



Transitional Return-to-Work Program

Judicial Branch Workers' Compensation
Program

TABLE OF CONTENTS

1. Purpose

2. What is a Transitional Work Assignment?

3. Objectives and Guidelines

4. Eligibility

5. Duration

6. Procedures

7. Roles and Responsibilities

7.1 Human Resources Responsibilities

7.2 Manager/Supervisor Responsibilities

7.3 Employee Responsibilities

8. Pay

9. Frequently Asked Questions for Injured Employees (FAQs)

10. Appendix

Attachment 1: Transitional Return-to-Work Program—Employee Information Sheet

Attachment 2: Transitional Return-to-Work Program—Manager/Supervisor Information Sheet

1. Purpose

The primary purpose of the Transitional Return-to-Work (TRTW) Program is to return eligible employees to the work force at the earliest medically allowable date and in accordance with employees' medical treatment plans. The program promotes the rehabilitation and recovery process of the employee. This process requires collaborative effort between the employee, the employer, and the medical provider. This program is not intended to supersede or modify the procedures applicable to employees eligible for reasonable accommodation covered under the Americans with Disabilities Act (ADA), the Fair Employment and Housing Act (FEHA), or leave under the Family and Medical Leave Act (FMLA) and/or the California Family Rights Act (CFRA).

Inquiries about the ADA/FEHA or FMLA/CFRA should be directed to Human Resources.

2. What is a Transitional Work Assignment?

A Transitional Return-to-Work Assignment (TRWA) is a temporary work assignment that complies with all the temporary work restrictions indicated by the employee's treating medical practitioner. These assignments are intended to be short in duration and allow for minimal to moderate work restrictions, with the expectation that full recovery will occur. These assignments may involve modification of the injured employee's job duties: tailoring work duties to the injured employee's temporary restrictions, or alternate work that is compatible with the employee's job skills, experience, and work restrictions. Human Resources, in consultation with the employee's manager/supervisor, will work to modify an employee's duties to meet the work restrictions provided by the treating medical practitioner whenever possible.

3. Objectives and Guidelines

Program Objectives:

1. Provide the earliest possible safe return to work for employees after a work-related injury or illness;
2. Support employees in their recovery from a work-related injury/illness by providing temporary, modified, or alternate assignments for a defined period of time while the employee is recuperating from a work-related injury/illness;
3. Minimize the amount of absences and resulting impact to both the employee and the employer due to work-related injuries/illnesses; and
4. Reduce workers' compensation and related overhead disability costs.

Program Guidelines:

1. Communicate all temporary work restrictions to the claims administrator.

2. Develop and begin each TRWA, with input from the manager/supervisor and employee, as soon as medically authorized.
3. Ensure that both the employee and the manager/supervisor understand the employee's temporary work restrictions.
4. If an injured worker provides a doctor's note with clear work restrictions, Human Resources is expected to evaluate available transitional work and offer a TRWA consistent with program guidelines and work restrictions. Employees, if offered a TRWA, are expected to participate in the program, and work safely within the restrictions provided. Should the employee decline to participate, this may result in discontinuation of Temporary Total Disability benefits.
5. TRWAs will begin as soon as possible, to reduce lost time, wage loss, and increased workload for coworkers, due to the work-related injury/illness.
6. TRWAs are temporary work assignments, not permanent modifications of jobs, and are intended to facilitate the employee's transition from temporarily restricted status to resumption of full duties.
7. TRWAs are expected to be progressive, with regularly adjusted or revised work restrictions. Human Resources will monitor the TRWAs and implement modifications with changes to work restrictions.
8. Each TRWA is a temporary assignment, with a maximum number of transitional work days, not to exceed 120 days. Human Resources will establish a start and end date specified at the beginning of the assignment. TRWA and any change in the TRWA should be communicated to the claims administrator.
9. Workdays and hours may be changed from the employee's usual schedule for reasons of productivity and supervision. Overtime is not allowed in a TRWA.
10. Each TRWA should have clear performance expectations.
11. Time off for medical appointments must be requested according to the normal process.
12. All of an employer's policies and procedures will apply to employees who are performing a TRWA.

4. Eligibility

Regular full-time and part-time employees with temporary work restrictions due to an industrially related injury/illness will be evaluated for participation in the TRTW Program. Employees must provide medical documentation that contains current work restrictions, such as a Return-to-Work Status form, from their treating medical practitioner indicating their work restrictions, including the frequency (e.g., *repetitive* typing) and expected duration (e.g., beginning and end date of the temporary work restriction(s)).

5. Duration

TRWAs, such as modified duty or alternate work, are limited and should normally not exceed 120 days. However, the length of a transitional temporary work assignment may be shorter if the restrictions can no longer be accommodated by the employer. The employee no longer qualifies for this program if:

- Their medical condition has reached a level of maximum medical improvement (MMI);
- They are released to their usual and customary duties without restrictions; or
- They have been participating in the program for the maximum of 120 days.

When an employee is approaching the maximum allowable time in the program and remains unable to return to their usual and customary duties, Human Resources will determine the next steps, considering applicable court policies, and state and federal disability laws.

6. Procedures

1. **Report the Injury.** Work-related injuries/illnesses must be reported to Human Resources when the employer receives notice that the employee is seeking time loss or medical treatment benefits.
2. **Communication with Human Resources.** Human Resources will be in contact with the employee throughout the industrial injury or illness process. Human Resources will work in conjunction with the employee's manager/supervisor on a TRWA. This agreement will be communicated to the claims administrator.

Following each doctor's appointment, the employee is responsible for providing a work status report or Return-to-Work Status form received from the treating physician to Human Resources. Any delay in providing this information may result in delay or denial of workers' compensation (WC) benefits and additional Human Resources actions.

3. **Development of TRWA.** Human Resources will develop the TRWA based on input from the employee's manager/supervisor and the interactive process with the employee. This assignment is agreed upon between employer and employee.
4. **Return to Work.** Human Resources will work directly with the employee's manager/supervisor to identify and create a TRWA that conforms to the medically determined temporary work restrictions. Prior to an employee returning to his or her usual and customary duties, the employee must provide Human Resources with an updated Return-to-Work Status form.
5. **When a TRWA is Not Available.** In some cases, it will not be possible to develop a TRWA in conformance with an employee's work restrictions. In this situation, the

employee will remain on leave and may be eligible to receive Total Temporary Disability (TTD) benefits. Questions regarding availability of TTD benefits should be directed to the claims administrator.

7. Roles and Responsibilities

7.1 Human Resources Responsibilities

1. Establishes clear, consistent return-to-work guidelines;
2. Determines the employee's eligibility for the program and placement in transitional work, keeps all WC-related records confidential, and oversees the TRTW Program, with a return to full duty when possible;
3. Ensures the manager/supervisor and the employee understand the TRTW Program;
4. Maintains communication and directly engages in interactive process/discussions with the employee;
5. Drafts the TRWA in consultation with the employee's manager/supervisor to meet the work restrictions medically provided;
6. Informs the employee's manager/supervisor and claims administrator of all additional work status information provided by the treating physician or employee;
7. Monitors the employee's temporary work restrictions and addresses accommodation issues;
8. Maintains contact with the employee and manager/supervisor to assess the work process and progress of the employee; and
9. Provides guidance and support to managers/supervisors and employees that are engaged in the TRWA.

7.2 Manager/Supervisor Responsibilities

1. Works with Human Resources to help identify ways to modify employee work duties or other transitional work.
2. Contacts Human Resources if the TRWA is not working or if other issues arise.
3. If the employee is unable to participate in the TRWA for any reason, notifies Human Resources. The manager/supervisor does not have the authority to release the employee from work without first discussing with Human Resources.
4. Ensures that the employee released to TRWA is working within the work restrictions.
5. Reports any absences during the TRWA to Human Resources.
6. Stays in contact with Human Resources and the employee during the program duration.

7.3 Employee Responsibilities

1. Informs his or her treating physician that their employer has a TRTW Program, and ensures their doctor addresses any work restrictions, with the frequency and the duration of the restriction.

2. Promptly delivers the medical practitioner's note addressing the work restrictions to Human Resources prior to returning to work or upon the same day of the employee's return.
3. Changes in the employee's restrictions must be reported by the employee to Human Resources immediately, with the appropriate documentation from his or her treating medical practitioner.
4. Participates in all reasonable treatment essential to recovery, including keeping all scheduled appointments with his or her treating physician. Physical therapy appointments are to be scheduled before or after the employee's work shift, unless such scheduling is impossible. In that event, appointments are to be scheduled so the disruption to the employee's work schedule is minimized.
5. Works within the medical restrictions provided.
6. Does not work overtime or more than his or her regular schedule while in the TRTW Program.
7. Meets the responsibilities of the TRWA, including timeliness, productivity, and work quality.

8. Pay

Employees will be paid by the employer at their regular pay rate, for hours worked, while in the TRTW Program. Additional compensation payable through the WC program will be determined by the claims administrator.

No overtime is allowed. Employees in the TRTW Program will be scheduled to work no more than their regular number of scheduled hours per week.

9. Frequently Asked Questions for Injured Employees (FAQ's)

1. What benefits do I get from a TRTW Program?

Providing you with suitable transitional work facilitates your recovery and assists in maintaining job skills. While performing a TRWA, you receive your regular salary for the hours worked.

2. What types of work activities can be included in transitional duty assignments?

Transitional assignments may include normal work activities that have been modified to accommodate work restrictions, job functions that are not routinely performed, and duties of equivalent or lower job classifications.

3. Can I work part-time on transitional duty?

Yes, you may work part-time or full-time based upon your medical restrictions. Work schedules will be determined by Human Resources.

4. **If I work part-time on transitional duty, how is my pay affected?**

You are paid the normal pay rate for hours worked and may receive additional WC benefits, if applicable. The claims administrator will determine if any WC benefits are payable.

5. **What does “Permanent and Stationary” mean?**

Your industrial injury may reach a “permanent and stationary” or maximum medical improvement status when your condition has improved to a point where no further improvement is medically expected.

6. **Where do I go after my injury is “permanent and stationary”?**

Human Resources will receive a notice from your claims examiner that your condition has reached permanent and stationary status. At that time, any medically determined work restrictions may no longer be necessary or considered temporary. The Human Resources staff will work with the employee to engage in the interactive process regarding any permanent work restrictions.

7. **What happens if I am asked to work outside of the work restrictions set by my physician?**

It is your responsibility to work safely. If you are asked to do a task that you believe is not within your restrictions provided by your current medical note from your treating medical practitioner, notify Human Resources and your manager/supervisor as soon as possible that the assigned work appears to exceed your work restrictions. Human Resources will review the situation and address your concerns.

8. **If I believe I can do more work than has been assigned, what do I do?**

If you feel that you can perform more duties than are assigned, you must obtain a new Return-to-Work Status form from your treating physician with updated work restrictions.

10. Appendix

Attachment 1: Transitional Return-To-Work Program Employee Information Sheet

The court values its employees and their contributions; therefore, it strives to provide the injured employee the opportunity to return to temporary transitional work as soon as his or her condition permits. Transitional work allows an employee with temporary work restrictions to work in modified, alternative, or reduced-hours capacity, for a defined period of time (up to 120 days), while recuperating from an industrial illness/injury. Transitional work can have a positive impact on your recovery, while you are transitioning back to regular work.

Your treating physician has released you to transitional work and your department can provide temporary or modified duties within your work restrictions. Depending on the nature of your work restrictions, your TRWA may or may not be different from your regular job. Human Resources will discuss the details of your TRWA with you. These details will be documented in a TRWA, so that you and your manager/supervisor will both have a clear understanding of your TRWA and/or work restrictions. It is important to note that this is **not** a permanent change in your position.

If your TRWA is full-time, you will receive regular pay and benefits during your TRWA. If you have only been released to work on a part-time basis or your department can only provide a part-time TRWA, please contact Human Resources to determine how your pay and benefits will be affected.

To ensure a successful TRWA, your cooperation is vital. You need to be an active participant in this program to make it work. Therefore, the following provides some guidelines for you to follow:

- ◆ Follow the work restrictions recommended by your treating physician. If asked to perform a task that exceeds your restrictions or you feel unable to perform a task, it is your responsibility to immediately notify your manager/supervisor or Human Resources. You are responsible for self-monitoring your restrictions.
- ◆ Follow all work and safety rules.
- ◆ Notify your manager/supervisor by the start of your shift if you are unable to report to work for any reason. If it is related to your injury, it is your responsibility to contact your treating physician to be seen in their office that day and provide a note to Human Resources after the appointment.
- ◆ Keep all medical appointments. Keep in mind that taking time off for a medical appointment requires prior approval from your manager/supervisor.
- ◆ Provide the Return-to-Work Status form to your treating physician. The Return-to-Work Status form should be completed by your treating physician at the initial and each subsequent visit.
- ◆ Provide the Return-to-Work Status form immediately to Human Resources if your treating physician:

- Takes you off work;
 - Changes your work restrictions; or
 - Releases you to your regular position without work restrictions.
- ◆ Meet the responsibilities of the TRWA, including timeliness, productivity, and work quality.

If you have questions regarding the TRTW Program, please contact Human Resources.

Attachment 2: Transitional Return-To-Work Program Manager/Supervisor Information Sheet

The court values its employees and their contributions; therefore, we will provide an injured employee the opportunity to return to temporary transitional work as soon as their condition permits. Transitional work allows an employee with temporary work restrictions to work in a modified, alternative, or reduced-hours capacity, for a defined period of time (up to 120 days), while recuperating from an industrial illness/injury. Not only can this program improve the health and morale of the injured employee, it can also have a positive impact on the department as a whole by improving morale and decreasing turnover.

As a manager/supervisor, you play a very important role in the recovery of an injured employee. One proven way of accelerating an employee's recovery is to allow him or her to return to work with temporary work restrictions. A shorter recovery period often results in a quicker return to regular job duties, which benefits both the employee and the court. Temporary transitional work can be:

- ◆ ***Modified Work.*** Changing, transferring, or eliminating specific job duties within the employee's regular job to meet the temporary work restrictions.
- ◆ ***Alternative Work.*** Offering the employee a position other than their regular job to meet the temporary work restrictions.
- ◆ ***Reduced-Hours Work.*** Offering less than full-time work to meet the temporary work restrictions.

The success of a TRTW Program relies on the collaborative efforts between you and the employee. Both parties need to be a part of this process to ensure success. The following is the typical TRTW process:

1. Treating physician releases the employee to transitional/temporary work.
2. Treating physician provides work restrictions in writing to the employee using the Return-to-Work Status form provided to the employee by Human Resources.
3. Employee provides a completed Return-to-Work Status form to Human Resources.
4. Human Resources (with input from the manager/supervisor) and the employee engage in an "interactive" dialogue to discuss possible temporary job modifications, alternative work, and/or reduced hours of work.

5. Human Resources (with input from the manager/supervisor) and the employee determine the start and end date of the TRWA.
6. Human Resources completes the TRWA document once the details have been determined.
7. Human Resources discusses TRWA with the employee and manager/supervisor.
8. Human Resources reviews “Employee Information Sheet” with the employee and gives a copy to the employee.
9. Employee and supervisor sign and date the TRWA.
10. Human Resources gives a copy of the signed TRWA to the employee.
11. Employee starts transitional work as outlined.
12. Manager/supervisor monitors employee’s work progress, as with any other employee, and provides feedback to Human Resources, when necessary.
13. Human Resources reviews the progress of the TRWA with the employee and manager/supervisor at an agreed upon date (e.g., midpoint).
14. Human Resources, the manager/supervisor, and the employee, at the conclusion of the TRWA, meet to discuss whether the plan should be terminated, extended, or altered.

The manager/supervisor should contact Human Resources for assistance during any part of this process.