

Lawrence Berkeley National Laboratory

TRANSITIONAL RETURN-TO-WORK PROCEDURE	Document No.	HSDM-2009-002
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	Approval:	
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1.0 PURPOSE

This procedure establishes guidelines for transitioning employees with temporary work restrictions back to work. The process begins with Health Services' documented work restrictions, continues with an interactive dialogue amongst the parties regarding how best to return the employee back to work through the development of a return-to-work plan, and ends with the Laboratory's temporary accommodation of functional impairment(s), if possible and appropriate.

2.0 REVISION HISTORY

Date	Revision No.	Change	Reference Section(s)
6/3/09	1.0	New Procedure Drafted	Not Applicable

3.0 PERSONS AFFECTED

- 3.1 Employee with work restrictions
- 3.2 Health Services (Clinical and Integrated Disability Management staff)
- 3.3 Division and department supervisors and managers
- 3.4 Human Resources Center staff involved in assisting with job accommodation
- 3.5 Human Resources Center Managers
- 3.6 Chief Human Resources Officer (CHRO)
- 3.7 Employee and Labor Relations staff
- 3.8 Payroll Office staff

4.0 POLICY

The policy of Lawrence Berkeley National Laboratory is to encourage and promote the early return-to-work of its employees who have temporary work restrictions due to occupational or non-occupational injuries or illnesses. The goal is to provide, when appropriate, temporary transitional work assignments to employees who sustain work-related and non-work-related injuries or illnesses and are unable to perform their usual jobs. The focus is to return these employees to suitable restricted-duty work tasks within their work capacities and medical restrictions in support of stay-at-work objectives.

- 4.1 The Laboratory may provide short-term, transitional work assignments (TWA) to all injured or ill employees who have temporary impairment and who have been medically released to return-to-work.
- 4.2 The period for the transitional work assignment or modified-duty work is 90 days and, if appropriate, may be extended for an additional 30 days. The work assignment is documented on a Transitional Work Agreement form signed by the affected employee.
- 4.3 Employee participation in the Transitional Return-to-Work Program is not optional; an employee on occupational disability leave released to return to work participates in the Lab's efforts to provide restricted-duty assignment.
- 4.4 An employee with an occupational disability who declines/refuses to participate may see temporary disability benefits reduced in accordance with the California Workers' Compensation regulations.
- 4.5 An employee with an occupational disability working part-time and receiving temporary disability benefits receives temporary disability compensation on a wage-loss basis during a period of the part-time transitional work assignment, if this is applicable.
- 4.6 An employee with a non-occupational disability, who is eligible for leave under the Family Medical leave Act (FMLA), may opt for FMLA unpaid leave in lieu of participating in this program.
- 4.7 Transitional work assignment begins as soon as possible to reduce lost time and wage-loss due to all illness/injury.
- 4.8 Placement in transitional work assignment(s) is intended to facilitate the transition from temporarily-restricted status to resumption of full duties in the usual and customary job or another job for which the employee qualifies to perform.
- 4.9 Transitional work is progressive and the duties are regularly adjusted in line with the medically documented changes in the employee's work restrictions.
- 4.10 Every effort is made to locate a transitional work assignment in the affected employee's home department; if none is identified, the division Human Resources Center and the employee's supervisor work toward identifying work projects or tasks in other divisions/departments.
- 4.11 If the employee is unable to return to his/her regular job after 90 days of commencing a transitional work assignment, he/she is either taken off the restricted-duty assignment or an assessment of whether to extend the period is made.
- 4.12 All Laboratory policies and work rules apply to all employees performing a transitional work assignment.

4.13 The Laboratory reserves the right to modify this program as necessary without further notice.

5.0 DEFINITIONS

5.1 Work Restrictions

Specific, medically based restrictions in performing work duties, based on a medical care provider's assessment of the medical condition (illness or injury).

5.2 Transitory Impairments

Medical conditions, generally speaking, which have an actual or expected duration of six months or less, if uncomplicated, and which are expected to heal without permanent disability. Occasionally, period of temporary impairment may be greater than six months depending on the severity of the medical condition, e.g., a workers' compensation case involving protracted medical treatment and recovery period.

5.3 Transitional Work Assignment (TWA)

Temporary assigned work tasks or restricted-duty assignments that are tailored for each employee with temporary work restrictions who has been released to return to work.

5.3.1. May be a modification of the regular job within home department (e.g., flex schedule, part-time schedule).

5.3.2 May be a temporary work project or assignment possibly in another department.

5.4 Interactive Process

Documented communication between management and employee with a disability regarding job accommodation. The process commences when Health Services receives information from the medical care provider treating the employee that the employee has been released to return to work with temporary work restrictions. This process may continue until a permanent accommodation is made for any permanent impairment (refer to Return-to-Work Procedure HSDM-2008-01, §5.7).

5.5 Transitional Work Agreement form

A document describing the work duties to be performed, hours to be worked, location of assignment, and name of supervisor in charge of the assignment. It includes the commencement date, end date, and any changes or revisions to the assignment.

5.6 Health Status Form

A document used to report any work restrictions/limitations an employee may have; distributed to supervisor, division manager, disability management staff, Human Resources staff, and employee.

5.7 Workers' Compensation Temporary Disability Compensation

Temporary disability payments paid to workers with accepted occupational illness/injury claims who are not working; the amount is equivalent to two-thirds of the worker's average weekly earnings at the time of injury, up to a statutory maximum.

5.8 Workers' Compensation Wage Loss Compensation

Temporary disability payments paid to workers who are released to restricted duty work and are working; the amount paid is the difference between the temporary disability compensation (see 5.7) and the weekly amount that the worker is able to earn in the transitional return-to-work plan.

6.0 RESPONSIBILITIES

6.1 Employee with disability

- 6.1.1 Provides injury or illness incident information to Health Services' Clinical staff the employee, whether the injury or illness is occupational or non-occupational.
- 6.1.2 Provides on-the-job injury/illness claim form information to Health Services' Clinical staff. Provides Health Services' Clinical staff with documentation regarding any changes in medical condition, work restrictions or limitations, and any medical releases to return to work.
- 6.1.3 Communicates medical treatment progress and/or treatment changes and work restriction updates to Health Services' Clinical staff.
- 6.1.4 Communicates absence status to supervisor and advises Health Services (Clinical staff and Integrated Disability Management staff) of his/her release date to return to work. Also communicates any work restriction changes after every medical appointment to Health Services.
- 6.1.5 Cooperates in the interactive process to determine appropriate job accommodation when released to return to work.
- 6.1.6 Works according to the transitional return-to-work plan developed.
- 6.1.7 Communicates to supervisor any difficulties encountered while performing assigned tasks.
- 6.1.8 Notifies supervisor of any medical appointments that require absence from work and makes every effort to schedule such appointments during non-working hours.

6.2 Health Services (Clinical and Integrated Disability Management) staff

- 6.2.1 Collects occupational or non-occupational injury/illness incident information from the employee.
- 6.2.2 Completes an occupational injury/illness claim form for submission to the Worker's Compensation Claims Administrator.
- 6.2.3 Communicates work restrictions received from the employee's medical care provider to the supervisor, division director, Human Resources Center, Integrated Disability Management staff via the Health Status form.
- 6.2.4 Facilitates the development of the transitional return-to-work plan for employees who have been released back to work with temporary work restrictions via the interactive process (i.e., confers with supervisors, HR staff on how to accommodate temporary work restrictions).
- 6.2.5 Obtains clarification of work restrictions from the employee's medical care provider, if needed.
- 6.2.6 Obtains copies of position descriptions and information regarding the physical, environmental, and mental requirements of a job from Human Resources Center and/or employee's supervisor.

- 6.2.7 Consults with the employee's supervisor and the department Human Resources Center staff to address accommodation issues that may arise during the employee's participation in the Transitional Work Assignment.

6.3 Supervisors and Managers

- 6.3.1 Maintain communications with the absent employee and with Health Services, including the Integrated Disability Management staff.
- 6.3.2 Provide information regarding the employee's position description, and the physical, environmental, and mental requirements of the position when requested by Health Services (Integrated Disability Management staff).
- 6.3.3 Engage in the interactive process with the employee to develop a transitional return-to-work plan in coordination with the Return-to-Work Specialist and with Human Resources Center staff.
- 6.3.4 Review the Transitional Work Agreement form with the employee to discuss expectations, restricted-duty assignment and to obtain the employee's signature.
- 6.3.5 Monitor the progress of the Transitional Work Assignment.
- 6.3.6 Report to Health Services (Integrated Disability Management staff) any issues that arise during the employee's Transitional Work Assignment.

6.4 Human Resources Center Staff for the affected Division/Department

- 6.4.1 Facilitates to obtain the necessary information to assist in the development of a Transitional Work Assignment plan.
- 6.4.2 Assists in obtaining the employee's Position Description and the Physical, Environmental, and Mental (PEM) requirements of the job from the affected department upon request of Health Services (Integrated Disability Management staff), if necessary.
- 6.4.3 Assists supervisors/managers with the interactive process if necessary.
- 6.4.4 Assists with identifying work assignments in other departments if employee's department is unable to provide a Transitional Work Assignment.
- 6.4.5 Assists with resolution of accommodation issues that may arise during the employee's Transitional Work Assignment period.

6.5 Human Resources Manager for affected Division/Department

- 6.5.1 Assists, when necessary, in the resolution of accommodation issues that arise during the employee's Transitional Work Assignment period.
- 6.5.2 Assists with the identification of funding source for a Transitional Work Assignment where the employee's home department is unable to provide temporary accommodation and another department is identified to develop one for the employee.

6.6 Chief Human Resources Officer

- 6.6.1 Provides opinion on referred cases involving the need to develop a Transitional Work Assignment outside a home department, if necessary

6.7 Employee/Labor Relations

- 6.7.1 Provides opinion on referred cases involving issues with a Transitional Work Assignment outside of a home department at the request of the Return-to-Work Specialist, or Human Resources

6.8. Payroll Office

- 6.8.1. Coordinates with the home department to assure wages and benefits costs are properly processed.

7.0 PROCEDURES

7.1 Establishing and Communicating Work Restrictions

- 7.1.1 Employee provides Health Care Provider's note to Health Services' Clinical Staff who reviews any work restrictions with employee, and clarifies restrictions, if necessary.
- 7.1.2 Once clarification is obtained, the Nurse or Integrated Disability Management staff communicates the information to the employee and supervisor.
- 7.1.3 Nurse completes a Health Status form and gives a copy to the employee.
- 7.1.4 Nurse transmits copies of the Health Status form to parties listed on the distribution list, including a copy to the Return-to-Work Specialist.
- 7.1.5 Employee returns to work to discuss work restrictions and transitional work assignment with his/her supervisor.
- 7.1.6 Integrated Disability Management staff coordinates with the supervisor accommodation of any changes in work restrictions provided.

7.2 Temporary Work Assignments (TWA)

- 7.2.1 Supervisor develops the Transitional Work Assignment to accommodate the work restrictions of the employee.
- 7.2.2 Supervisor writes the details of the Transitional Work Assignment on a Transitional Work Agreement form outlining the duties to be performed, work shift, location, commencement date and end date of the assignment.
- 7.2.3 The Return-to-Work Specialist may assist in developing the Transitional Work Assignment, if needed.
- 7.2.4 If the temporary work restrictions are not accommodated by the employee's department, the supervisor advises the Integrated Disability Management staff and the department's Human Resources Center staff.
- 7.2.5 The supervisor initiates further exploration of transitional work assignments in other departments with assistance from Human Resources Centers.
- 7.2.6 Once developed, the supervisor reviews the Transitional Work Agreement with the employee.
- 7.2.7 Employee agrees to the Transitional Work Assignment by signing the Transitional Work Agreement form.
- 7.2.8 Duration of the Transitional Work Assignment is 90 calendar days, and is reviewed for extension period possibility by the supervisor in charge of the assignment at the end of 90 days.
- 7.2.9 If temporary work restrictions continue beyond 90 days and no extension of the Transitional Work Assignment is made, the employee is returned to a medical leave of absence and monitored.

7.2.10 The Transitional Work Assignment is reviewed following each change in restrictions to assess whether changes need to be made to accommodate increased work restrictions, if any.

7.2.11 A temporary work assignment is not intended to be the vehicle for creating permanent modified jobs or alternate jobs; accommodation for permanent disabilities is addressed in other programs that exist.

7.3 Medical Treatment While Employee is in the Transitional Return-to-Work Program

7.3.1 Appointments for medical treatment, physical therapy, and other medical regimen are scheduled during non-working hours and, if not possible, uses sick leave or vacation time with supervisory approval.

7.3.2 Employee advises his/her supervisor and Health Services of his/her work restriction status after every doctor's appointment, and provides documentation regarding any change in work restrictions/limitations.

7.4 Compensation

7.4.1 Temporary Disability indemnity payments are paid to employees with accepted occupational illness/injury claims

7.4.2 These payments cease when an employee is working in the Transitional Return-to-Work program, provided the employee is paid for his/her usual number of hours

7.4.3 If the employee's documented medical restrictions limits the number of Transitional Work Assignment hours he/she can work, and salary is correspondingly reduced, he/she is eligible for prorated Workers' Compensation wage-loss replacement payments, in accordance with the Workers' Compensation regulations.

7.4.4 A non-exempt employee is paid his/her usual rate for each hour worked during the transitional work period and an exempt employee is paid his/her usual compensation for each 8 hours/day worked.

7.4.5 In most cases, the employee's home department pays wages for the employee working the transitional assignment, whether the employee is working in the home department or in another department due to non-availability of an assignment in the home department.