

EAST  
STROUDSBURG  
AREA  
SCHOOL DISTRICT

SECTION: SUPPORT EMPLOYEES

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

ADOPTED: July 15, 2013

REVISED:

	<p style="text-align: center;">547. WORKERS' COMPENSATION TRANSITIONAL RETURN-TO-WORK PROGRAM</p> <p>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 to receive medical treatment and/or therapy. The East Stroudsburg Area School District (District) is committed to making every effort to return employees to work at the earliest possible time, based on medical approval and to promote the productivity and/or efficiency of District operations. The transitional duty program is designed to provide temporary assignments while the employee continues to receive medical treatments until such time as they can return to normal duties.</p> <p>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 are able to be productive and return-to-work as soon as possible, in accordance with Board Policy and Administrative Regulations. The work offered to an eligible employee under the transitional return-to-work program shall be productive work that will advance the interests of the District.</p> <p>This policy shall apply to a District employee who meets the following conditions:</p> <ol style="list-style-type: none"> <li>1. Has been injured at work</li> <li>2. Is disabled as defined under the State Workers' Compensation Act</li> <li>3. Is capable of productive work</li> <li>4. Cannot presently return to his/her pre-injury work assignment for the District with or without reasonable accommodations as a result of his/her work injury</li> <li>5. Is expected to be able to return to his/her pre-injury work assignment within a definite period of time</li> <li>6. Is receiving workers' compensation benefits</li> </ol> <p>An employee shall not be eligible for continuation in the transitional return-to-work program if one (1) of the following determinations are met:</p> <ol style="list-style-type: none"> <li>1. Employee is not able to perform the assigned transitional duty</li> <li>2. Employee will not be able to return to his/her pre-injury assignment without reasonable accommodations or within a reasonable period of time.</li> </ol>
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<p>3. Delegation of Responsibility</p>	<p>The Superintendent or designee in conjunction with the Safety Committee shall establish a transitional return-to-work program and develop administrative regulations to implement the Board policy. The Superintendent or designee shall oversee the District's workers' compensation program, including the transitional return-to-work program, coordinating the efforts of appropriately involved individuals.</p> <p>The Superintendent or designee will insure that the transitional return-to-work program is consistent with all applicable laws, contracts, and collective bargaining agreements and will consult with special labor counsel when needed. The Superintendent or designee shall determine at his/her discretion, if a transitional return-to-work assignment will be offered to an eligible employee.</p>
<p>4. Guidelines</p>	<p>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 the restrictions set forth by the medical care provider.</p> <p>Nothing in this policy shall be deemed to require that a transitional return-to-work assignment be provided to an eligible employee. Transitional return-to-work assignments are to be offered at the discretion of the District. Transitional return-to-work assignments are intended to as a temporary opportunity to assist an injured worker to return to his/her pre-injury assignment with or without reasonable accommodations. Transitional return-to-work assignments should not be construed that essential functions of any job are eliminated or that the job description has been changed.</p> <p>The development of a transitional return-to-work assignment shall occur in coordination with the employee's medical provider, the employee's supervisor, and the Superintendent or designee.</p> <p>Participation in the transitional return-to-work program is intended to be for a limited duration enabling the applicable employee reasonable time to rehabilitate and return to their full duty assignment or secure another regular position where they can perform the essential functions of the job.</p> <p>An employee's participation in the transitional return-to-work program shall be reviewed after every 30 work days in the assignment. The employee will be returned to his/her pre-injury position as soon as his/her medical provider has released him/her with or without reasonable accommodations and the District is able to meet those accommodations.</p> <p>This program in no way affects the employee's benefits under the workers' compensation laws as they apply within the state.</p>

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	<p>At its discretion, the District reserves the right to place employees at any time in regular job assignments within their classification where they can perform the essential functions of the job.</p> <p>The District may terminate an employee's participation in the transitional return-to-work program at any time when an employee fails to meet the program requirements or when, in the opinion of the District, continued participation is not practical.</p> <p>Participation in the transitional return-to work program is not voluntary. Progressive disciplinary actions may be taken against any employee who fails to participate in the transitional return-to-work program in accordance with District policies, procedures, or regulations and/or as per collective bargaining agreements.</p> <p>References:</p> <p>Workers' Compensation Act – 77 P.S. Sec. 1 et seq.</p> <p>Family And Medical Leave Act – 29 U.S.C. Sec. 2601 et seq.</p> <p>Americans With Disabilities Act – 42 U.S.C. Sec. 12101 et seq.</p> <p>Family And Medical Leave, Title 29, Code of Federal Regulations – 29 CFR Part 825</p> <p>Health Insurance Portability And Accountability Act, Title 45, Code of Federal Regulations – 45 CFR Part 160, Part 164</p>
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