

GEORGIA DEPARTMENT OF HUMAN SERVICES
Human Resources Policy #1701

WORKERS' COMPENSATION AND SPECIAL INJURY
RETURN-TO-WORK PROGRAM

EFFECTIVE DATE: April 1, 2000

RELEASE DATE: April 1, 2000

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REFERENCES: State Law (O.C.G.A. 34-9-1 through 34-9-367 – Workers' Compensation)
State Law (O.C.G.A. 45-7-9 - Special Injury)
Rules of the State Personnel Board - Rule 16 (Absence from Work)

The Department of Human Services (DHS) is concerned about the health and safety of all of its employees. Supervisors should be alert to any situation which could result in potential injury or illness to employees, clients and customers. Employees are to immediately bring any potentially unsafe or unhealthful working condition to the attention of their supervisors for review and resolution.

When work-related injuries, illnesses or exposures to occupational disease occur, all employees will be returned to work, whenever feasible, as quickly and safely as possible. DHS has adopted a comprehensive RETURN-TO-WORK (RTW) Program to accomplish this objective. Supervisors should refer to the *WORKERS' COMPENSATION RETURN-TO-WORK PROGRAM – SUPERVISORS' MANUAL* or contact their workers' compensation coordinator for additional information regarding this program.

ELIGIBLE EMPLOYEES All full-time and part-time employees in classified and unclassified positions, except for temporary and hourly employees who are short-term or hired for a specific project or function, are eligible for the Return-to-Work Program.

PROCEDURES Whenever a work-related injury, illness or exposure to occupational disease occurs, the employee is to be given work time to seek appropriate medical attention.

1. Medical treatment must be rendered by a network provider referral made by the Managed Care Organization, unless an emergency situation exists. (See #1.4 of this section) Failure to comply will result in non-payment of treatment by the Department of Administrative Services (DOAS) Workers' Compensation Program.

NOTE: **A current *MANAGE CARE ORGANIZATION NOTICE*, *BILL OF RIGHTS FOR THE INJURED WORKER*, *WORKERS' COMPENSATION FRAUD NOTICE* and *WORKERS' COMPENSATION REPORTING INSTRUCTIONS* MUST be posted in prominent places at each work location. To receive these documents, please**

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**contact the Office of Human Resource Management
and Development (OHRMD) - Operations and Benefits
Section at 404.656.5801.**

- 1.1 The employee should transport himself/herself, if possible, or may choose to contact a friend or relative for transportation.
- 1.2 If the injury/illness/exposure requires immediate medical attention and transportation is not otherwise available, the employee should be transported by the supervisor or qualified designee to a nearby hospital. Time used to transport the employee is considered work time.

NOTE: The driver must have a valid driver's license.

- 1.2.1 Where practicable, transportation should be provided using a State vehicle.
 - 1.2.2 If a State vehicle is not available, the supervisor or designee may determine that it is appropriate to use a personal vehicle to transport the employee.
 - 1.2.3 The supervisor or designee may be reimbursed for mileage, parking fees and other expenses incidental to the use of the personal vehicle for such transportation.
 - 1.2.4 It is the responsibility of the supervisor or designee to ensure that any personal vehicle used is insured against loss. The State does not insure private vehicles, even when they are used to conduct State business.
- 1.3 The employee, supervisor or designee is to present the completed *GEORGIA ACTIVITY ANALYSIS* Form (See Attachment #1) to the treating physician for review after the initial examination of the employee.

NOTE: A *GEORGIA ACTIVITY ANALYSIS* Form is to be completed in advance and placed on file for every job within the organizational unit.

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- 1.4 In the event of an emergency, appropriate medical attention for the employee should be sought immediately (e.g., call 911 or transport to an emergency room). In an emergency situation, treatment does not have to be provided by a Network provider. All follow-up care must, however, be provided by a referral from the Manager Care Organization.
- 1.5 If the employee is dissatisfied with the physician selected from the list, a second selection from the list may be made without permission. Any further changes require permission from the appropriate DHS workers' compensation coordinator or a DOAS workers' compensation representative.
2. After ensuring that proper medical treatment has been arranged, the supervisor or designee is to report all injuries, illnesses and exposures to occupational disease that require medical treatment or result in time lost from work through the telephonic reporting system at **1-877-656-RISK (7475)**. [Since this number is toll-free, it should be dialed like a local call (i.e., dial "9" prior to the phone number, if applicable.)] (See Attachment #2)
 - 2.1 The report should be made immediately and in no case more than 24 hours from the time the supervisor or designee has knowledge of the injuries, illnesses or exposures to occupational disease.
 - 2.2 The supervisor or designee should have a copy of the *GEORGIA ACTIVITY ANALYSIS* Form available in order to respond to questions asked by the telephonic reporting system staff.

NOTE: If the injuries, illnesses or exposures to occupational disease do not require medical treatment and do not result in lost time from work, supervisors or designees should complete a *DHS INCIDENT REPORT* and retain for their records. (See Attachment #3) Should the employee require treatment or lose time away from work at a later date, the claim should be reported by calling the telephonic reporting system.

3. A determination based on the *GEORGIA ACTIVITY ANALYSIS*

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Form must be made by the treating physician regarding the employee's ability to immediately return to regular or modified duty.

3.1 If the physician is not able to release the employee immediately to regular or modified duty, the employee will not return to duty that day.

NOTE: The employee will not be charged leave for the absence from work on the day of the injury, illness or exposure to occupational disease.

3.2 The supervisor and/or designee are to arrange follow-up contact with the employee within 24 hours to check on the employee's well-being and begin preparation for a *TRANSITIONAL EMPLOYMENT PLAN*.

4. As soon as the employee is released to work activities, the employee will be asked to meet with the Transitional Employment Team to develop a *TRANSITIONAL EMPLOYMENT PLAN*. (See Attachment #4)

NOTE: Time spent by the employee in Transitional Employment Team meetings will be considered work time.

4.1 The plan will specify the following:

- X Start and end date of transitional duty;
- X Specific duties to be performed;
- X Signatures of both the supervisor and injured/ill employee; and,
- X Next review date.

4.2 A *DETAILED JOB ANALYSIS* Form may be completed for review by the treating physician as determined necessary or appropriate. (See Attachment #5)

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- 4.3 Responsibilities and duties identified for the employee must be of value to the Department while ensuring the employee's safety at all times.
- 4.4 If possible, tasks should be similar to the employee's regular work and within the same functional unit to help the employee maintain relationships with co-workers. If this is not feasible, however, other alternatives should be considered utilizing the following guidelines:
 - 4.4.1 Focus on unique skills and abilities of the employee,
 - 4.4.2 Consider duties outside of the employee's regular work unit,
 - 4.4.3 Provide tasks which add value to services normally provided by the Department,
 - 4.4.4 Explore training or other on-the-job learning experiences to help enhance the skills of the employee,
 - 4.4.5 Allow an employee to share skills through mentoring other employees,
 - 4.4.6 Provide employees with special projects which need to be completed.

**MONITORING
TRANSITIONAL
EMPLOYMENT
PLANS**

- 1. As the employee's medical condition improves, the Transitional Employment Team will meet periodically to revise the plan to increase activities. This should help the employee gain strength and endurance to expedite the transition to regular employment.
- 2. The plan should be reviewed on a regular basis during the Transitional Employment Team meetings; assignments should be changed periodically to reflect improvement in the employee's physical capacities, as documented by the treating physician.
- 3. Transitional Employment will continue for that period of time determined necessary and appropriate, up to ninety (90) calendar days.

PROVIDING

- 1. If an employee is unable to resume regular duties within ninety (90)

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**REASONABLE
ACCOMMO-
DATION**

days, the Transitional Employment Team will initiate a reasonable accommodation evaluation in order to comply with Title I of the Americans with Disabilities Act (ADA). Because of the complex nature and responsibilities of the Department under this Act, the OHRMD – Employee Relations Section will coordinate this process to ensure compliance with all related statutes.

2. Affected employees will be active members of the Transitional Employment Team as it relates to reasonable accommodation, and their opinions and input will be solicited.
3. When it is determined that the team either needs assistance with reasonable accommodation or no accommodation can be identified, the employee will be referred to the DOAS Workers' Compensation Program for rehabilitation evaluation.

**NON-
COMPLIANCE
WITH RTW
PROGRAM**

In the event that an employee refuses (or otherwise through his/her actions declines) to participate in the RTW Program, the OHRMD - Employee Relations Section should be notified. Refusal to return to work and refusing to follow directives given by a supervisor in a job where the responsibilities and duties have been approved by the treating physician may jeopardize an employee's workers' compensation/special injury benefits.

**FAMILY
LEAVE**

1. A work-related injury, illness or exposure to occupational disease may qualify as a serious health condition under family leave. An employee may be placed on available family leave during the workers' compensation/special injury absence, which **may run concurrently**.
2. At some point during the employee's absence, the treating physician providing medical care pursuant to workers' compensation/special injury may certify that the employee is able to return to work in a transitional employment position.
 - 2.1 If the employer offers such a position, the employee is **permitted** but **not required** to accept the position.
 - 2.2 If the employee does not accept the transitional employment position, the employee may no longer qualify for payments from the workers' compensation/special injury benefit plan, **but the employee is entitled** to continue on family leave, either until the

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employee is able to return to the same or equivalent job the employee left or until the twelve (12) work week family leave entitlement is exhausted, whichever is first.

3. If the employee returning from a workers' compensation/special injury absence due to an injury, illness or exposure to occupational disease is an individual with a qualifying disability, he or she will have rights under the ADA.

TRANSITIONAL EMPLOYMENT TRACKING FORM Supervisors are to complete the *TRANSITIONAL EMPLOYMENT TRACKING FORM* (See Attachment #6) to maintain awareness of employees on workers' compensation/special injury leave.

For additional information or assistance, please contact the OHRMD – Operations & Benefits Section at 404.656.5801.

ATTACHMENTS:

Attachment # 1 - *GEORGIA ACTIVITY ANALYSIS*

Attachment # 2 - *WORKERS' COMPENSATION REPORTING INSTRUCTIONS*

Attachment # 3 - *DEPARTMENT OF HUMAN SERVICES INCIDENT REPORT FORM*

Attachment # 4 - *TRANSITIONAL EMPLOYMENT PLAN*

Attachment # 5 - *DETAILED JOB ANALYSIS*

Attachment # 6 - *TRANSITIONAL EMPLOYMENT TRACKING FORM*
