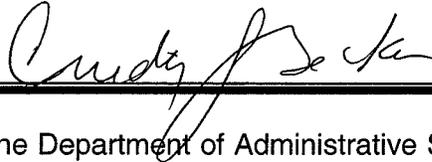


Internal Operations Manual

SUBJECT: Return to Work for Work-related Injury
DIVISION: Operations Division – Personnel Office

NUMBER: 107-04-080
EFFECTIVE DATE: 03-26-03

APPROVED:



**POLICY/
PURPOSE:**

The Department of Administrative Services (DAS) encourages and supports employees who have work-related injuries or illnesses to return to work as quickly as possible. The supervisor, employee, and doctor will work together to decide on tasks suitable for modified work. When an injured worker cannot perform regular job duties but can perform other useful tasks; modified work or a modified work schedule will be offered.

AUTHORITY:

ORS 240.306, 656.262, 656.340, 659.415, 659.420, 659.560 to 659.570.
 OAR 105-50-020, State Policy: 50-020-01
 Oregon Public Employees Union (OPEU) Bargaining Agreement, Article 107
 Graphic Communications International Union (GCIU) Bargaining Agreement, Article 31

APPLICABILITY:

All DAS employees and volunteers.

ATTACHMENTS:

Exhibit A: State Policy: 50-020-01 (Model return to work)

GUIDELINES:

- I. The DAS program follows Model Program – Return to Work of Injured Workers with Compensable Work-related Injury (OAR 105-50-020-01).

PROCEDURES:

<u>Step</u>	<u>Responsible Party</u>	<u>Action</u>
1.	Employee	Notifies supervisor and the DAS Safety Consultant (503-378-4202) of any on-the-job injury.
2.	Supervisor	Obtains SAIF Form 801 from DAS Safety Consultant. Gives form to employee to complete
3.	Employee	Fills out the worker portion of SAIF Form 801 for any on-the-job injury that requires medical treatment. Immediately delivers the Form 801 (Exhibit B) to their supervisor.
4.	Supervisor	Completes the employer portion of Form 801 and delivers it to the DAS Safety Manager within 24 hours or the next business day.
5.	Employee	Obtains medical care and informs the doctor that modified duty is available.

Submits all medical reports and work constraints that have been received from the doctor, in writing, to employee's supervisor. Employee keeps the

PROCEDURES:

<u>Step</u>	<u>Responsible Party</u>	<u>Action</u>
	Employee (Continued)	<ul style="list-style-type: none">• Address• Telephone number• Medical condition• Ability to work
6.	Supervisor	<p>Begins regular contact with the employee while they are away from work.</p> <p>Completes the employer portion of Form 801 and delivers it to DAS Safety Manager within 24 hours or the next business day.</p>
7.	Employee	Obtains a written release from their doctor and asks to return to regular or modified duties at work.
8.	Supervisor	Reviews medical determination from the doctor. Evaluates the employee's current job and, if needed, identifies possible job modifications. Asks DAS Safety Consultant to help determine appropriate modifications.
9.	DAS Safety Consultant	Works with employee, employee's supervisor, doctor, and SAIF to return the employee to appropriate duties. Helps to identify modified duties and writes the Modified Duty Job Offer letter.
10.	Supervisor	<p>When the employee is released for modified duty, the Supervisor gives them modified Duty Job Offer letter for their signature. Monitors employee's modified work duties and makes changes as needed.</p> <p>Returns employee to regular duties as soon as they request reinstatement and a release from the doctor is received.</p>
11.	DAS Safety Consultant	<p>Requests reimbursement through the Employer-at-Injury Program (EAIP) when appropriate.</p> <p>Checks the statewide Injured Worker Lists when DAS cannot provide the employee with a suitable assignment.</p>

DEPARTMENT OF ADMINISTRATIVE SERVICES,
HUMAN RESOURCE SERVICES DIVISION
DIVISION 50 - WORKFORCE MANAGEMENT

105-050-0020

Return to Work of Injured Workers

Applicability: All employees:

- (1) The State of Oregon is committed to return employees with compensable work-related injuries/illnesses to an available and suitable position as soon as possible.
- (a) Each state agency shall provide early return of its injured workers in accordance with HRSD State Policy 50.020.01 Return to Work of Injured Workers;
- (b) An injured worker shall be any employee who has incurred an injury while employed in a state Executive Branch agency, was determined to be compensable under ORS Chapter 656, and has not exercised or waived reinstatement/reemployment rights under ORS 659.415 and 659.420;
- (c) For the purpose of placing injured workers, entry level class shall mean any of the following classes not requiring prior agency experience: all limited competitive and non-competitive appointment classes per OAR 105-040-0060; all classes defined as entry in their title; single-level classes and the first level of a class series. Supervisory and managerial classes or classes that are at a higher level than the classification in which the employee was working at the time of injury are not considered entry level;
- (d) Each state agency shall provide available and suitable employment to the extent required by law to its injured workers with work restrictions who request to return to work;
- (e) In filling vacant positions, each state agency shall give injured workers with work restrictions, injured at another agency, preference for available and suitable positions when filling entry level class positions in accordance with OAR 105-040-0020, Types and Order of Applicant Lists;
- (f) Preference shall mean that qualified injured state workers shall be appointed over all applicants for available and suitable entry level positions in an agency of the state Executive Branch. Exceptions are other injured workers and employees entitled to appointment to the position pursuant to provisions or other employment restrictions of a valid collective bargaining agreement between the employer and a representative of the employer's employees;
- (g) ORS 659.412 authorizes the Administrator of the Human Resource Services Division to "compel compliance" with the provisions of the law and OAR 105-050-0020 Return to Work of Injured Workers.

(2) Rule Clarification:

(a) Available employment means:

- (A) An injured worker's former job regardless of the hiring or assignment of a replacement worker to that position;
- (B) The job is vacant at the time of the injured worker's demand or becomes vacant after the injured worker's demand for reinstatement/reemployment; or

(C) The job is filled but rightfully belonging to the injured worker on the basis of seniority or other employment restriction provision of a valid collective bargaining agreement;

(b) No job is available or vacant if another worker has a prior right to that job under a seniority or employment restriction provision of a valid collective bargaining agreement;

(c) The employer has no duty to create a job for the returning injured worker;

(d) Suitable employment is a job for which the injured worker:

(A) Meets minimum standards used by the employer in filling the job;

(B) Has previously done the job in an acceptable manner; or

(C) Would be qualified for the job with the same training given a new hire in an entry level position

Stat. Auth.: ORS 184.340 & 240.145

Stats. Implemented: ORS 240.306, 240.391, 659.412, 659.415 & 659.420

Hist.: PD 2, 1994, f. & cert. ef. 8-1-94; Renumbered from 105-070-0006; PD 2-1995, f. 6-30-95, cert. ef. 7-1-95