

Big Bend Community Based Care Policy & Procedure

Series: 1100: Human Resources

Policy Name: Return to Work

Policy Number: 1121

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Regulation: CFOP 60-1

Policy

It is the policy of Big Bend Community Based Care, Inc. (BBCBC), to take appropriate action and to make every effort to return an employee who is injured in the line of duty back to work as soon as it is physically and mentally able to return to work. In implementing this Policy, BBCBC will also continue to comply with its duties under the American with Disabilities Act (ADA) and the Florida Civil Rights Act (FCRA) as it relates to any disabled employees (whether work-related or not), and the Family and Medical Leave Act (FMLA) as it applies to eligible employees. This includes the duty to attempt to reasonably accommodate any disabled employee so the essential functions of the employee's position can be performed. Not every injury that occurs in the line of duty will qualify as a disability under ADA or FCRA.

Procedure

- A.** It is in the agency's best interest and the employee's interest to return an injured employee to work as soon as medically feasible. Accordingly, regardless of whether an injury technically constitutes a "disability" under ADA or FCRA, BBCBC will attempt to accommodate any physical or mental impairment so that an employee may return to work as soon as possible.
- 1.** BBCBC will first attempt to reasonably accommodate an injured employee in a manner that will allow one to perform the essential functions of one's normal job or any other available position for which one is qualified.
 - 2.** If no reasonable accommodation is available or if the only available means of accommodation would impose an undue hardship on BBCBC, BBCBC will evaluate the possibility of assigning the employee to temporary light duty.
 - 3.** With regard to an employee who has not yet reached "maximum medical improvement," which condition is determined based on notification from the workers' compensation carrier or when the employee has received one hundred four (104) weeks of compensation for disability, BBCBC will execute its Return to Work Program and make every effort to return an injured employee back to work by one (1) or more of the following means:
 - a.** Returning the employee to work on a part-time basis or under modified hours provided that the employee can perform the essential functions of the job.
 - b.** Assigning defined modified duties to the employee based upon the need for these duties and the medical capability of the employee.

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- c. Assigning the employee to a department other than the employee's original assigned department, when appropriate modified duties are not available in the employee's original department.
4. The appropriate Officer, the CEO or their designee, and the injured employee's immediate supervisor will make up the Return to Work Team.
 - a. The Return to Work Team shall manage each loss injury case with the workers' compensation carrier representative.
 - b. The Return to Work Team shall be responsible for establishing communication with the health care provider and the workers' compensation insurance carrier representative, maintaining contact with the injured employee, assessing all elements of a job and identifying opportunities for alternative or modified duties, as necessary and available.
5. Modified duties or modified hours are intended as light duty work while an employee recuperates and shall be for a temporary period not to exceed ninety (90) days.
 - a. The employee shall return to regular duty as soon as the health care provider determines that the employee is capable of assuming full duties.
 - b. If an employee is unable to return to regular duty after the ninety (90) days have elapsed, the Return to Work Team and workers' compensation insurance carrier representative shall conduct an evaluation involving the injured employee and the healthcare provider to determine the employee's ability to perform the essential job functions, the employee's current job-related status and additional measures necessary as the employee recovers.
6. An employee covered by FMLA and who is unable to perform any one (1) or more of the essential functions of the employee's job is not required to accept light duty.
 - a. Employees are encouraged to cooperate in their recovery and return to work by accepting a temporary assignment that is available and within the medical restrictions or physical limitations imposed by the medical provider.
 - b. Employees who refuse to return to work and decline modified duties will be viewed as voluntarily limiting their income.
 - c. Pursuant to Florida law, these employees may be deemed to forfeit their rights to any compensation under the Worker's Compensation Act during the period of this refusal.
 - i. Pursuant to the FMLA, an employee who loses workers' compensation payments due to a declination of an offer of a "light duty job" is entitled to remain on unpaid FMLA leave until the 12-week entitlement is exhausted.
 - ii. As of the date workers' compensation benefits cease, the employee is required to substitute accrued sick leave and then accrued vacation leave for unpaid FMLA leave.
7. In addition, any such employee who refuses modified duties and is not covered by the FMLA may be subject to discharge if these duties are within the restrictions or physical limitations imposed by the health care provider.
8. If an employee has reached maximum medical improvement, BBCBC will make a good-faith effort to look for work opportunities within BBCBC which is appropriate to the employee's physical limitations.

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- a. Any such opportunities shall be offered to the employee within thirty (30) days after the workers' compensation carrier notifies BBCBC of the employee's maximum medical improvement and the employee's physical limitations.
- b. An employee who is covered by FMLA is not required to accept light-duty work while on FMLA leave.
- c. The Return to Work Team will continuously evaluate whether the employee can be reasonably accommodated in a manner that will allow the employee to perform the essential functions of his or her position or any other available position.
- d. If after the employee attains maximum medical improvement, BBCBC cannot find an available position in which the employee can perform the essential functions with or without reasonable accommodation, then the employee will be discharged.
- e. The employee may reapply and be considered for future positions that become available so long as the employee is qualified for the position and able to perform its essential functions, with or without reasonable accommodation.