

TRANSITIONAL WORK PROGRAM (for Employees receiving Workers' Compensation, Salary Continuation or Disability)

POLICY NUMBER: 200-13	EFFECTIVE DATE: October 21, 2013	APPOINTING AUTHORITY APPROVAL: 
REPLACES POLICY DATED: N/A	AUTHORITY: ORC 4123; OCSEA Art. 34.05; SEIU 1199 Art. 16.04	

I. PURPOSE

TRANSITIONAL WORK PROGRAM

DAS has developed a transitional work program ("TWP") to assist an employee receiving Salary Continuation, workers' compensation benefits or disability benefits to return to work while they complete their recovery. Transitional work is designed to reduce the economic and emotional impact on temporarily disabled employees, and to reduce the costs of disability to the Employer while honoring the employee's treatment plan. Please also see companion policy DAS 200-02 Workers' Compensation and Injury Reporting Policy.

II. POLICY

Employees who are expected to have temporary restrictions preventing them from performing all of their assigned job duties will be considered for participation in TWP. The employee's temporary duties are assigned in accordance with the recommendation of the employee's attending physician. The employee must participate in TWP unless the employee is ineligible as determined by the employee's physician. If an eligible employee fails to participate, Salary Continuation, WC temporary total benefits ("TT"), or Disability benefits will terminate. TWP provides suitable temporary work assignments during the period of time that the employee completes the recovery process up to a maximum of 90 days. Employees must also meet all of the following criteria:

- A. Had an injury, accident, illness or a reoccurrence/exacerbation of a pre-existing condition that prevents the employee from performing all of their assigned job duties.
- B. Have been released by their attending physician to participate in a TWP.
- C. Have the potential of returning to their original job and performing all the essential job functions after recovery.

III. PROCEDURE

The DAS Office of Employee Services (OES) reviews all Workers' Compensation and Disability claims. If OES determines that an employee may be eligible for TWP, OES will forward a copy of position description to the employee's attending physician requesting an assessment of work capacity.

OES shall receive an assessment of current work capacity and any work restrictions from the employee's attending physician. The OES designee shall design a TWP plan with input from the Employee and the Employee's supervisor based upon the employee's current work capacity and/or restrictions. In general TWP plans will incorporate these principles:

Gradual Return to Work: Employees who are capable of working a minimum of eight hours or more per week will be granted participation in a gradual return to work (GRTW) program. The remaining time will be paid by salary continuation, workers' compensation, disability or available leave balances. Under this TWP the attending physician will inform OES of the gradually increasing number of hours the employee may work (at least every two weeks) under the TWP.

Temporary Work Assignment: modification to regular duties which are practicable and productive. This may include varying the hours of work; altering the location of the work; temporary suspension of certain duties; addition of other duties; varying the rate of work; temporarily altering the way in which the work is performed by the employee, etc.

Duration: The duration of each TWP assignment is based on medical need. Continuation of individual programs will require ongoing documentation of medical necessity. All participants will have their case reviewed by OES on an as needed or biweekly basis. All TWP assignments will have a maximum duration of 90 days.

TWP Participation Agreement Termination: Programs may be terminated by DAS OES for lack of employee cooperation, medical necessity, lack of progress or change in the employee's medical/psychological condition, as determined by DAS OES. In this case, DAS is supportive of the reinstatement of benefits such as Salary Continuation, TT or Disability when DAS terminates TWP participation by the employee, so long as the employee remains otherwise eligible.

Personnel Policies and Procedures: All participants in the transitional work program will comply with all personnel policies, procedures and safe work practices. Employees are required to follow all injury reporting policies and procedures.

Restrictions: The employee, supervisor and OES designee will execute a TWP participation Agreement prior to the implementation of a TWP. The Agreement will conform to the work restrictions provided by the employee's attending physician after review of the job duties. All parties agree that they will abide by the terms of the Agreement.

Rate of Pay and Release Time: The employee will be paid at his/her normal rate of pay while participating in a transitional work program and will be in an active pay status for the purpose of contractual pay increases. Employees who are required to attend physical therapy or medical appointments should schedule those appointments on non-working hours. If there is a scheduling conflict, the Employee will be allowed to flex his/her work schedule or as a last resort, use salary continuation benefits to attend appointments up to one hour a maximum of three times per week.

Release of Information Concerning Bargaining Unit Employees: The DAS recognizes that the Union has an interest in information regarding member participation in TWP. To this end, the Union may request information regarding member program participation, length of participation, restrictions, information regarding temporary duties, and other pertinent information. However, the DAS will not release information concerning diagnosis or treatment, or other confidential healthcare information.

IV. REVISION HISTORY

Date	Description of Change
39/1/2013	Original Policy Release

ATTACHMENT – TWP Sample Agreement

This Transitional Work Program (TWP) Agreement between _____ (“YOU”) and the Ohio Department of Administrative Services, Office of Employee Services (“US”), together known as (“WE”), is designed to provide YOU with a suitable temporary work assignment while you complete your recovery.

During TWP, WE agree that YOU will not perform any task or duties that are not compatible with the temporary restrictions that your physician has provided. The initial restrictions for YOU are:

1. _____
2. _____
3. _____
4. _____
5. _____

TERMS AND CONDITIONS OF PARTICIPATION

WE will start the TWP on _____. Your TWP will be reviewed by US periodically, to determine your progress and need for continuance or modification of duties. YOU authorize US to amend this TWP based upon follow up restrictions supplied by your physician. This TWP will last a maximum of 90 days. This TWP may be terminated by US at any time with prior written notice to YOU for lack of employee cooperation, medical necessity, and/or lack of progress or change in medical/psychological condition. In this event, reinstatement of benefits such as Salary Continuation or Disability for YOU will not be challenged by US.

YOU will be paid your regular rate of pay for hours worked while participating in the TWP and YOU agree to follow all established personnel policies and procedures during your TWP. YOU may be asked to provide documentation of attendance to physical therapy or physician appointments occurring during working hours.

YOU must attempt to schedule your medical or therapy appointments during non-working hours. If appointments cannot be scheduled for non-working hours, YOU must attempt to flex your schedule during the first or last two hours of your shift. If flexing is not possible, YOU will be required to use

remaining Salary continuation for a maximum of three times per week not to exceed one hour each time.

Your signature on this form indicates that you understand the requirements for participation in the Transitional Work Program and that you will abide by the restrictions placed upon you by your physician.

Employee Signature

Date

DAS-OES representative

Date

Supervisor

Date