CDU Policy I.E.00740 Worker’s Compensation and Transitional Return-To-Work Program

ISSUING OFFICER: Director of Human Resources

RESPONSIBLE OFFICE: Department of Human Resources

EFFECTIVE DATE: October 29, 2010

REVISED DATE:

SUPERSEDES:

POLICY I.E.00740 Worker’s Compensation and Transitional Return-To-Work Program

REFERENCES AND RELATED POLICIES

CDU-AMP I.E00680 (Leaves of Absences)
CDU-AMP I.E.00550 (Health and Welfare Benefits)
CDU-AMP I.E.00690 (Sick Time Off)

A. WORKERS’ COMPENSATION

Charles R. Drew University pays the entire amount of the workers’ compensation insurance premium that provides benefits to employees who experience injury or illness connected with employment. To be eligible for workers’ compensation benefits, the injury must be a direct result of the job. It is essential that employees report all work-related accidents, injuries and illnesses immediately.

Employees should be aware that it is a felony to file a knowingly false or fraudulent claim for workers’ compensation benefits or to submit knowingly false or fraudulent information in connection with any workers’ compensation claim. Violation of this law is punishable by imprisonment and a severe fine. Filing a false or fraudulent workers’ compensation claim is also a violation of University policy, and will result in disciplinary action, up to and including immediate termination.

Note: Labor Code 132a makes it illegal for the University to punish, fire, or retaliate against an employee for having a job injury or illness, for filing a claim, or testifying in another person’s worker’s compensation case. If proven, the employee may receive lost wages, job reinstatement, increased benefits, and cost and expenses up to limits set by the state.
Neither the University nor its insurer will be liable for the payment of workers' compensation benefits for any injury that arises out of an employee's voluntary participation in any activity that is not part of work-related duties.

B. TRANSITIONAL RETURN-TO-WORK PROGRAM

The Transitional Return-To-Work (TRTW) Program at Charles R Drew University supports the mission of the University by maximizing human and financial resources and complying with applicable Federal, State and Charles R. Drew University’s disability policies. The TRTW Program achieves this by providing uniformity, and by coordinating the program to help CDU employees who have work-incurred injuries or illnesses, return to work as soon as possible. The TRTW Program can also be applied for non-industrial injuries.

It is a University workers’ compensation program policy to provide Transitional Return-To-Work (TRTW) Job Assignments to all eligible employees as soon as possible following the onset of an industrial disability. By provisions of the California Labor Code, employees who do not accept TRTW Job Assignments are subject to the loss of WC temporary disability benefits.

Eligibility

All Charles R. Drew University employees with temporary partial disabilities are eligible for TRTW Job Assignments if they are anticipated to progress in their recovery from an industrial injury or illness and require temporary, short-term modification of their job duties.

Employees with restrictions that would permanently prevent him/her from returning to the job and hours worked at the time of their injury are not eligible for participation in the TRTW Program.

In no event shall the TRTW Job Assignments for casual or temporary employees exceed the period of duration of the casual/temporary appointment. All TRTW Agreements must end no later than the last day of an employee’s casual or temporary appointment.

PROCEDURE I.E.00740 Worker’s Compensation and Transitional Return-To-Work Program

A. GENERAL

Charles R. Drew University does not discriminate toward employees who have filed or made known their intent to file a workers’ compensation claim. An employee who sustains a work-related injury and reports the same will obtain all of the benefits he or she is entitled to under California law. All matters relating to a job-related illness or injury must be referred to the Restructuring and Risk Management Department at (323) 563-4995 or the Department of Human Resources at (323) 563-5827. This includes but is not limited to, eligibility for medical leave, benefits eligibility, medical certifications, the length of the leave, the transition to work program, and accommodation for return to work.
B. WORKERS’ COMPENSATION

1. TREATMENT AND DESIGNATION OF PHYSICIAN

Employees who are injured on the job are required to be evaluated and treated at an industrial medical clinic appointed by the University.

- Employees wishing to pre-designate a physician (rather than being evaluated and treated at an industrial medical clinic appointed by the University) must provide the University with a written notice of the pre-designation prior to the date of injury.

- The pre-designation must include the physician’s signature of agreement to the pre-designation and the physician must be the employee’s regular physician or primary care provider who has previously directed the employee’s medical treatment and retains records of the employee’s treatment and medical history.

- Employees should check with the Restructuring and Risk Management Department or the Department of Human Resources for additional information on the pre-designation option and forms.

2. USE OF ACCRUED SICK LEAVE AND VACATION

Under the California Workers’ Compensation Act, the application of accrued sick leave and vacation leave for employees who are unable to work due to a work-incurred injury or illness is compensable in order to continue full salary. The use of accrued sick and vacation leave may be used to supplement temporary disability payments received under the California Workers’ Compensation Act.

- Employees who need to use sick time or vacation accruals to recover from a work-related injury or illness must notify their supervisor immediately so that workers’ compensation forms can be provided.

- The supervisors must notify the Payroll Department and the Department of Human Resources of an employee’s anticipated use of sick time and or vacation accruals while on a workers’ compensation leave.

- Employees on workers’ compensation do not accrue additional vacation or sick time benefits while on leave. Accrual of time off begins once the employee returns to work, but is not retroactive.

C. TRANSITIONAL RETURN-TO-WORK PROGRAM

1. Written Documentation of Work Restrictions

Employees must obtain written medical documentation from their TP/THP indicating their specific work restrictions. A functional capacity evaluation provides a description of
the injured employee’s current physical limitations, capacities, and abilities as given by the TP/THP.

2. **Department Supervisor or Representative Responsibilities**

A. Directs injured employees to Occupational Health Facility (OIH) for initial medical treatment.

B. Reminds employees with work-related injuries or illnesses of the CDU TRTW program. Notes that every effort will be made to accommodate all temporary medical restrictions.

C. Advises employees to request written documentation from their physician, indicating the employee’s work capacities. Reminds employees to provide such documentation to the direct supervisor or representative immediately.

D. Contacts Vocational Rehabilitation Counselor (VRC) immediately upon receipt of any employee release to return to work-with new or revised-medical restrictions. Agrees to review the restrictions, discuss temporary job modifications, and develop a TRTW Job Assignment that complies with employees work restrictions and is feasible for the Department.

E. Meets with injured employee (and VRC as required) to engage in the Interactive Process discussion of proposed temporary job modifications for the TRTW Job Assignment.

F. Prepares TRTW Agreement using information obtained from VRC consults and the interactive process employee meeting, which covers a period not to exceed the shorter of the length of the employee's CDU appointment or 90 calendar days. Designates dates, and hours (if applicable), of TRTW Job Assignment. Makes written offer of TRTW Job Assignment to employee.

G. Monitors employee progress in the TRTW Job Assignment to assure employee compliance with TP/THP medical restrictions and satisfactory performance of the clearly defined job duties. Assures that the TRTW Job Assignment does not exceed the end date in the TRTW Agreement or ninety (90) calendar days, whichever occurs first.

H. Advises appropriate staff members, only as deemed necessary, that the injured employee is in a TRTW Program. Provides appropriate staff members with information about the employee's modified duties and what assistance, if any, may be required for the injured employee.

I. Keeps accurate records of days and hours worked.

J. No later than 14 calendar days before the end of the TRTW Agreement, contacts VRC to determine what action to take upon expiration of the TRTW Agreement.
3. **Termination of TRTW Program**

   All TRTW Programs shall terminate on the earliest of the dates specified below:

   1. The end date specified in the TRTW Agreement.
   2. The date the injured employee is determined to be permanent and stationary (P&S) and a qualified injured worker (QIW).
   3. Ninety calendar days from the begin date specified in the TRTW Agreement.
   4. The last day of a temporary or casual employee's University appointment.
   5. Upon receipt by the University of a Medical Report indicating that the employee will be unable to return to the job the employee performed at the time of injury.
   6. The employee's acceptance of disability retirement.
   7. The University's grant of FMLA to the injured employee.

Applicability: All Staff and Faculty Members