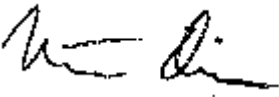


MINNESOTA
PERPICH CENTER FOR ARTS EDUCATION

ADMINISTRATIVE POLICY
Administration
Policy Number: 102.23
Effective Date: 03/27/09
Revised Date:

Title: Return to Work

Approved by: 
Nathan Davis, Executive Director

AUTHORITY: [Minn. Stat. §176.021](#)
[Occupational Safety and Health Administration Standards](#)

PURPOSE: To implement procedures for state workers' compensation laws and the agency's Return to Work program for employees with a work-related or a non-work related injury/illness.

APPLICABILITY: All agency employees

POLICY: The agency will administer a workers' compensation program consistent with state law and will assist employees who have sustained work-related injuries/illnesses with returning to work, consistent with their physical/mental capabilities.

The agency will also assist, to the extent possible, employees with non-work-related injuries/illness, the ability to return to work consistent with the employee's physical/mental capabilities.

DEFINITIONS:

Employee - classified and unclassified employees and volunteers.

Essential functions - the fundamental job duties of a position.

Injured on duty pay - defined in collective bargaining agreements/plans.

Maximum medical improvement - the date after which no further significant recovery from or significant, lasting improvement of a personal injury can be reasonably anticipated based on reasonable medical probability, regardless of subjective complaints of pain.

Suitable job - a permanent job available to an injured employee who can no longer return to his/her previous position that provides an economic status--including wages, benefits, seniority and chances for advancement and/or promotion--as close as possible to that which the employee earned before being injured.

Treatment professional - one authorized by law to provide medical or mental health care within the United States who is in good standing in the profession.

Work-related injury/illness - an injury arising from and during the course of employment, or an illness arising from and during the course of employment due to causes in excess of the hazards normally found in employment.

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PROCEDURES:

- A. Reporting a Work-Related Injury/Illness
1. An employee will immediately inform his/her supervisor of any work-related injury/illness sustained while on duty, regardless of the degree of seriousness. If the supervisor is not at work at the time of the injury/illness, the employee will inform the acting supervisor or member of the Administrative Team..
 - a) All witnesses will provide written or oral information to the supervisor and/or safety officer concerning the nature and extent of the injury/illness.
 - b) All affected employees will cooperate with agency staff in the investigation of the claimed injury/illness.
 2. The agency's health services staff, if available, will provide first aid. All provided treatment will be documented and submitted to the Human Resource (HR) office. If outside emergency medical treatment is needed, a designated staff member will assist the employee in obtaining the necessary care.
 3. Designated staff will provide the employee with information regarding personnel authorized to provide care for work-related injuries/illnesses and the workers' compensation process at the time of the injury/illness.
 4. The supervisor or designee will immediately notify the safety officer and/or Human Resources in the case of serious injury or death. Occupational Safety & Health Administration (OSHA) rules require employers to orally report any occupational fatality or catastrophe involving in-patient hospitalization of three or more workers within eight hours. If safety or HR personnel cannot be reached within eight hours, the appointing authority or designee will directly call the Minnesota OSHA Division (651-296-2116), or, if after business hours, the Federal OSHA (1-800-321-6742).
 5. The employee's supervisor will provide the required information on a First Report of Injury form (attached) and an Agency Claims Investigation form (attached) and file both with the safety officer and HR within 24 hours. The supervisor will be assisted by the safety officer, if necessary. The safety officer will complete a full, impartial and accurate investigation of the injury/illness. The investigation will include an inspection of the work site where the injury occurred, statements from the injured employee, witness reports and future follow-up/corrective actions.
 6. All required information will be sent to the Workers' Compensation Division of Minnesota Management and Budget within seven calendar days of the employee's report of a work-related injury/illness.

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7. As soon as possible after the reported injury/illness, HR will initiate contact with the employee and the employee's supervisor to provide information concerning the workers' compensation process, the employee's rights and responsibilities and other related procedural information. HR will maintain contact with the employee, as deemed appropriate and necessary, for the duration of the time the employee is eligible for workers' compensation.
 8. If the injury/illness results in lost time from work, the supervisor will contact the employee no later than five working days following the injury/illness.
 - a) If the employee is hospitalized, the supervisor will contact either the employee or the person noted as the emergency contact as soon as possible after the injury/illness to maintain employee/employer communication.
 - b) The supervisor will initiate periodic contact and inform HR of any pertinent information.
 - c) The supervisor will also maintain communication between the payroll office and the employee regarding leave balances and payment status.
- B. Returning Injured Employees to Work - Work Related and non-Work Related**
1. Each supervisor/manager will review the physical requirements for each position periodically or as the position requirements change.
 2. An employee injured on duty who cannot perform the essential functions of his/her position will be considered for a temporary accommodation based on their capabilities and work availability.
 3. Employees injured on duty will be given priority consideration; however, employees with non-work related injuries will be considered for temporary accommodations.
 - a) Reassignment may be to another work unit to facilitate a temporary accommodation.
 - b) Temporary accommodations will not exceed five months in duration. HR will work with the appropriate bargaining unit representative and Minnesota Management and Budget representatives to extend temporary accommodations when a probable minimal extension will permit the employee to return to his/her permanent position. Authorization from the administrative management director/executive director is required prior to contacting the bargaining unit representative.

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4. The employee will contact HR when the employee's treatment professional authorizes his/her return to work for work/non-work related injuries.
 - a) If the treatment professional authorizes the employee's return to work without restrictions, or with minimal restrictions (i.e., does not require the removal of essential job functions, change the nature of the work, or remove the employee from a normal rotation), HR will work with the employee's supervisor or scheduler to return the employee to his/her regular assignment.
 - b) If the treatment professional authorizes the employee's return to work with restrictions (i.e., requires the removal or substantial modification of essential job functions or limits the employee's rotation), HR will work with the employee's supervisor or scheduler to provide a previously identified temporary accommodation. Priority for modified positions will be given to employees injured on duty.
5. The employee in a temporary accommodation will provide monthly updates to HR on his/her restriction status.
6. HR will work with the employee to identify options and time lines should the employee be unable to return to his/her permanent position.

C. Payroll Procedures

1. An employee incurring a work-related injury/illness will be paid his/her regular rate of pay for the remainder of the scheduled workday without a deduction from vacation and sick leave accrual balances.
2. An employee who incurs a work-related injury/illness may elect to use accumulated sick leave and subsequent vacation or compensatory time while awaiting the decision as to whether he/she will receive workers' compensation benefits, unless the employee has been authorized to receive injured-on-duty pay. If the employee is issued a benefit check covering the waiting period, the amount of that check will be deducted from a subsequent payroll check(s) and the equivalent leave hours used will be restored to the employee's leave accrual balance, in accordance with Minn. Stat. §176.021, Subd. 5 which requires the total compensation paid to the employee not exceed the employee's normal gross wage.
3. An employee authorized to receive injured-on-duty pay will be compensated according to the applicable collective bargaining agreement/plan.

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4. An employee who receives workers' compensation benefits may choose to supplement the workers' compensation benefit check with accrued sick leave and subsequent vacation leave or compensatory time in an amount totaling his/her regular gross pay for the period of time involved. Sick leave balance must be exhausted before vacation leave may be used.
5. An employee receiving workers' compensation benefits supplemented by sick and/or vacation leave/compensatory time will accrue sick and vacation leave based on the combined total of the number of hours compensated by workers' compensation, the number of hours of sick or annual leave used, and/or regular hours worked. If an employee returns to work on a part-time basis and also receives a partial workers' compensation benefit, leave accrual is based on the combined total of the number of hours the workers' compensation benefit represents and the number of regular hours worked. However, if the employee chooses not to supplement the workers' compensation benefit and the regular hours worked, leave accrual is prorated.
6. An employee who is unable to or chooses not to supplement his/her workers' compensation benefits will be placed on unpaid leave. Sick/vacation leave accruals do not accumulate while on unpaid status.
7. An employee may be required to return a workers' compensation check if an overpayment has been made (e.g., the workers' compensation check plus the payroll check for the same payroll period is above the employee's normal gross wage) and an adjustment cannot be made to the employee's subsequent payroll check(s).
8. An employee unable to work due to a non-work related injury/illness should contact the HR office to discuss payment/benefit options.

REVIEW: Annually

REFERENCES: All labor agreements/employee plans covering agency employees located at the following site: [http://www.mmb.state.mn.us/Policy 105.125, "A Workplace Accident and Injury Reduction Program."](http://www.mmb.state.mn.us/Policy%20105.125,%20%22A%20Workplace%20Accident%20and%20Injury%20Reduction%20Program.%22)
Minn. Stat. §[176.011, Subd. 15\(b\)](#)

ATTACHMENTS: First Report of Injury form is located at <http://www.risk-workerscomp.admin.state.mn.us/Includes/pdf/FRI.pdf>
Agency Claims Investigation form is located at <http://www.risk-workerscomp.admin.state.mn.us/Includes/pdf/Pe630.doc>