resources
Approval Authority: Cabinet
Procedure Owner: Vice President, Human Resources
Effective Date: 08/07/2015

Version Number: 3
Legal Counsel Reviewed (yes/no): No
Scope: College-wide

Reason for Procedure

ADD Kirkwood Community College seeks to provide meaningful work for employees who are temporarily unable to perform all, or portions, of their regular work assignments or duties. This procedure applies to employees who have experienced a work-related injury or illness. The goal is to allow employees to return to a productive, regular work as quickly as possible. Providing temporary transitional or modified work activities allows injured employees to remain an active and vital part of the college. All active employees who become temporarily unable to perform their regular position responsibilities due to a compensable work-related injury or illness may be eligible for transitory work duties within the provisions of this program. Return to work tasks may be in the form of:

- Changed duties within the scope of the employee’s current position.
- Other available jobs for which the employee qualifies outside the scope of his or her current position.
- An altered schedule of work hours.

The Procedure

Transitional and/or light duty accelerates an employee’s return to work by addressing the physical, emotional and environmental factors that might inhibit the ability to return to work. Light duty assignments are temporary and generally will not last longer than 90 days. The college may permit multiple 90-day assignments if medically warranted.

Applicability:

Length of Duty

If work is available that meets the limitations or restrictions set forth by the employee’s health care provider, the employee may be offered transitional or light duty work for 90 days. Transitional or

light duty is a temporary program, and an employee's eligibility in these assignments will be based strictly on medical documentation and recovery progress.

Restrictions

Kirkwood expects all injured employees to follow their restrictions and medical plan of recovery. Any employee who fails to follow his or her restrictions may cause a delay in healing or may further aggravate the condition. Employees who disregard their restrictions may be subject to disciplinary action up to and including termination.

Qualification

Transitional or light duty will be offered to employees based on skills, abilities and the availability of work. Eligibility is based on the Return-to-Work Evaluation Form completed by the employee's health care provider.

Work Schedule

Kirkwood will make efforts to tailor the restricted work schedule to the injured employee's normal, pre-condition work schedule. However, depending on the job limitations, it may be necessary for the employee to take on a specifically designed, temporary schedule to accommodate these restrictions.

Payment of Wages

If an employee is unable to work due to injury, or if the College has no work due to the restrictions written by the health care provider, the first three days after the work-related injury/illness will typically be unpaid. Employees may use sick leave or PTO to cover the 3 days without pay. If the employee's sick leave account is depleted, employees may use personal leave or vacation. Employees are not required to use PTO, sick, personal or vacation leave while out on Workers' Compensation.

After the initial 3 days, employees may use a maximum of 4 hours of sick leave or PTO per week to in order to maintain their flexible benefits. Should sick leave become exhausted, employees may use personal or vacation leave.

If on a restricted workweek, the employee may receive a combination of regular pay and workers' compensation income replacement benefits.

If employees take vacation or there is a holiday during restricted duty, they are entitled to their regular vacation selection or holiday pay as it would apply to normal, non-restricted duty.

Communication Expectations

If an employee is unable to work in any capacity and the college approves of the absences, the employee must stay in contact with Human Resources and their direct supervisor. Human Resources must receive an update on the employee's work abilities regularly up to and including possible weekly updates depending on restrictions and work that may be available to meet those restrictions. Failure to do so may result in a reduction in available benefits and discipline up to and including termination.

Medical Appointments

The employee is required to keep all appointments scheduled during the healing and recovery process until discharged from care. Upon return to work, if the employee continues to require appointments or therapy, the employee should schedule their appointments outside of work hours. If this is not possible, the employee should schedule appointments at the beginning or end of their shift. In cases where the medical appointment cannot be made outside of regular work hours, the college will pay time away as hours worked. The supervisor may ask for documentation as to why the appointment cannot be made outside of regular work hours.

The employee's health care provider must complete a Return-to-Work Evaluation Form at each visit. It is the employee's responsibility to inform the College of his or her medical status after each appointment.

Refusal to Participate:

If you are unable to return to your regular job but are capable of performing transitional duty, you must return to transitional or light duty. Eligible employees who choose not to participate in the Return-to-Work Program or follow all guidelines may become ineligible for state workers' compensation benefits. Refusal to participate may be a basis for termination.

Family Medical Leave:

In the event you are unable to work for 3 or more days, the Family Medical Leave Act may apply. Contact Human Resources for further details.

Americans with Disabilities Act:

Nothing about this procedure is intended to reduce an employee's rights or Kirkwood's obligations under the Americans with Disabilities Act or similar state statutes. Kirkwood will make reasonable accommodations when needed to permit an employee to work during transitional or light duty periods.

Employee Acknowledgment:

Kirkwood's primary goal is to accommodate injured workers by identifying or modifying jobs to meet their physical capacities and allowing them to return to work as quickly and smoothly as possible. The college is committed to individualizing return to work programs based around the individual's capabilities and will review all task assignments regularly to ensure duties are appropriate.

We are committed to early return to work and recognize that it speeds up the recovery process and reduces the likelihood of permanent disability. College employees are expected to show the same commitment to the program by following the Return-to-Work procedures. The Return-to-Work Program requires a team approach, so employees are expected to cooperate with Human Resources, the management team, supervisors and medical staff should they become injured and unable to perform their full job duties.

It is the responsibility of each employee to have read, understand and comply with the Return-to-Work procedure. Failure to comply can result in disciplinary action up to and including termination as set forth in the Performance Development and Discipline procedure.

Acknowledgment

I have read Kirkwood Community College's Return to Work procedures, and understand the requirements and expectations of me as an employee. I fully recognize Kirkwood Community College's expectations of me during my recovery. I also know that Kirkwood reserves the right to pay less than my regular wage rate during transitional work.

I understand that if I choose not to participate in the Return-to-Work Program or follow the procedures I may become ineligible for workers' compensation benefits, and in some cases, my refusal may be grounds for termination.

Revision Log

Table 1 Revision Log

Version Number	Date Approved	Approved by	Description of Change
1	08/07/2015	Jim Choate, Vice President, Finance	New procedure
2	05/16/2017	Mick Starcevich, President	New template
3	07/23/2019	Cabinet	Procedure template