

SUBJECT: Early Return to Work of Injured Workers

NUMBER: 50.020.05

DIVISION: Chief Human Resource Office

EFFECTIVE DATE: 06/12/2020

APPROVED: Signature on file with the Chief Human Resources Office

POLICY STATEMENT: Oregon state government as an employer through its agencies and partners will develop and implement an Early Return to Work Program for injured workers that effectively reduces medical, disability, premium costs, and positively impacts employee recovery from work-related illnesses and injuries.

AUTHORITY: 240.145; 659A.043; 659A.046; 659A.052; OAR 105-050-0025

APPLICABILITY: All injured workers, where not in conflict with an applicable collective bargaining agreement

ATTACHMENTS:

DEFINITIONS: Also refer to HR Policy 10.000.01, Definitions; HR Policy 50.020.03 Reinstatement and Reemployment of Injured Workers

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 notifying the worker of their 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 the 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 HR 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 four, 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 Chief Human Resources Office, Agency Benefits Managers, and the Department of Justice.
 - (c) Coordinate leave laws, bargaining agreements, injured worker/workers compensation laws and rules.
- (3) If the agency-at-injury cannot find transitional work within itself for the injured worker, the agency-at-injury may contact the Chief Human Resources Office (CHRO) or other executive branch agencies for assistance in locating transitional work assignments. The following stipulations apply:
- (a) The injured worker remains the employee of the agency-at-injury.
 - (b) All BOLI reinstatement reemployment rights remain with the agency-at-injury.
 - (c) All other aspects of this policy still apply.

Please refer to the toolkit associated with this policy for additional clarifying information.