



SOUTH CAROLINA DEPARTMENT OF AGRICULTURE

RETURN-TO-WORK POLICY

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I. PURPOSE

This policy provides guidelines for the establishment of a Return-To-Work (RTW) Program for the South Carolina Department of Agriculture (SCDA) employees who have sustained work related injuries or illnesses and are temporarily restricted in the performance of their regular job duties and tasks.

II. POLICY

It is the policy of the South Carolina Department of Agriculture to retain valued employees, achieve a safe and timely return to work for those employees who are absent due to an illness or injury, and to reduce and control costs related to workplace injuries. The health and well-being of all employees is of great importance to the SCDA. The opportunity to return to work within the restrictions of a particular injury is a critical part of the overall treatment plan which benefits the employee and the employer. Further lost productivity for the employee and the agency can be lessened by transitional employment and job modifications.

III. OBJECTIVES

- A. Allow the employee to remain in the work force and resume productive employment as soon as possible.
- B. Enable the worker to gradually overcome medical restrictions through a transitional period of modified-duty.
- C. Comply with all applicable parts of the Americans with Disabilities Act (ADA) and with all appropriate parts of the Family and Medical Leave Act (FMLA). The RTW program shall not be construed as recognition that an employee who has sustained a work related injury or illness is considered to have a disability as defined by the ADA.
- D. Comply with all applicable state and federal laws

IV. TYPE OF WORK

South Carolina Department of Agriculture will attempt to provide temporary transitional duties of up to 60 calendar days whenever possible and practical. The SCDA is under no obligation to create a position solely for this purpose. The SCDA defines “transitional” duties as temporary modified work assignments within the recovering employee’s physical abilities, knowledge, and skills.

V. PROCEDURE

Upon notification that an employee can return to work with restrictions, the supervisor in consultation with the appropriate Assistant Commissioner and the Worker's Compensation Coordinator (WCC) will determine the assignment of modified duties within the unit. Before making such determination, the employee must submit the following:

- 1) The restrictions identified by the treating physician
- 2) An estimated date when the restrictions will end
- 3) An estimated date when the employee is due to be reassessed by the treating physician

If work the employee can do is not available in the employee's work unit, management and the WCC will determine whether placement could be made in another area of the division. Assignments must meet division and SCDA staffing needs and if possible accommodate the employee's medical restrictions while taking into consideration the welfare and safety of the employee and co-workers. If unable to provide placement inside the Division, SCDA Human Resources (HR) should be contacted to assist in identifying potential temporary assignments in other Divisions of SCDA. The WCC will work together with SCDA HR and Division management to coordinate the assignment. Employees on modified duty may be assigned to work on any shift at the discretion of the agency.

VI. COMMUNICATION

It is the responsibility of the Supervisor to immediately notify the Assistant Commissioner of any changes concerning a transitional/temporary work assignment. Management will communicate such changes to the WCC who will then communicate with the Nurse Case Manager and SCDA HR.

VII. PROGRAM EXTENSION

An extension may be made on a case by case basis, and the number of days will be determined by management in conjunction with the WCC and SCDA HR, based on the physician recommendations and the specific needs of the work unit assigned. Such extensions will be reviewed by the WCC in conjunction with management and SCDA HR every two weeks thereafter and modified work may continue to be provided. If it is determined that the employee has long term restrictions that result in the inability to perform the essential functions of the regular position, the provisions of the American's with Disabilities Act (ADA) and other applicable laws will be evaluated to determine suitability for employment.

VIII. RESPONSIBILITIES

A. Employee

Employees will be responsible to report all job-related injuries and any medical restrictions to their immediate Supervisor. If employees believe that tasks assigned to them violate these restrictions, employees should immediately inform the Supervisor. The employee may contact the WCC if the issues remain unresolved.

Doctor's Appointments

SCDA's notification policy regarding doctor's appointments will also apply to employees undergoing rehabilitation.

Failure to Participate

Employees who are assigned to modified duty are expected to keep medical appointments and participate in follow-up rehabilitation treatment as necessary. For employees receiving workers compensation, failure of the employee to participate in medical and rehabilitation treatment may be subject to exclusion from the RTW program.

B. Supervisor

The Supervisor for the area that the injured employee is assigned for modified duty shall ensure that the employee is complying with job-related restrictions as noted on the modified duty form. Supervisors directing modified duty employees shall assign those employees to jobs which can accommodate their restrictions.

IX. PROGRAM COORDINATION

SCDA Human Resources will coordinate the Return-To-Work Program with the injured worker's Division. This includes the responsibility to review and update the program as needed to ensure that it meets the needs of SCDA and its employees.

The SCDA WCC will be the primary contact with all Nurse Case Managers, physicians and medical professionals, and shall provide information on an injured employee's current job description, the modified duty policy, and the types of modified duty which are available.

The SCDA WCC will also provide such Nurse Case Managers with periodic updates and any change of status relating to the modified duty program for injured employees. If additional information is requested by medical professionals, such as job descriptions for a specific ill or injured employee, the SCDA WCC shall provide such additional information. The Nurse Case Managers assigned to the case by the State Accident Fund shall schedule all employees' medical appointments as necessary, and keep all necessary and appropriate records. It will be the employee's duty to turn in a Return to Work form to their Supervisor for each medical visit. Supervisors shall forward these forms to the SCDA WCC.