



# Returning to Work After Illness or Injury

**Policy Type:** Administrative  
**Responsible Office:** VCU Human Resources  
**Initial Policy Approved:** 10/01/2000  
**Current Revision Approved:** 08/06/2015

## Policy Statement and Purpose

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Virginia Commonwealth University (VCU) strives to ensure a safe and healthy workplace for employees, retain valued employees and assist employees in returning to work from occupational-related and non-occupational related illnesses and injuries.

Noncompliance with this policy may result in disciplinary action up to and including termination of employment. VCU supports an environment free from retaliation. Retaliation is prohibited against any employee who brings forth a good faith concern, asks a clarifying question or participates in an investigation.

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## Who Should Know This Policy

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All faculty and staff are responsible for knowing this policy and familiarizing themselves with its contents and provisions.

## Definitions

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### **Disability**

For purposes of this policy, this term refers to an illness or injury or other medical condition, including pregnancy, that prevents an employee from performing the duties of his/her job. A disability can be total or partial.

### **Emergency**

An injury requiring immediate medical attention.

### **Maximum Medical Improvement (MMI)**

This term refers to the point at which the employee has recovered and no further progress is anticipated.

### **Modified/Transitional Duty**

This term refers to a temporary job modification when an employee returns from a personal or occupational-related injury or illness to medically restricted or modified duties. Duties assigned can be those identified in the employee's current job description with restrictions or another assignment. Modified or transitional duty is generally limited to 90 days or less but could be extended on a case-by-case basis.

### **Return-to-Work Coordinator**

A VCU Human Resources' staff member who acts as the primary contact to the Workers' Compensation Program and facilitates VCU's Return-to-Work Program.

### **Traditional Sick Leave Program (TSLP)**

This term refers to leave accrued each pay period or each semester (as applicable) to provide paid time off for personal or family health reasons.

### **Transitional Employment Plan (TEP)**

Documentation of the duties the employee will perform during the transitional duty period.

### **Virginia Sickness and Disability Program (VSDP)**

This program is administered by the Virginia Retirement System (VRS), which provides employees with income replacement during periods of short- and long-term disabilities.

### **Work-Related Injury/Illness**

This term refers to an injury or illness that occurs on the job to an eligible employee for which benefits are awarded by the Virginia Workers' Compensation Commission (VWCC) and are payable under the Workers' Compensation Act of Virginia (the Act).

### **Workers' Compensation Program (WCP)**

Program administered by the Virginia Department of Human Resource Management (DHRM) for state employees in accordance with §65.2 of the *Code of Virginia*.

## Contacts

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VCU Human Resources officially interprets this policy and is responsible for obtaining approval for any revisions as required by the policy *Creating and Maintaining Policies and Procedures* through the appropriate governance structures. Please direct policy questions to VCU Human Resources.

## Policy Specifics and Procedures

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- 1. Eligibility:** VCU faculty and staff who participate in the Virginia Sickness and Disability Program (VSDP) or the Traditional Sick Leave Program (TSLP) are eligible for return-to-work assistance.

**Modified/Transitional Duty and Return to Work:** VCU strives to provide modified/transitional duty and return-to-work options for employees who sustain occupational or non-occupational injuries/illnesses. Departments are encouraged to review all possible options to provide appropriate assignments that take into account the injured/ill employee's special circumstances.

If it is determined that the employee has permanent restrictions, which result in his/her inability to perform the essential functions of his/her primary position, the provisions of the Americans with Disabilities Act (ADA) and other applicable laws will be applied to determine suitability for employment.

Following are the goals of modified/transitional duty and the return-to-work program:

- Help the employee by keeping him/her functional in the workplace, which aids overall recovery.
- Increase productivity and maintain work processes by decreasing lost work time and daily operating costs for the agency.
- Help control costs by reducing medical and disability costs.
- Create positive workplace morale through support for the injured worker.

- 2. Employee Responsibilities:** If released to modified/transitional duty, the employee must accept the transitional assignment offered. Failure to follow the recommended course of treatment or to accept assignments may jeopardize the employee's benefits.
- 3. Department Responsibilities:** When requested to provide modified/transitional duty, managers must actively assess the workplace for appropriate tasks and duties to encourage the employee's return to work.
- 4. Return-to-Work Coordinator Responsibilities:** In consultation with the employee's supervisor, VCU's Return-to-Work Coordinator (VSDP/WC Coordinator) will review the restrictions set forth by the attending physician and will determine whether the university can provide transitional duty for the employee.

As a part of this determination, transitional duty must meet VCU's staffing needs and must accommodate the employee's medical restrictions while taking into consideration the welfare and safety of the employee and co-workers.

## Forms

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1. VCU Accident Report of Workers' Compensation Claim Form (P-100)  
<http://www.hr.vcu.edu/about/forms.html#workers>
2. VCU Physician Selection for Occupational Injuries/Diseases Form (P-101)  
<http://www.hr.vcu.edu/about/forms.html#workers>

## Related Documents

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1. Governor's Executive Order 109 (2010), Workplace Safety and Employee Health  
[http://www.covwc.com/clientimages/48008/executive\\_order\\_109.pdf](http://www.covwc.com/clientimages/48008/executive_order_109.pdf)
2. State Policy 4.55, Sick Leave  
[http://www.dhrm.virginia.gov/docs/default-source/hrpolicy/pol4\\_55sickl.pdf?sfvrsn=4](http://www.dhrm.virginia.gov/docs/default-source/hrpolicy/pol4_55sickl.pdf?sfvrsn=4)
3. State Policy 4.57, Virginia Sickness & Disability Program  
<http://www.dhrm.virginia.gov/docs/default-source/hrpolicy/pol457vsdp.pdf?sfvrsn=2>
4. State Policy 4.60, Workers' Compensation  
[http://web1.dhrm.virginia.gov/itech/hrpolicy/pol4\\_60.html](http://web1.dhrm.virginia.gov/itech/hrpolicy/pol4_60.html)
5. VCU Faculty Sick Leave Reporting Policy  
<http://www.policy.vcu.edu/sites/default/files/Faculty%20Sick%20Leave%20Reporting.pdf>
6. Workers' Compensation Act of Virginia  
<http://law.lis.virginia.gov/vacode>

## Revision History

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November 1, 2006	<i>Return to Work</i>
August 21, 2012	<i>Returning to Work After Illness or Injury</i>
August 06, 2015	<i>Returning to Work After Illness or Injury</i>

## FAQs

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There are no FAQs associated with this policy and procedures.