



DEPARTMENT POLICY
TRANSITIONAL DUTY/RETURN TO WORK PROGRAM

Objective

As part of its commitment to employees who experience a work-related injury or work related illness, the Department of Finance and Administration has a program designed to assist employees in their return to meaningful and productive employment as quickly as possible and to be supportive of temporary assignments for employees placed on light or sedentary light duty during recovery by their treating health care provider. This policy explains the agency's transitional return-to-work program, which is designed to facilitate temporary, transitional duty assignments for employees who may be unable to return immediately to regular, full duty due to work-related injury or work related illness.

This Policy is applicable to all Finance and Administration employees who suffer from work-related injuries or illnesses.

This Policy does not address the procedure for assessing requirements for reasonable accommodation under the Americans with Disabilities Act (ADA) or eligibility for leave under the Family Medical Leave Act (FMLA) or the Tennessee Family Leave Act (TFLA).

I. Policy

It is the policy of F & A to return employees to their jobs as quickly as possible following a work-related injury or illness. F & A will make every attempt possible to provide a temporary transitional duty assignment to employees who are released by their doctors to return to work, but with restrictions that make them unable to return to full-time normal duties of their job.

II. Definitions

- A. Essential Functions: The basic job duties of a position that an employee must be able to perform, either with or without reasonable accommodation.
- B. Full Duty: An assignment involving the essential functions of a position without any accommodation or restriction.
- C. Return to Work Coordinator (RWC): The employee of F & A with responsibility to work with both the injured employee and his/her immediate supervisor to identify appropriate and available transitional duty opportunities once an employee is released to return to work following a work-related accident or injury. The Human Resource Officer (HRO) will determine and appoint an employee of F & A whose job duties will include the RWC role.

- D. Transitional Duty: A short-term or temporary modification of work assignments that will allow an employee to return to work as quickly as possible following a work-related injury or work-related illness while complying with all restrictions assigned by the employee's treating health care provider (usually a doctor). Transitional duty will be available only after an employee has been released by a doctor to return to work with restrictions that make the employee unable to return to their regular assigned duties.
- E. Transitional Duty Plan (TDP): A written plan based on restrictions from the treating health care provider, as well as input from the employee and the employee's immediate supervisor which includes details for transitional duty. This plan must be approved by the HRO.
- F. Third Party Workers' Compensation Administrator (TPA): The entity contracting with the State of Tennessee to administer benefits for work related illness/injuries and workers' compensation claims of State Employees.
- G. ADA Coordinator: The employee/official within F & A whose responsibility it is to evaluate matters related to the Americans with Disabilities Act.

III. Process

1. This Policy will be included in orientation materials and the RWC will provide a copy of this Policy to employees injured on the job as soon as reasonably possible.
2. Employees who are injured on the job should follow the state's workers' compensation procedures.
3. State worker's compensation procedures require that an employee inform his or her immediate supervisor and the HRO/Worker's Compensation Coordinator (WCC) regarding treatment and the estimated return to work date. If the employee is unable to return to work or assume his or her full duties at the end of the authorized time-off period, he or she should notify his/her immediate supervisor who shall notify the HRO and/or WCC. The HRO/WCC shall contact the Third Party Workers' Compensation Administrator (TPA) to schedule a re-evaluation with the treating physician.
4. An employee who is released to return to work, either with or without restrictions, shall deliver the written release from the treating health care provider to his or her immediate supervisor within one (1) business day if possible and under no circumstances later than seven (7) days from his or her receipt of the release.
 - a. If there are no restrictions, or the restrictions do not affect the employee's ability to return to Full Duty, the employee may return to work immediately.
 - b. If the treating health care provider has identified restrictions that prevent the employee from returning to Full Duty, the employee's immediate supervisor shall notify the HRO, who will assign the matter to the RWC to evaluate whether the employee's restrictions can be met within the department (i.e., whether Transitional Duty work is available). When it is determined

that the restrictions can be met within the department, the RWC and the employee's immediate supervisor will schedule a meeting with the employee to develop a TDP. The TDP shall specify the employee's duties, restrictions, and hours of work, and shall include a schedule for periodic review of the TDP with the employee, immediate supervisor, and the RWC. In the event restrictions are changed by the treating healthcare provider, the RTW Coordinator, employee, and immediate supervisor will revise the TDP as necessary. All TDPs must be approved by the HRO and provided to the TPA prior to implementation.

c. If the immediate supervisor and RWC determine that Transitional Duty cannot reasonably be provided within the department, they must inform the HRO and Deputy Commissioner or designee(s), who must approve any decision not to provide Transitional Duty. The RWC is responsible for notifying the HRO in the event Transitional Duty is not provided.

5. During the employee's work-related absence, the RWC will maintain communication with the injured employee, the supervisor, the HRO, the employee's treating health care provider and the TPA on an on-going basis in order to obtain the employee's prognosis and assess the employee's return to work status.

6. An employee may choose to accept or reject a Transitional Duty assignment. If an employee rejects Transitional Duty, the matter will be referred to the ADA Coordinator for further consideration. A rejection of Transitional Duty may subject an employee to discipline, including termination.

7. A Transitional Duty assignment will end at the earlier of the following:

- 1) The employee is released to return to work at Full Duty;
- 2) The employee reaches Maximum Medical Improvement ("MMI") as specified by the State's Workers' Compensation Policies, but still cannot perform the Essential Functions of the employee's job; or
- 3) At the end of ninety (90) calendar days at which time the employee, immediate supervisor, RWC, and HRO will consider whether to extend the transitional duty assignment for another 60 days. F & A may require additional certification from the employee's healthcare provider.

8. If, upon conclusion of a Transitional Duty assignment, the employee cannot perform the Essential Functions of the regular job position or refuses to return to his or her regular duties, the matter will be referred to the ADA Coordinator for consideration.



Larry B. Martin, Commissioner



Date