

<b>SUBJECT:</b> Early Return to Work of Injured Workers	<b>NUMBER:</b> 50.020.05
<b>DIVISION:</b> Human Resource Services Division	<b>EFFECTIVE DATE:</b> 05/01/07
<b>APPROVED:</b> Signature on file with the Human Resource Services Division	

**POLICY STATEMENT:** It is the policy of the State of Oregon that each agency will develop and implement an Early Return to Work Program for injured workers that effectively reduces medical, disability and premium costs, and positively impacts employee recovery from work-related illnesses and injuries.

**AUTHORITY:** 240.145; 659A.043; 659A.046; 659A.052(c)(2)(3)

**APPLICABILITY:** All injured workers where not in conflict with an applicable collective bargaining agreement. All Executive Branch agencies subject to ORS 240.

**ATTACHMENTS:** None

**DEFINITIONS:** See HRSD State Policy 10.000.01, Definitions; HRSD State Policy 50.020.03 Reinstatement and Reemployment of Injured Workers; and OAR 105-010-0000

**POLICY:**

- (1) Agencies shall develop, implement, and maintain an Early Return to Work Program that will:
  - (a) strive to return an injured worker to a transitional assignment that complies with medical limitations within three days of being released to transitional work.
  - (b) provide a written offer of temporary transitional work that will notify the worker of the worker's responsibilities including but not limited to:
    - (A) the temporary nature of the transitional work assignment and reevaluation process.
    - (B) description of job duties based on injured worker's physical restrictions.
    - (C) physical work restrictions and limitations relevant to the assignment to be approved by the attending physician.
    - (D) potential loss of reemployment and reinstatement rights of failing to accept a bona fide offer of transitional work [see HRSD Policy 50.020.03(1)(e)(C)(iv)].
  - (c) effectively review transitional work assignments every thirty days or sooner if needed in order to adjust the work assignment to align with the worker's temporary work restrictions and monitor the injured worker's recovery.
  - (d) limit transitional work to three, thirty-day review sequences unless there are extenuating factors based on written medical confirmation of the worker's prognosis with an expected recovery date that justifies continuing the transitional work assignments. Otherwise end transitional work assignments when one of the following occur;

- (A) the injured worker is released by the attending physician to regular work.
  - (B) the attending physician determines the employee to be medically stationary with permanent restrictions or releases the employee to suitable employment.
  - (C) the injured worker fails to abide by medical restrictions or terms of the transitional work assignment.
  - (D) the transitional work assignment can no longer be provided by the agency.
  - (E) the workers' compensation claim is denied by the insurer.
- (e) utilize to the fullest extent possible, the Employer-at-Injury Program and Preferred Worker Programs administered by the Department of Consumer & Business Services, Workers Compensation Division for the purposes of wage subsidy, worksite modification and reimbursement for related purchases.
- (2) During the Early Return to Work period, the agency will:
- (a) work with SAIF and DAS-Risk Management to coordinate injured worker management and claim resolution.
  - (b) communicate as needed with SAIF Claims Team, DAS-Risk Management, DAS-Human Resource Services Division, Agency Benefits Managers and the Department of Justice.
  - (c) coordinate leave laws, bargaining agreements, injured worker/workers compensation laws and rules.