

 <p style="text-align: center;">WEST VIRGINIA DIVISION OF JUVENILE SERVICES</p>	<p><u>POLICY NUMBER:</u> 158.00</p>	<p><u>PAGES:</u> 4</p>
<p><u>CHAPTER:</u> Administration and Management</p>	<p><u>REFERENCE AND RELATED STANDARDS:</u> WV Code §§ 49-5-16a and 49-5E-1, et seq.; WV Division of Personnel Policy – Workers’ Compensation/Sick Leave, DOP-P7</p>	
<p><u>SUBJECT:</u> Return to Work Program</p>		
<p><u>DATE:</u> July 1, 2011</p>		

POLICY

The purpose of this Policy is to facilitate the return to work of employees who have experienced work-related injuries.

CANCELLATION

This policy has been reviewed and supersedes Policy 158.00, dated October 1, 2007.

APPLICABILITY

This Policy applies to **ALL** Division of Juvenile Services employees.

PROCEDURES

1. When any employee sustains a work-related injury or illness, staff will handle the situation in compliance with facility emergency procedures in place.
2. First aid will be provided immediately by staff or medical staff. In cases of minor injury or illness, the facility medical provider’s treatment or recommendation is to be utilized, whenever possible.
3. In cases of serious injury or illness requiring transport to a medical facility, a facility staff person may accompany the injured employee and report back to the employee’s supervisor, or designee, on the individual’s condition and treatment needs.
4. **Employee Responsibilities**
 - a. If the employee seeks medical attention due to a work-related injury, he or she must complete an Employee’s and Physicians’ Report of Occupational Injury or Disease.

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(See West Virginia Offices of Insurance Commissioner's Form OIC-WC-1; at <http://www.wvinsurance.gov/WorkersCompensation/Forms.aspx>.) Additionally, the employee must notify their Facility's Return-to-Work Coordinator within one (1) business day or less when a Workers' Compensation claim has been filed.

- b. Immediately following, or prior to completion of assigned shift, depending on the severity of the illness or injury, an employee shall complete and forward an Incident Report to the immediate supervisor. If emergency services are necessary, the reporting of the incident shall take place within twenty-four (24) hours, if possible.
- c. Any witnesses to the incident must also file an Incident Report. If a co-worker or supervisor accompanies an injured employee for medical treatment, he or she is also required to complete an incident report upon return to the facility.
- d. It is the employee's responsibility to let attending physicians know via the Return to Work Packet (located in Control) that the Division has a program to return employees to work as soon as possible through whatever means possible according to limitations supported by the physician's certification. (See Attachments contained in Return to Work Packet: Physician's Return to Work Letter, Job Function Evaluation (job function class) and Physician Statement of Physical Capabilities.)
- e. Failure to file reports with the Division, which include the appropriate worker's compensation form to report an injury, may result in a delay or denial in the processing of Worker's Compensation claims and/or receipt of benefits.
- f. Employees are required to complete the Election of Option form to use sick/annual leave while off from work or to receive Workers' Compensation TTD benefits. (See DOP Policy – Workers' Compensation/Sick Leave, DOP-P7, Attachment 1; located at <http://www.state.wv.us/admin/personnel/emprel/POLICIES/WorkComp4.pdf>.)
- g. Employees are required to keep all appointments scheduled by workers' compensation insurance and with their medical provider.
- h. Any request for transitional duty must be submitted to the Facility Superintendent/Director for approval. A copy of any approved request must be sent to the Division Director. A physician's statement must accompany any request for transitional duty stating how long the employee will be on transitional duty. This transitional duty will be for no more than thirty calendar (30) days. If an additional transitional time is required (no more than thirty days), another request with an accompanied physician's statement must be submitted to the Division Director for approval fifteen (15) calendar days prior to the end of the initial transitional period. No employee will be allowed to remain on transitional duty longer than sixty (60) calendar days.

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- i. Employees will cooperate with any internal or external workers' compensation investigation/inquiry.
- j. Any employee that is on leave while receiving workers' compensation benefits must maintain contact with their facility's Return to Work coordinator weekly.

5. Supervisor Responsibilities

- a. A supervisor must ensure that prior to completion of the assigned shift or as soon as practical, the employee, as well as any witnesses, complete Incident Reports.
- b. If emergency care is required, the supervisor must approve or direct an employee to accompany the injured staff member to an appropriate medical facility, provided adequate staffing patterns remain and the safe operation of the facility is not compromised.

6. Facility Return-to-Work Coordinator Responsibilities

- a. After receiving notification of any employee injury, the Facility Return-to-Work Coordinator must complete an Employer's Report of Occupational Injury or Disease Form and report the injury through workers' compensation insurance provider to ensure timely reporting. (See West Virginia Offices of Insurance Commissioner's Form OIC-WC-2; at <http://www.wvinsurance.gov/WorkersCompensation/Forms.aspx>.)
- b. The Division's Central Office Benefits Coordinator shall establish user identifications and passwords for computer reporting services for designated Facility Return-to-Work Coordinators for each facility. User ID's and passwords are strictly confidential and employees are not to share or reveal them to co-workers.
- c. Upon notification that the ill and/or injured employee has returned to work, the Facility Return-to-Work Coordinator must immediately complete the Return-to-Work Form and forward to the workers' compensation insurance provider.
- d. Facility Return-to-Work Coordinators must forward copies of all completed forms and reports to the Division's Central Office Benefits Coordinator.

7. Facility Superintendent/Director Responsibilities

- a. An employee will be returned to his or her position upon release from the attending physician or, in the alternative, offered other duties and/or accommodations, if

