



Administrative Policy and Procedures Manual

Title: Return to Work	Number:
Effective Date: March 31, 2006	Responsible Office: Human Resources
Revision Date: September 1, 2010	Page: 1 of 3

I. SCOPE

The policies and procedures provided herein apply to all employees of The College of William and Mary and The Virginia Institute of Marine Science. This policy shall apply to employees who are restricted in the performance of their essential functions due to compensable work-related injuries as well as non-occupational injuries.

II. PURPOSE

The purpose of this policy is to provide return to work opportunities for all full-time or part-time operational and classified employees, professional and professional faculty and where appropriate to teaching and research faculty who have sustained occupational injuries and non-occupational (personal) illnesses and injuries

III. POLICY STATEMENT

It is the policy of The College of William and Mary and The Virginia Institute of Marine Science to retain our valued employees, achieve a safe and timely return of injured or ill employees to the workforce, and reduce costs related to disability.

IV. DEFINITIONS

- A. Return-to-Work Coordinator (RTWC): The Workers' Compensation Representative who will act as a primary contact to the Workers' Compensation Program and will facilitate the return-to-work program for Workers' Compensation, the Virginia Sickness and Disability Program, and the traditional sick leave program.
- B. Maximum Medical Improvement (MMI): Point at which employee has recovered and no further progress is anticipated.
- C. Transitional Duty: A temporary situation when an employee returns from a personal or work-related injury or illness to medically restricted or modified duties. Duties assigned can be those identified in the employee's current job description with restrictions or another assignment.
- D. Transitional Employment Plan (TEP): Documentation of the duties the employee will perform during the transitional duty period provided by the attending physician.
- E. Virginia Sickness and Disability Program (VSDP) – Program administered by the Virginia Retirement System which provides employees with income replacement and light duty during periods of short and long term disabilities.
- F. Workers' Compensation Program (WCP) - Program administered by the Department of Human Resource Management for state employees in accordance with § 65.2 Code of Virginia.

V. PROCEDURES

- A. Employees must immediately notify their supervisor of work-related and non-work-related injuries.
- B. If injury is work-related, employee's immediate supervisor will complete the Employer's Accident Report (EAR) and submit this to the RTWC.



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- C. The RTWC will review the EAR and submit it to the WCP within 1 day of the incident.
- D. The RTWC will confirm that the employee is offered a panel of physicians. Within 24 hours of the initial visit, the RTWC will communicate with the employee as well as review the attending physician's instructions and review return to work options, to include the ability to provide transitional duty.
- E. The Return-to-Work Coordinator (RTWC) will submit the position description and physical demands, including documentation detailing the Return-to-Work Program to the relevant VSDP or RTWC case manager after seven days.
- F. If the employee is released to return to work and can perform the essential functions of his/her pre-injury position, he/she will give the release to the RTWC who will coordinate a start date to report to work. The Workers' Compensation Representative will submit a supplemental report indicating this return to work to the WCP and also will notify VSDP if applicable of the employee's return to work.
- G. If the employee is released to work with restrictions, the RTWC in coordination with the supervisor will review the restrictions set forth by the attending physician and will make a decision if the agency is able to provide transitional duty for the employee. Transitional duty must meet the agency's staffing needs and accommodate the employee's medical restrictions while taking into consideration the welfare and safety of the employee and their co-workers.
- H. The RTWC will schedule an initial return-to-work interview within one to five business days with the injured/ill employee and the appropriate supervisor. They will discuss and develop transitional duties, which will focus on the employee's abilities and comply with the employee's medical restrictions.
- I. If the employee cannot return to work in their pre-injury department, the RTWC will attempt to coordinate a return to work within another department.
- J. If transitional duty is not possible for an employee within the agency or the employee is not released to work, the RTWC will maintain monthly communication with the employee, WCP and/or VSDP, and the attending physician in order to obtain the employee's prognosis for recovery.
- K. During transitional duty, the RTWC will talk with the injured/ill employee to discuss concerns and to evaluate progress every two weeks. This duty can be altered, upgraded, or changed in a manner consistent with medical restrictions and in accordance with an individual's improved condition.
- L. The RTWC will submit a supplemental report indicating this return to work to the WCP and also notify the VSDP Representative of the employee's return to work.
- M. The RTWC in coordination with the supervisor may amend the transitional duty should the employee demonstrate improvement or regression. Such change will be initiated by the attending physician for approval and a copy forwarded to WCP and/or VSDP, if applicable.



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- N. Transitional or light duty shall be made available to all employees (including non-VSDP/non-WC) who are expected to return to their pre-injury position and may not normally exceed 90 days. At the conclusion of 90 days, the supervisor in consultation with Human Resources may terminate the transitional duty assignment. If it is determined that the employee has long-term restrictions that result in his/her inability to perform the essential functions of his/her primary position, the provisions of the Americans with Disabilities Act (ADA) and other applicable laws will be applied to determine suitability for employment. The employee will also be informed of his/her option to apply for regular or workers' compensation disability, as warranted. A Workers' Compensation and VSDP employee may be offered vocational rehabilitation through an agency under state contract.

In the event an employee refuses an accommodation or reassignment to duties that are within the employee's restrictions, the college is not obligated to provide alternatives. The employee may also be subject to a limitation or termination of any benefits for lost time being received under the Workers' Compensation Program.

VI. Responsibilities

- A. The Associate Vice President for Human Resources and the RTWC are responsible for the administration and oversight of this policy.
- B. The RTWC is responsible for the following:
- a. technical guidance and assistance to supervisor and employees,
 - b. transitional duty assignment compliance,
 - c. the assignment and supervision of return to work;
 - d. communication and training coordination;
 - e. employee's file and documentation maintenance.

VII. REFERENCES

Governor's Executive Order 94(05)
§ 65.2 Code of Virginia

VII. AUTHORITY AND INTERPRETATION

The Office of Human Resources interprets this policy and shall revise or eliminate any or all parts as necessary to meet the changing needs of The College of William and Mary with the approval of the Vice President for Administration.