## LINE MOUNTAIN SCHOOL DISTRICT

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SECTION: PROFESSIONAL EMPLOYEES

TITLE: WORKERS' COMPENSATION TRANSITIONAL RETURN-TO-WORK PROGRAM

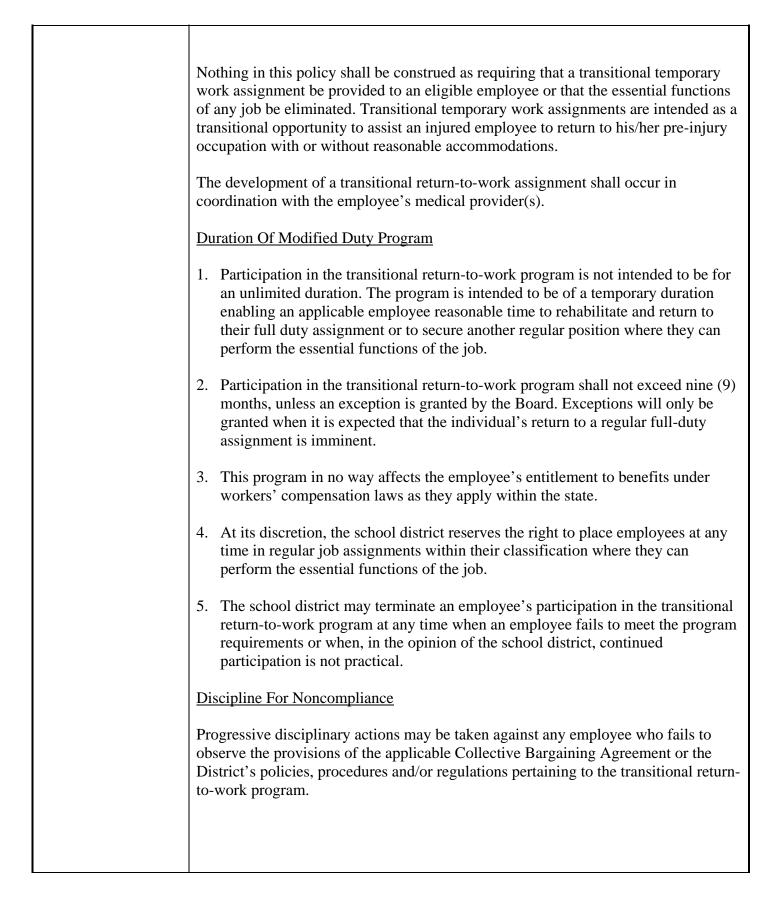
ADOPTED: February 14, 2012

**REVISED**:

	447. WORKERS' COMPENSATION TRANSITIONAL RETURN-TO-WORK PROGRAM
1. Purpose	The purpose of a workers' compensation transitional return-to-work program is to provide transitional temporary work assignments while an injured school district employee on workers' compensation continues medical treatment and/or therapy in order to facilitate the safe, timely return of injured school district employees to transitional or regular employment by making every reasonable effort to return the employee to work at the earliest possible time, based on medical approval, and also to help promote the productivity and/or efficiency of school district operations.
2. Authority	In an effort to control workers' compensation costs, the Board adopts this policy to ensure that employees who have been injured at work and are covered by workers' compensation return to work as soon as possible, in accordance with Board policy and administrative regulations.
	This policy shall apply to a school district employee who meets all of the following conditions:
	1. Has been injured at work.
	2. Is disabled as defined under the State Workers' Compensation Act.
	3. Is capable of productive work.
	4. Cannot presently return to his/her pre-injury work assignment for the school district with or without reasonable accommodations as a result of his/her work injury.
	5. Is expected to be able to return to his/her pre-injury work assignment within a definite period of time.
	6. Is being paid workers' compensation disability benefits.

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3. Delegation of Responsibility	An employee shall not be eligible for continuation in the transitional return-to-work program if one (1) of the following determinations is made:
	1. Employee cannot perform the assigned transitional temporary work assignment.
	2. Employee will be unable to return to his/her pre-injury occupation with or without reasonable accommodations within a reasonable period of time.
	The work offered to an eligible employee shall be productive work that will advance the interests of the school district.
	The Superintendent or designee shall establish a transitional return-to-work program and develop administrative regulations to implement Board policy. The Superintendent or designee(s) shall oversee the school district's workers' compensation program, including the transitional return-to-work program, coordinating the efforts of appropriately involved school district staffpersons.
	The Superintendent or designee shall determine, at his/her discretion, if a transitional temporary work assignment will be offered to an eligible employee.
	When the interactive process, required by the Americans With Disabilities Act (ADA), is going to be engaged in, the Superintendent or designee shall engage the solicitor or special labor counsel.
	The Superintendent or designee shall ensure that school district staff responsible for the transitional return-to-work program shall receive appropriate training on a periodic basis from legal counsel with expertise in the Family and Medical Leave Act (FMLA), ADA, workers' compensation and labor relations. The training shall include information on the interaction of the transitional return-to-work program and applicable laws, contracts, collective bargaining agreements, and benefit/compensation plans.
4. Guidelines	The transitional return-to-work program and Board policy shall be implemented in a manner that does not conflict with applicable laws, contracts or collective bargaining agreements. The work offered to the employee will be within restrictions set forth by the medical care provider. Provisions of any applicable collective bargaining agreement shall be followed if there is a conflict between this policy and any such provisions. Any transitional return-to-work program may be adjusted and/or altered based on specific language of an applicable Collective Bargaining Agreement, it being understood that such program and Board policy are inherent managerial prerogatives.



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References:
Workers' Compensation Act – 77 P.S. Sec. 1 et seq.
Family and Medical Leave Act – 29 U.S.C. Sec. 2601 et seq.
Americans With Disabilities Act – 42 U.S.C. Sec. 12101 et seq.
Family and Medical Leave, Title 29, Code of Federal Regulations – 29 CFR Part 825
Health Insurance Portability and Accountability Act, Title 45, Code of Federal Regulations – 45 CFR Part 160, Part 164