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# SOUTHEASTERN

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L O U I S I A N A U N I V E R S I T Y

## **Return to Transitional Duty Policy**

### **Purpose**

Southeastern provides Workers Compensation benefits to its faculty and staff in accordance with state law. After a Workers Compensation injury, to return an employee to the workplace, the University makes reasonable efforts to place the returning employee into a meaningful assignment, which he or she can perform while on transitional duty on a temporary basis. Southeastern cannot guarantee placement and is under no obligation to offer, create, or encumber any specific position for purposes of offering placement.

In the event an employee refuses an accommodation or reassignment of duties (outside the employee's FMLA eligibility) which are within the employee's restrictions and ability to perform, the University is not obligated to provide alternatives. In such a case, the University will notify the Office of Risk Management, which may result in the termination of the employee's Worker's Compensation benefits.

The goals of the Return to Transitional Duty Program are listed below.

1. To provide the earliest possible safe return to work of occupational related injuries or illnesses of the employees to the work site.
2. To give employees more options in returning to work than only being able to return with a full duty release.
3. To retain qualified tenured employees within state government thereby utilizing their expertise, training, and seniority.
4. To facilitate a safer working environment by taking more responsibility for injured workers.
5. To reduce medical cost of Worker's Compensation claims due to extended work absences.

6. To reduce indemnity payments of Worker's Compensation claims when employees could be performing transitional services for the citizens of Louisiana.

A successful return-to-work plan should be based on medical prognosis and recovery, not a calendar date. Transitional work should be available until an employee reaches maximum medical improvement or a minimum of six months. The agency should refer all medical issues to ORM staff or rehabilitation consultant.

The agency should fax or e-mail claims to ORM within 24 hours of filing.

### **Return to Transitional Duty Team**

Southeastern Louisiana University has established a Return to Transitional Duty Team. Members include the Director of Human Resources, Human Resources Worker's Compensation Analyst, Human Resources Classification Specialist, Director of Safety and Hazardous Waste, AFSCME Union Representative, Faculty Senate President, a Dean, and EEO/ADA Officer and Title IX Coordinator.

The scope of the team is to review and have oversight on all worker's compensation employees who would be eligible for the transitional return-to-work program. This scope includes, but not limited to, the review of job modifications, job tasking, task identification, compliance with policy, completing transitional return-to-work plans, oversight of plans, facilitating success of plans, and reporting results of actions to the Return to Transitional Duty Program in a quantitative manner.

The team meets when needed to assess on-going return to transition duty issues and discuss new return to transitional duty issues. In these meetings, the team may choose to have input from Office of Risk Management claims staff and vocational rehabilitation counselors, as well as input from the employee's supervisor and/or budget unit head.

The length of the Return to Transitional Duty Program shall be a minimum of 6 months or until the employee has reached maximum medical improvement. When reviewing individual worker's situations for return-to-work options the criteria listed below needs to be followed.

1. Assess the employee's job tasks and identify the tasks that can be performed by the employee with his current physical restrictions.
2. If no job task in the position and immediate area in which the employee is working is available, then the most comparable area or closest related position at the university should be considered.
3. Identify additional services that can be rendered or tasks performed that are not necessarily within the written description, but would improve the overall function of the agency that could be performed by the injured worker.
4. Identify any type of task that can be performed within the University that would be more beneficial to that state agency than having the injured worker performing no duties and being paid to stay at home.
5. If a person is entering a jeopardy zone of risk of termination due to exhaustion of sick leave being defined as being less than 100 hours of sick leave, the agency should

contact the Office of Risk Management. A licensed rehabilitation counselor will be provided to help identify transitional job tasks to assist in returning the worker to transitional work at time of injury.

6. Before an employee is terminated due to exhaustion of sick leave, his file should be documented as to the efforts that have been made to identify transitional work tasks in the university and the barriers encountered in identifying said tasks. There should be a detailed explanation of action taken to overcome these barriers.
7. Transitional duty will last until the worker has reached maximum medical improvement or is returned to his previous job. If the worker reaches maximum medical improvement and is unable to resume their pre-injury position, additional vocational options need to be addressed.

The Worker's Compensation underwriting subdivision's necessity to terminate an employee at that time should also be documented. This documentation should also include a section where a licensed rehabilitation counselor has come in and has not been able to identify any type of transitional job tasks that would improve the service to the taxpayers. Southeastern Louisiana University and the Office of Risk Management understands the necessity to terminate an injured worker who has exhausted their sick leave to ensure the quality of service mandated upon them by the legislature. This practice will be evaluated on a last resort method and documentation will be expected to reflect that all efforts have failed and the action of termination was that of a last resort.

#### **Measurement**

The team shall also have the oversight to track the effectiveness of its actions. This shall include, but not be limited to, the tracking of the number of injured workers per month, and the number of loss-time days associated with worker's compensation injuries per month, and the number of workers returned to work via transitional return-to-work. This will also include employees that have either quit, resigned, or terminated as long as they are receiving indemnity benefits under worker's compensation. The loss-time days for those people will be tracked as an average of 21.5 days per month.

**LOUISIANA RETURN TO WORK AUDIT**

Date of last audit: \_\_\_\_\_ Date of this audit: \_\_\_\_\_

1. In the last audit period how many lost time w/c claims have occurred?
2. Out of these, how many are back at full duty?
3. Out of the ones that are not at full duty, how many are on transitional duty?
4. How many are still off of work at present?
5. How many have been separated from your agency and are still drawing Workers Comp?

**Note: The sum of #2 + #3 should be > the sum of #4 + #5.**

**#2 \_\_\_\_\_ + #3 \_\_\_\_\_ > #4 \_\_\_\_\_ + #5 \_\_\_\_\_ = PASS**

**TOTAL RTW \_\_\_\_\_ > TOTAL NOT RTW \_\_\_\_\_ = PASS**

	YES	NO
A copy of the RTD program was reviewed.	_____	_____
A RTD committee has been formed and is meeting as appropriate.	_____	_____
Notes of meeting are available for review.	_____	_____
Is the agency's program medically driven and not calendar motivated?	_____	_____

**For all employees separated and still receiving Workers Compensation benefits, the factors below were reviewed.**

	YES	NO
A medical release by the treating doctor to Maximum Medical Improvement stating the employee is still restricted from regular job duties.	_____	_____
A detailed list of barriers that prevented transitional job tasks from being developed.	_____	_____
A detailed explanation of action taken to remove barriers and why the actions failed.	_____	_____
A Vocational Rehabilitation Report to show that all professional efforts have failed to keep the employee on the job.	_____	_____
A detailed needs statement to show cause for separating the employee at that time.	_____	_____