

# San Luis Obispo COE

## Board Policy

### Return-To-Work Program - SP

BP 4213.4

#### Personnel

Research indicates that staff returning to work after an accident or illness in a limited capacity, rather than staying at home until they are fully recovered, results in employees returning to their regular job status and recovering their full health at an accelerated pace.

The objectives of the return-to-work program include:

1. Returning employees to work as soon as possible without danger of re-injury.
2. Avoiding deterioration of work skills due to a prolonged absence from work.
3. Reducing the number of lost time incidents and the total number of lost workdays.
4. Reducing disability costs and the amount of medical treatment.
5. Reducing the number of litigated claims.
6. Maintaining productivity without hiring substitute or temporary employees.
7. Maintaining a high level of communication with the employee.

San Luis Obispo County Office of Education (SLOCOE) administrators have significant latitude in the assignment of return-to-work tasks as long as the physician's restrictions are followed. The job placement and assignments may include the following:

- a. The employee's same work unit and their same job but within the restrictions.
- b. The employee's same work unit but different job tasks.
- c. A different work unit and different job tasks.

The SLOCOE Human Resources Department, the injured employee's supervisor, and, if work related, the third party workers' compensation administrator, consistent with any related provision of a collective bargaining agreement and relevant state or federal statutes, will coordinate the return-to-work program.

#### Operating Procedures

1. When an injury/illness occurs, all leave information is to be processed immediately.
2. The physician will be notified that the SLOCOE has a return-to-work program in place. The physician will be given the Physician's Authorization to Render Medical Care (if work related) and Physician's Return to Work Evaluation, along with the employee's job description, at the time of the visit to enable the physician to make a proper evaluation regarding return-to-work and any restrictions. If work related, the third party workers' compensation administrator may be contacted to provide assistance in defining job functions.
  - a. After receiving medical treatment, the employee reports back to the county office with the Physician's Return-to-Work Evaluation and any other documentation. The county office's authorized agent will contact the physician's office to clarify any uncertainties.
  - b. The employee will return to work within the restrictions given by the physician. If the work restrictions are minor, the regular job duties may be modified to accommodate the employee. However, as the restrictions become more specific, the task assignment will also become more specific and defined.
  - c. If the county office determines no return-to-work tasks are available within the physician's prescribed restrictions, the employee will be placed on leave to the extent available by statute until such time as appropriate work can be assigned or the restrictions are lifted.

If the county office is not able to accommodate the restrictions, the county office will follow up with the physician to confirm the restrictions. The county office will also remain in contact with the physician to follow up on the possibility of return to work at a later date. If work related, the third party workers' compensation administrator may be involved in clarifying restrictions with the physician.
  - d. If the affected employee refuses to return to work, no temporary disability benefits or industrial accident leave benefits are payable as provided by law. Sick leave or other leaves will be subject to the terms of the collective bargaining agreement or statute whichever applies.
  - e. All cases will be evaluated on an individual basis.
3. The employee's status will be evaluated continuously. If the restrictions are to be of short duration and the supervisor checks the employee's medical status on a weekly basis, the job assignment may be modified as the restrictions are lessened. Additionally, the county office and the third party workers' compensation administrator (if work related) will maintain communication with the physician to ensure a return to full job status as soon as possible.
4. Because the assignment is temporary under this return-to-work program, the employee will continue to be compensated at his/her regular rate of pay.
5. The county office may choose to return an employee to work on a part-time basis if so medically restricted. No temporary assignment will be less than two (2) hours per day. An employee, who returns to work for less than those of the employee's regular hours, shall have

applicable paid leave coordinated with assigned return-to-work hours.

It is not the intent of the county office to create new, permanent assignments. Each employee's temporary assignment will be terminated with a maximum of 90 days from inception.

The third party workers' compensation administrator may be contacted to provide assistance with placement options if work related.

Legal Reference:

EDUCATION CODE

44984 Required rules for industrial accident and illness leave

45192 Industrial accident and illness leave for classified employees

GOVERNMENT CODE

12900-12996 Fair Employment and Housing Act

12945.1-12945.2 California Family Rights Act

UNITED STATES CODE, TITLE 29

2601-2654 Family Care and Medical Leave Act

UNITED STATES CODE, TITLE 42

12101-12213 Americans with Disabilities Act

COURT DECISIONS

Raine v. City of Burbank, (2006) 135 Cal.App.4th 1215

Management Resources:

WEB SITES

California Department of Fair Employment and Housing: <http://www.dfeh.ca.gov>

Equal Employment Opportunity Commission: <http://www.eeoc.gov>

Policy SAN LUIS OBISPO COUNTY OFFICE OF EDUCATION

adopted: February 6, 2003 San Luis Obispo, California

revised: April 16, 2016