DEPARTMENT OF CORRECTIONS

Policy Number:	**103.240**
Title:	**Return to Work Process**
Effective Date:	**3/5/19**

PURPOSE: To define the department's return to work process and procedures consistent with federal and state laws, collective bargaining agreements/plans, and business needs of the agency.

APPLICABILITY: All employees

DEFINITIONS:

Essential functions – the fundamental job duties of a position as indicated on the physical demands analysis.

Minimal restrictions – restrictions that do not require the removal of essential job functions, change the nature of the work, or remove the employee from a normal work rotation.

Physical demands analysis (PDA) – a written analysis of the physical and environmental aspects of a particular position or job classification.

Position description (PD) – a formal description of the duties and responsibilities of a position.

Provider – a treatment professional, health care provider, or managed care provider.

Report of workability – a statement from a health care provider or managed care provider that includes required medical information as specified in this policy.

Substantial restrictions – restrictions requiring the removal or substantial modification of essential job functions, or limiting the employee's work rotation.

PROCEDURES:

A. An employee may be requested to provide a report of workability statement for the following reasons:

1. For an employee's injury or illness, to verify the employee's ability to return or continue to work and to provide updates on any work restrictions.

2. For all medical appointments and any time missed due to a work-related injury/illness.

3. When an employee has an exposure to a contagious disease, which may expose other employees and offenders.

4. When the employer has reasonable cause to believe an employee is: not medically fit to return to or continue work, the employee has abused or is abusing sick leave, or for other business related need.

B. Report of workability statement requirements

1. The employee must provide report of workability statements directly to human resources (HR).

2. When an employee is requested to provide a report of workability statement(s), the employee must provide the report of workability statement(s):
   a) Prior to the employee's return to work;
   b) From each medical appointment;
   c) When restrictions change; and
   d) Until there are no restrictions or when the provider determines the restrictions are permanent.

3. The report of workability statement must include:
   a) Employee's full name;
   b) Date of appointment and/or date of the medical assessment;
   c) Date of injury/illness and whether it is work related;
   d) Any specific restrictions/limitations and the duration, or specify "no restrictions/limitations;"
   e) Date(s) unable to work, if applicable;
   f) Return to work date; and
   g) Provider name, address, and phone number.

4. Employees must provide complete workability statements to HR in a timely manner, typically on the date of the medical appointment or within 24-hours.

5. An employee who returns to work with restrictions must provide periodic workability status updates to HR as directed. The review process of workability slips may continue on a periodic basis, until there are no restrictions or until the restrictions become permanent.

C. Returning employees to work

1. Employees are expected to provide a complete report of workability statement prior to returning to work. Each facility/work area follows the process described below regarding returning employees to work when restrictions potentially impact job duties or work processes. Generally this process takes no longer than three business days.

2. Report of workability statements are viewed by HR to determine if there are any restrictions or if additional information is needed. The supervisor evaluates all restrictions to determine if work is available.
   a) If the provider authorizes the employee's return to work with minimal restrictions, HR works with the employee's supervisor, management team, and scheduler to return the employee to the employee's regular assignment.

   b) If the provider authorizes the employee's return to work with substantial restrictions, HR must communicate work restrictions to the appropriate supervisor and/or manager(s) to determine possible placement (job assignment or transitional work). Refer to Procedure D.

3. The supervisor reviews the restrictions and provides a response to HR as soon as possible. The response may be forwarded to the management/executive team for final review. Priority consideration is given to employees covered by the workers' compensation program. The following may be considered in the review process:

a) Employee's original job assignment, with or without modifications;
b) Similar job assignment, which could include a different work area and/or shift;
c) Different job duties, which may include a different work area and/or shift; and
d) For an approved work-related injuries/illness, the following may also be considered and coordinated through HR:
   (1) Assignment of qualified rehabilitative coordinator (QRC) and/or job placement specialist; and
   (2) Alternative placement options.

4. HR works with supervisors and managers to ensure return to work decisions are made in a timely manner. HR must document the final decision in writing on the report of workability statement, and communicate the decision to the employee as soon as possible.

5. Requests for reasonable accommodations are considered under Policy 103.310, "Reasonable Accommodation."

D. Job assignments and transitional work

1. If meaningful work is available within an employee's restrictions, a temporary accommodation may be considered. Temporary accommodations, including transitional work, must be discussed at each facility/work location. The available physical demands analysis (PDA) or position description (PD) may be used to review essential functions and job tasks.

2. Each facility/work area annually reviews minimum staffing levels for all work areas, including a review of physical requirements for each post, to determine the number of officers without restrictions that are required by shift and work site to assess possible modified assignments.

3. An employee with restrictions is considered for transitional work or a temporary accommodation based on the employee's capabilities and work availability, including work outside of the employee's current work area. For corrections officers with restrictions, if a temporary accommodation is not available or possible within the corrections officer rank, HR works with the employee's supervisor to identify other possible options, if available.

4. No temporary accommodation may exceed five months in duration without being further reviewed by HR, the supervisor, and management.
   a) Discussion must include the anticipated duration of restrictions.

   b) When it is probable that a minimal extension may permit the employee to return to the employee's permanent position, management may work with HR and the appropriate deputy/assistant commissioner to extend a temporary accommodation.

   <u>Employees covered under the AFSCME and Unit 208 agreements:</u> HR may also work with appropriate state agencies and bargaining unit representative(s).

E. Employee responsibilities

1. Employees must provide timely workability statements to HR prior to returning to work and as required. Refer to Procedure A and Procedure B for specific requirements. Workability statements may be faxed directly to HR.

2. Employees must ensure that the department receives sufficient information to evaluate their ability to return to work:
   a) Ensure the provider completes a report of workability form at the time of appointment or evaluation. Whenever possible, provide a copy of the DOC Report of Workability form (attached) to be used for this purpose.

   b) Describe job responsibilities to provider. When needed or as directed, provide a copy of the PDA and/or PD to help the provider understand work responsibilities. Ask the provider to consider the tasks and essential functions of the job when completing the workability form.

   c) Inform the provider that a temporary accommodation or transitional work may be available.

   d) Ask the provider to include any specific restrictions and probable duration on the form.

   e) If unable to perform work of any kind, be sure the provider lists the specific duration and dates on the form.

   f) The DOC Report of Workability form, PDA, and PD are available through HR.

3. Employees must contact HR immediately when the medical provider authorizes return to work. HR updates employees regarding return to work status. Employees are expected to return to work upon notification from HR.

4. When returning to work with restrictions, employees must self-monitor, work within current restrictions, and communicate issues or concerns to their supervisor or the HR office.

5. If working in a temporary accommodation/transitional work assignment, the employee must provide an updated report of workability to HR when the current documentation expires, if the status or restrictions change, or as directed.

6. If medically unable to return to any kind of work, or no work is available within restrictions, the employee may need to request a leave of absence.

7. Employees with a work-related injury/illness/incident must:
   a) Follow the provider's treatment instructions and/or rehabilitation plan;
   b) Keep the state's workers' compensation program informed about medical and employment status; and
   c) Communicate any concerns to their supervisor, HR, or the workers' compensation claims specialist.

8. Cooperate with all return to work efforts.

F. Supervisor/manager responsibilities
The supervisor or manager must:

1. Review the physical requirements for positions periodically or as position requirements change.

2. Review agency PDAs, PDs, and consult with HR and the facility safety administrator/department safety director to update facility/work location PDAs and PDs as needed.

3. Determine minimum staffing levels needed for each facility/work location, work area, or unit and shift. Determine the number of employees without restrictions required, if applicable.

4. When an employee is off of work for medical reasons and a workability report is needed, direct the employee to provide a Report of Workability to HR.

5. Work with HR if the employee has restrictions. Refer to Procedure C. 3 for return to work process and considerations.
   a) Review restrictions and duration provided by HR.

   b) Consider return to work options for the employee including the employee's current job requirements or if modifications could be made.

   c) Review reasonable accommodation requests pursuant to policy 103.310, "Reasonable Accommodation."

   d) Determine if temporary job accommodations or transitional work is possible.

   e) Consider placement on the same shift/watch and then review other alternatives.

6. Review communication on the employee's workability status and respond to HR with available return to work options on a timely basis (typically within 24 hours from receipt of workability status).

7. Communicate available return to work options to HR on a timely basis (typically within 24 hours from receipt of workability status).

8. If work is not available in the employee's current work area, contact HR to discuss other options that may be available.

9. Monitor the duration of restrictions and remain in communication with HR regarding status changes.

10. Ensure assigned job duties/tasks are within the employee's restrictions and address any employee concerns.

G. HR responsibilities

HR staff must:

1. Make available to employees the DOC Report of Workability form, PDA, and PD, as needed.

2. Review completed report of workability promptly. Maintain communication with the employee regarding the employee's return to work status:
   a) If the report of workability statement is incomplete, or additional information is needed, inform the employee of what is needed.

   b) If complete information is provided and no restrictions are indicated, inform the employee, the supervisor, and watch commander, if applicable, of the employee's ability to return to work without restrictions or limitations.

   c) Ensure the employee has received a copy of the workability statement and is aware of any changes.

3. When there are restrictions, inform the supervisor/acting supervisor/watch commander of the employee's work restrictions on the same day the report of workability is received or on the next business day.
   a) Ask the supervisor if the restrictions can be accommodated.

   b) Work with the employee's supervisor to consider possible job placement as needed.

   c) Provide the supervisor's response to the manager of the work area/facility for final approval (completed the same day or on the next business day) as necessary.

   d) Ensure that the priority for modified positions is given to employees with work-related injuries.

4. Inform employee of the return to work decision and when to report to work, if applicable. Return to work should be within 24-72 hours from receipt of the complete report of workability, except when work restrictions are substantial.

5. If the employee is unable to return to the employee's permanent position, work with the employee, the employee's supervisor, and the management team to identify options and timelines. If HR is unable to secure an option to return the employee to work, other supervisors and/or the safety administrator may be consulted.

6. Discuss with the supervisor/manager any temporary accommodations that are approaching five months and document the discussion. Refer to Procedure D.4.

7. For cases with work-related injuries/illness, if it is anticipated that the employee will be unable to return to work within 13 weeks or 90 calendar days, contact the workers' compensation claims specialist as soon as possible to discuss possible options.

8. Actively assist supervisors to place employees with work-related injuries/illness in positions that accommodate their restrictions. Review the report of workability for changes/improvements to monitor progress.

9. Inform safety and the claims specialist at the Department of Administration of all work-related injuries and illnesses, including any lost time and/or medical; changes in work status (modifications in the number of hours worked); and all return to work dates and any restrictions.

10. Inform payroll of all work-related injury/illnesses with lost time and/or medical.

11. Retain the completed Report of Workability, and the documented decision to accommodate or not accommodate restrictions, in either the employee's medical file or the employee's worker's compensation file.

INTERNAL CONTROLS:

A. The completed Report of Workability form is retained in either the employee's medical file or the employee's worker's compensation file.

B. The decision to accommodate or not accommodate restrictions is documented in writing and filed in either the employee's medical file or the employee's worker's compensation file.

ACA STANDARDS: 3-4053-1

REFERENCES:
The Americans with Disabilities Act (ADA) of 1990
Collective bargaining agreements and plans
Minn. Stat. § 176.011, subd. 15(b)
Policy 103.241, "Workers' Compensation"
Policy 103.270, "Family and Medical Leave Act"
Policy 103.280, "Sick Leave Management"
Policy 103.310, "Reasonable Accommodation"
Policy 300.300, "Incident Reports"

REPLACES:
Policy 103.240, "Return to Work Program," 6/19/18.
All facility policies, memos, or other communications whether verbal, written, or transmitted by electronic means regarding this topic.

ATTACHMENTS: DOC Report of Workability form (103.240C on HR iShare site)

APPROVALS:
Deputy Commissioner, Community Services
Deputy Commissioner, Facility Services
Assistant Commissioner, Operations Support
Assistant Commissioner, Facility Services