

4.19 Return to Work/Modified Temporary Transitional Duty Program	
Application: To All Department of Children's Services Employees	
Authority: TCA 37-5-105 (3), 37-5-106; Americans With Disabilities Act (ADA) of 1990; Family and Medical Leave Act of 1993	Standards: COA: PA-HR 1, PA-HR 5
Commissioner:	Date:
Original Effective Date: 06/13/16 Current Effective Date: 06/13/16	Supersedes: None Last Review Date: 06/13/16
<p>Glossary:</p> <ul style="list-style-type: none"> ◆ Authorized Treating Physician <ul style="list-style-type: none"> ○ The doctor approved to treat the compensable injury. This physician is selected from the state's workers' compensation preferred provider network. ◆ Full Duty <ul style="list-style-type: none"> ○ The employee's pre-injury or illness duties and task ◆ Modified/ Transitional Duty Assignment <ul style="list-style-type: none"> ○ A restricted or light duty short-term position, for a defined period, that recognizes an employee's temporary limitations during recovery and rehabilitation as set forth by the Authorized Treating Physician ◆ Occupational Injury <ul style="list-style-type: none"> ○ An accident arising out of and in the course of employment ◆ Occupational Illness <ul style="list-style-type: none"> ○ A disease arising out of and in the course of employment, but not an ordinary disease of life to which the general public is exposed outside of the employment ◆ Family and Medical Leave Act (FMLA) <ul style="list-style-type: none"> ○ A United States federal law requiring covered employers to provide employees job protected and unpaid leave for qualified medical and family reasons. Qualified medical and family reasons include: personal or family illness, family military leave, pregnancy, adoption, or the foster care placement of a child 	

Policy Statement:

The Department of Children's Services (DCS) shall oversee a Return to Work/Modified Transitional Duty Program (TD) to expedite the return of employees with either illness or work related injuries to provide work accommodations for those who are temporarily restricted from performing their assigned duties.

Purpose:

To provide an administrative process/framework for a transitional duty/return to work program.

Procedures:

A. Benefits

Benefits of using a TD Program process include:

- a) Aiding in the employee's recovery process;
- b) Reducing the financial and psychological impact an injury or illness can have on employees;
- c) Providing an alternative to lost time;
- d) Keeping the employee in the routine of coming to work and preventing a disability syndrome where the injured employee has no desire to be a part of the work force and is content to draw workers' compensation benefits;
- e) Enabling the employee to receive regular pay;
- f) Allowing the employee to maintain their standard of living; and
- g) Creating an overall win/win situation for the employee and DCS.

B. Applicability

1. The program applies to employees who are on leave for issues that meet the guidelines for utilizing Family and Medical Leave Act (FMLA) or:
 - a) Work related injuries or illness; and Are receiving workers' compensation benefits; and
 - b) Are restricted in the performance of their duties due to compensable work-related injuries.
2. DCS does not guarantee placement and is under no obligation to offer, create, or encumber any specific position for purposes of offering placement.
3. In the event an employee refuses a TD assignment outside the employee's FMLA leave eligibility period, which is within the employee's medical restrictions, DCS is not obligated to provide an alternative.
4. Failure to accept a TD assignment that has been by approved by the employee's Authorized Treating Physician may result in reduction of the worker's compensation wage replacement benefits and/or disciplinary action.
5. A TD assignment must meet the institution's staffing needs.

C. Rules, Policy and procedure

An employee on TD assignment is considered an active employee subject to all rules, policy and procedures listed below:

1. An employee must immediately notify his or her supervisor of any work-related injury.
2. The employee and supervisor complete, sign, and submit form [TR-0231, Accident Report](#) in addition to any additional information/applicable forms to DCS Human Resources.
3. If the employee is unable to perform the essential job functions of his or her preinjury position, he or she can be placed on transitional duty provided a job is available within his or her physical abilities.
4. DCS Human Resources consults with the injured employee and supervisor to determine if a proposed TD assignment is suitable.
5. Injured or ill employees must adhere to medical restrictions according to the treating physician or independent medical examiner and are evaluated under the TD Program rules bi-weekly or as requested by the treating physician.
6. All medical appointments and injury/work status reports for the injured employee are tracked, to the extent possible, by DCS Human Resources and communicated by DCS Human Resources to the employee's supervisor regarding any updates or changes.
7. If a suitable TD assignment is identified, DCS Human Resources contacts the employee and supervisor to discuss the assignment, length of assignment, restrictions and expectations regarding the assignment, medical evaluations, and other pertinent information.
8. DCS Human Resources conducts reviews every 30 calendar days to determine if the employee is still in transition based on the Authorized Treating Physician's recommendations.
9. If a supervisor encounters issues during the TD assignment, the supervisor reports such issues to DCS Human Resources. DCS Human Resources determines necessary changes or if continuation of the assignment is appropriate.
10. If a TD assignment is offered to an injured or ill employee and the assignment is consistent with properly established medical restrictions, the assignment is treated no differently than reporting to a pre-injury job. Also, failure to accept a TD assignment may prohibit the employee from collecting compensation benefits.
11. The department where an employee is scheduled to work can vary depending on the ability of the employee's home department to accommodate the employee's defined capabilities. An employee's work assignment may change based on the availability of tasks and as the employee's physical abilities increase.

12. A TD assignment is applicable to employees who may require as little as one (1) day accommodation and as many as sixty (60) days for a temporary medical restriction. If the employee needs additional time under the TD Program, DCS Human Resources determines if additional time is granted.
13. The supervisor or manager supervises the TD employee within the established medical restrictions following all work rules.
14. Upon completion of the TD assignment, DCS Human Resources coordinates the return to normal full duty assignments with the employing department and the Return to Work file is closed.

Note: If the restriction becomes permanent and the employee is unable to perform the essential job functions of the pre-injury position, the DCS Office of Civil Rights and DCS Human Resources assists the employee in following the guidelines as outlined by the Americans with Disabilities Act (ADA). Refer to DCS Policy [4.18, Americans With Disabilities Act \(ADA\) Request for Accommodations and Complaint Process](#) for more information.

D. Supervisor or Manager's role

1. The supervisor or manager's interaction with a restricted employee can impact the employee's recovery time, psychological well-being, and motivation to return to his or her pre-injury position.
2. If possible, the supervisor/manager tries to accommodate the employee within his or her regular department and normal work hours.
3. A cross-departmental assignment is considered only when there is no work available within the employee's regular department:
 - a) Determine the most appropriate value-added task consistent with medically documented capabilities. Match employee's abilities to the physical job requirements;
 - b) Define temporary job tasks and performance standards with the injured or ill employee;
 - c) Set up the expectation that the injured employee will always advise you of any changes in medical status or restrictions prior to his or her scheduled starting time; and
 - d) As the employee recovers, modify TD job tasks to meet employee's increasing abilities; per the new medical restrictions.
4. Emphasize the following expectations to the employee on TD assignment:
 - a) Adhere to medical treatment plan;
 - b) Work safely and within physical capabilities;

- c) Attend all scheduled medical appointments; and
- d) Strive to meet target date for return to unrestricted work by actively participating in treatment plan (*e.g., therapy, work-hardening*).

E. Guidelines for developing a Return-to-Work assignment

1. When determining if a proposed TD assignment is suitable, DCS Human Resources consults with the injured employee, local HR, employee’s supervisor, and local management, and the Authorized Treating Physician. Other individuals may participate in the discussion as needed.
2. DCS considers physical requirements, job descriptions, job and medical opinions of the Authorized Treating Physician to determine if TD assignments are available. Every effort is made to place the employee in his/her employing work unit; however, if this is not possible, DCS Human Resources may recommend an alternative work assignment as long as the conditions for return to work outlined above have been met.

Forms:

[*TR-0231, Accident Report*](#)

Collateral Documents:

None