Returning to Work After Illness or Injury

Policy Type: Administrative
Responsible Office: VCU Human Resources, Division of Administration
Initial Policy Approved: 10/01/2000
Current Revision Approved: 07/05/2018

Policy Statement and Purpose
The purpose of this policy to ensure a safe and healthy workplace for employees, retain valued employees and assist employees in returning to work from occupational-related and non-occupational related illnesses and injuries.

Noncompliance with this policy may result in disciplinary action up to and including termination of employment. VCU supports an environment free from retaliation. Retaliation is prohibited against any employee who brings forth a good faith concern, asks a clarifying question or participates in an investigation.

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Who Should Know This Policy
All employees (includes faculty) are responsible for knowing this policy and familiarizing themselves with its contents and provisions.
Definitions

Disability
For purposes of this policy, this term refers to an illness or injury or other medical condition, including pregnancy, that prevents an employee from performing the duties of their job. A disability can be total or partial.

Modified/Transitional Duty
This term refers to a temporary job modification when an employee returns from a personal or occupational-related injury or illness to medically restricted or modified duties. Duties assigned can be those identified in the employee’s current job description with restrictions or another assignment. Modified or transitional duty is generally limited to 90 days or less but could be extended on a case-by-case basis.

Return-to-Work Coordinator
A VCU Human Resources’ staff member who acts as the primary contact to the Workers’ Compensation Program and facilitates VCU’s Return-to-Work Program.

Traditional Sick Leave Program (TSLP)
This term refers to leave accrued each pay period or each semester (as applicable) to provide paid time off for personal or family health reasons.

Virginia Sickness and Disability Program (VSDP)
This program is administered by the Virginia Retirement System (VRS), which provides employees with income replacement during periods of short- and long-term disabilities.

Work-Related Injury/Illness
This term refers to an injury or illness that occurs on the job to an eligible employee for which benefits are awarded by the Virginia Workers’ Compensation Commission (VWCC) and are payable under the Workers’ Compensation Act of Virginia (the Act).

Workers’ Compensation Program (WCP)
Program administered by the Virginia Department of Human Resource Management (DHRM) for state employees in accordance with §65.2 of the Code of Virginia.

Contacts

VCU Human Resources officially interprets this policy and is responsible for obtaining approval for any revisions as required by the policy Creating and Maintaining Policies and Procedures through the appropriate governance structures. Please direct policy questions to VCU Human Resources Operations Division.
1. **Eligibility:** VCU employees (includes faculty) who participate in the Virginia Sickness and Disability Program (VSDP) or the Traditional Sick Leave Program (TSLP) are eligible for return-to-work assistance.

**Modified/Transitional Duty and Return to Work:** VCU strives to provide modified/transitional duty and return-to-work options for employees who sustain occupational or non-occupational injuries/illnesses. Departments are encouraged to review all possible options to provide appropriate assignments that take into account the injured/ill employee's special circumstances.

Following are the goals of modified/transitional duty and the return-to-work program:
- Help the employee by keeping the employee functional in the workplace, which aids overall recovery.
- Increase productivity and maintain work processes by decreasing lost work time and daily operating costs for the agency.
- Help control costs by reducing medical and disability costs.
- Create positive workplace morale through support for the injured worker.

2. **Employee Responsibilities:** If released to modified/transitional duty, the employee must accept the transitional assignment offered. Failure to follow the recommended course of treatment or to accept assignments may jeopardize the employee’s benefits.

3. **Department Responsibilities:** When requested to provide modified/transitional duty, managers must actively assess the workplace for appropriate tasks and duties to encourage the employee’s return to work.

4. **Return-to-Work Coordinator Responsibilities:** In consultation with the employee’s supervisor, VCU’s Return-to-Work Coordinator (VSDP/WC Coordinator) will review the restrictions set forth by the attending physician and will determine whether the university can provide transitional duty for the employee.

As a part of this determination, transitional duty must meet VCU’s staffing needs and must accommodate the employee’s medical restrictions while taking into consideration the welfare and safety of the employee and co-workers.

If it is determined that the employee has permanent restrictions, which result in the employee’s inability to perform the essential functions of their primary position, the provisions of the Americans with Disabilities Act (ADA) and other applicable laws will be applied to determine suitability for employment.

**Forms**

1. VCU Accident Report of Workers’ Compensation Claim Form (P-100)  
   [https://hr.vcu.edu/forms/]
2. VCU Physician Selection for Occupational Injuries/Diseases Form (P-101)
   https://hr.vcu.edu/forms/

Related Documents

1. State Policy 4.57, Virginia Sickness & Disability Program
2. State Policy 4.55, Sick Leave
3. VCU Policy: Faculty Sick Leave Reporting
4. Governor’s Executive Order 109 (2010), Workplace Safety and Employee Health
5. State Policy 4.60, Workers’ Compensation
   http://web1.dhram.virginia.gov/itech/hrpolicy/pol4_60.html
6. Workers’ Compensation Act of Virginia
   http://law.lis.virginia.gov/vacode

Revision History

This policy supersedes the following archived policies:

<table>
<thead>
<tr>
<th>Approval/Revision Date</th>
<th>Title</th>
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<tbody>
<tr>
<td>November 1, 2006</td>
<td>Return to Work</td>
</tr>
<tr>
<td>August 21, 2012</td>
<td>Returning to Work After Illness or Injury</td>
</tr>
<tr>
<td>August 06, 2015</td>
<td>Returning to Work After Illness or Injury</td>
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FAQ

There are no FAQ associated with this policy and procedures.