



Bullitt County Public Schools

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MEMO

To: Dr. Keith Davis, Superintendent
Ms. Becky Sexton, Assistant Superintendent for Support Services

From: Jennifer Wooley, Director of Human Resources

Date: June 5, 2018

RE: Item for June Board Agenda - Return to Work Policy

In an effort to reduce the amount of time an employee with a Worker's Compensation injury is off work which should help to reduce our MOD rate, thus, our Worker's Compensation premiums, we would like to offer a Return to Work option. Attached you will find the Return to Work Policy developed with the assistance of Eric Farris, Joe Mills, BB&T Insurance, and the HR Department. While the program will bring about some cost for the district initially, it will save us money in premiums.

I recommend the Board approve the Return to Work Policy as presented. If you have any questions regarding this recommendation, please feel free to contact me.

OK in June
Becky Sexton

RTW Policy

Purpose

The purpose of this policy is to ensure Bullitt County Public Schools (BCPS) provides meaningful work activity for employees who are temporarily unable to perform all, or portions, of their regular work assignments or duties as a result of a work-related injury. The goal is to allow BCPS employees to return to productive, regular work as quickly as possible. By providing temporary transitional or modified work activity, injured and recovering employees remain an active and vital part of BCPS.

It is not the purpose of this policy to establish new jobs or displace other employees. It is a means that BCPS can utilize for tasks and duties which are meaningful and of value to the operations of BCPS.

Scope

All active employees who become temporarily unable to perform their regular job duties due to a 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 of the scope of his or her current position; or,
- An altered schedule of work hours.

Applicability

Length of Duty - If work is available that meets the limitations or restrictions prescribed by the employee's attending medical professional and input from the employee, that employee may be assigned transitional or modified work until released back to work with no limitations or restrictions, but not to exceed 90 days unless BCPS permits additional 90-day assignments based on medical necessity. Transitional or light duty will be temporary, and an employee's eligibility in these reduced assignments will be based strictly on medical documentation and recovery progress. If it does not appear that the injured employee will return to full duty or is not showing any physical improvement at the end of 90 days, the light or modified duty may end. If the employee is determined to have a permanent disability, the light duty placement may end. Consistent with other district policies and law, the employee may be terminated if placed on permanent restrictions by his/her attending physician and cannot be reasonably accommodated by BCPS.

Daily Application - BCPS will rely on employee input and information provided from the medical practitioner in making modified or temporary placements. It is incumbent on the employee to advise BCPS if the placement is causing discomfort or pain. 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 established restrictions, may be subject to disciplinary action, up to and including termination. Where applicable and as allowed by law, a disregard for restrictions may also jeopardize disability benefits. In cases where the modified or temporary placement is causing pain and discomfort, the Human Resources department (hereinafter "HR") will attempt to place the employee in another modified or temporary position, if one is available.

Qualification – When available, transitional or modified duty may be offered to employees with temporary assignments based on skill and abilities. Eligibility will be based upon completion of the Return to Work Evaluation Form by the employee's attending medical professional. HR will contact the injured worker's supervisor to determine if the employee can be placed in his/her current job with possible light or modified duty tasks which meet the injured employee's restrictions. If the current job placement is not feasible or practicable, HR will evaluate the list of light or modified duty jobs within BCPS and contact the appropriate supervisor to determine if work is available in another department or job category. An employee on modified duty will be considered part of the regular shift staffing, with recognition of the employee's limitations within the department.

Responsibilities

The following responsibilities apply:

HR will ensure the RTW policy's enforcement among all levels at BCPS and will actively promote and support this policy and the Return to Work Program as a whole. HR may communicate with BCPS's workers' compensation provider and the employee's attending medical professional as needed to effectuate this policy and the employee's return to work.

Department supervisors and school principals will support the employee's return to work by identifying appropriate modified assignments and ensuring the employee does not exceed the medical professional's set restrictions. HR will maintain the job bank and also stay in regular contact with absent employees and communicate BCPS's attendance expectations clearly. School leadership shall be responsible for reporting any problems with employees and this policy to HR. It is the employee's responsibility to adhere to the work restrictions ordered by her/his treatment provider.

Injured employees will notify their supervisors in a timely manner when their condition requires an absence. Injured workers should also note that, often, state law requires employees to report injuries and illnesses within specific time frames in order to qualify for certain benefits and protections. Injured employees will also closely follow their medical professional's treatment plan and actively participate in BCPS's Return to Work Program, which includes following all the guidelines of this policy. Injured employees should proactively communicate with HR in regard to their health status and ability to work and not rely on HR to make arrangements prior thereto. Injured employees will also help supervisors identify potential options for transitional duties. While supervisors are responsible for maintaining constant communication with the injured employee, the worker also has the obligation to maintain contact with BCPS about his/ her condition and status and whether the modified duty placement is negatively affecting their health or causing pain. The injured worker will complete all required paperwork in a timely manner and ensure that his/her attending physician clearly documents the work restrictions deemed appropriate.

Work Schedule

BCPS will make every effort to tailor the restricted work schedule to the injured employee's normal, pre-condition work schedule. However, depending on the job placement and limitations,

it may be necessary for the employee to take on a specifically designed, temporary schedule to accommodate the restrictions imposed by the attending medical professional.

Payment of Wages

If qualified authorities determine an employee's injury is work related, BCPS will pay benefits and wages in accordance with the state workers' compensation and other benefits statutes and with BCPS' human resources policies. These benefits will be coordinated with all applicable state, federal, or BCPS benefits.

Employees performing modified duty on a restricted workweek will receive payment for hours worked. For work-related illnesses or injuries, employees may be eligible for benefit payments through workers' compensation.

An employee performing transitional duty for a work-related injury or illness on a normal work schedule shall receive an hourly rate for all time worked that may not necessarily equal the full-duty hourly rate.

Employees performing transitional duty on a restricted workweek following a period of short-term disability may receive a combination of regular pay and partial disability benefits. The employee and HR will work out this combination on a case-by-case basis.

If employees take vacation or there is a holiday during restricted duty, the employee shall be 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 BCPS approves of the absences, the employee must stay in constant communication with HR and her/his direct supervisor. HR must receive an update of the employee's medical status on at least a weekly basis. Failure to do so may result in a reduction in available benefits and discipline up to and including termination.

Medical Appointments

When possible, BCPS highly encourages employees to schedule medical appointments at times resulting in the least interference with work hours. Employees may use time off for medical appointments if they have it available. Employees should inform their supervisors of all medical appointments as soon as possible. Non-emergency medical appointments not scheduled in advance may be cause for denial of time off.

The employee's medical provider must complete the BCPS Return to Work Evaluation Form for each visit to evaluate the employee's impairment. It is the employee's responsibility to inform BCPS of his/ her medical status after each doctor visit.

Employee Procedures

1. In the event an injury or illness is work related, report it to your supervisor as soon as practicable.
2. Complete and sign a Report of Injury Form.

3. Let your supervisor know that you are seeking medical treatment and obtain a Return to Work Evaluation Form. The Return to Work Evaluation form must be completed for each practitioner visit regardless of your choice of physician and regardless whether the condition is work related or not. BCPS will rely on employee input and information provided from the medical practitioner in making modified and temporary placements.
4. Participate in the Return to Work Program on temporary transitional work until released back to work with no limitations or restrictions, but not to exceed 90 days, while your medical provider and supervisor continuously review your condition. BCPS may extend the 90-day period based on medical necessity.

Refusal to Participate

If the employee is unable to return to her/his regular job but is capable of performing transitional duty, he/she must return to transitional duty, if a transitional placement is available and offered. Employees who choose not to participate in the BCPS Return to Work Program or follow all regulations in this Return to Work Policy may become ineligible for state workers' compensation benefits and/or disability benefits. In some cases, refusal to participate may be a basis for termination. Subject to applicable law, unpaid family medical leave may apply upon refusal to participate.

Other Benefits and Rights

State or federal leave laws may provide additional rights and protections during times of illness or injury. Nothing about this policy is intended to be contrary or supersede any state or federal law or usurp any employee's rights pursuant thereto.

Employee Acknowledgement

This acknowledgement is to be signed by an employee before being placed on modified or temporary duty.

BCPS' primary goal is to accommodate injured and recovering employees by providing, when available, modified or temporary duty to meet their physical capacities and allow them to return to work as soon as possible.

The employee, _____, acknowledges that he/she, has been given the opportunity to review board policy _____ insert _____ and made aware that the policy is available online at BCPS' website and in the employee handbook.

If the employee has any questions in regard to the content of the return to work policy, he/she should contact his/her supervisor.

I am aware of and have read BCPS' Return to Work Policy (insert policy number) and I understand the requirements and expectations of me as an employee participating in the program. I know that BCPS reserves the right to pay less than my full-duty rate during the modified or temporary duty. I also understand that if I choose not to participate in the program or follow the guidelines, I may become ineligible for workers' compensation benefits, and, in some cases, my refusal may be grounds for termination.

Employee Signature: _____

Date: _____