



# OREGON DEPARTMENT OF FISH AND WILDLIFE POLICY

## Human Resources Division

<b>Title:</b>	<b>Management of Injured Workers</b>	<b>HR_480_06</b>
<b>Supersedes:</b>	HR_480_06, dated November 1, 2010	
<b>Applicability:</b>	Classified (where not in conflict with the labor agreement), executive service, and management service employees	
<b>Reference:</b>	State Administrative Rule 105-50-025, State Policy 50.020.05, ORS 240.145; 659A.043, 659A.046; and 659A.052(c)(2)(3)	
<b>Effective Date:</b>	July 1, 2019	<b>Approved:</b> 

### I. PURPOSE

To establish and maintain a Department of Fish and Wildlife program to ensure that an employee with a compensable work related injury or illness can return to work as soon as possible after that injury or illness occurs.

### II. DEFINITIONS

- A. Agency-at-Injury:** The state agency at which the injured worker was employed at the time the compensable injury occurred.
- B. Attending Physician:** The physician primarily responsible for the injured worker's care related to the compensable condition in the workers compensation claim [see ORS 656.005 (12) (b) for further definition].

### III. POLICY

This policy designates how on-the-job illnesses and injuries are managed within the department, and establishes an Early Return To Work (ERTW) Program for injured workers to effectively reduce medical, disability and premium costs, and positively impact employee recovery from work-related illnesses and injuries. This policy also establishes, consistent with law and rule, the responsibilities and obligations of injured workers.

- A. Reporting and Managing On the Job Illnesses and/or Injuries**
  - 1. Any employee who sustains an illness or injury on the job shall:
    - a. Report immediately, or no later than the end of the work shift, all incidents, work-related injuries or illnesses, and near-misses that could have resulted in property damage or injury to the employee's supervisor, whether or not medical care is anticipated. If the immediate supervisor is not available, the report shall be made to the next level supervisor or the office/facility safety officer. See HR Policy 480\_05, Accident Analysis and Reporting;

- b. Complete and submit a Safety Incident Report in Workday and all applicable forms related to reporting , If an employee is unable to access Workday, an ODFW Preliminary Incident and Near-Miss Analysis form must be completed along with the applicable ODFW Incident Investigation Packet.
  - c. Complete a SAIF Corporation 801 claim form if the employee intends to file a claim for workers' compensation benefits for an on-the-job illness/injury for which the employee has received or is going to receive medical attention. This form must be completed within 24 hours of the time the employee knows he/she will be seeking medical treatment for an on-the-job illness or injury. If the employee has signed a SAIF 827 "Worker's and Physician's Report for Worker's Compensation Claims" at the doctor's office and intends to file a claim for workers' compensation benefits, the employee must also complete a SAIF 801 claim form and forward it immediately to the supervisor. If an employee declines to submit a SAIF 801 form, the supervisor shall document that the employee refused to complete the form and notify the Safety and Health Manager;
  - d. Provide to the supervisor a medical Release to Return to Work form prepared by the attending physician within 24 hours of each medical treatment. The medical report(s) shall contain specific and objective information such as employee capabilities, limitations, and prognosis so the supervisor may determine an appropriate work assignment if the employee is released to transitional work assignments;
  - e. Contact the supervisor at least weekly, if off work, to report medical condition and provide physician updates after doctor visits such as employee capabilities, limitations, and prognosis so the supervisor may determine an appropriate work assignment if the employee is released to transitional work assignments;
  - f. Provide the supervisor with a current phone number (even if unlisted) and address;
  - g. Cooperate with the supervisor, the Safety and Health Manager, and/or the Human Resources Analyst in efforts to identify appropriate transitional work assignments and/or available and suitable work, and report for duty in such assignments; and
  - h. Be subject to termination of workers' compensation benefits and the initiation of employment disciplinary processes for failure to cooperate in this program.
2. The supervisor, in working with the injured employee, shall:
- a. Work with the employee to fill out the applicable safety incident forms.
  - b. Immediately review and complete the SAIF 801 forms from the employee and forward them to SAIF Corporation with a copy to the region office and the Safety and Health Manager;

- c. Review with the employee the Early-Return-to-Work (ERTW) process; and
- d. Initiate the ERTW process immediately in the event that the incident/injury results in restricted duty from the physician or time loss, if applicable. In conjunction with the Human Resources Department, supervisors shall provide the injured employee an ERTW letter following the requirements specified in this policy.

B. Early Return to Work (ERTW) Program

This program is designed to provide transitional work assignments for an employee with a compensable work-related injury or illness whose condition is temporarily disabling.

1. The supervisor, in consultation with the department Safety and Health Manager and the Human Resources Analyst, shall design and provide, where possible, transitional work assignments for the injured employee as soon as possible or within three working days of the injury/illness and/or attending physician's release. The transitional work assignment shall:
  - a. Follow the physician's cited medical restrictions;
  - b. Limit transitional work to four , thirty-day review sequences unless there are extenuating factors based on written medical confirmation of the worker's prognosis with an expected recovery date that justifies continuing the transitional work assignments. Otherwise end transitional work assignments when one of the following occur;
    - i. The injured worker is released by the attending physician to regular work.
    - ii. The attending physician determines the employee to be medically stationary with permanent restrictions or releases the employee to suitable employment.
    - iii. The injured worker fails to abide by medical restrictions or terms of the transitional work assignment.
    - iv. The transitional work assignment can no longer be provided by the agency.
    - v. The workers' compensation claim is denied by the insurer
2. Be documented in an Early-Return-to-Work letter to the employee. The Early-Return-to-Work letter shall provide a written offer of transitional work that will notify the worker of the worker's responsibilities including but not limited to:
  - a. the temporary nature of the transitional work assignment and reevaluation process;
  - b. description of job duties based on injured worker's physical restrictions;
  - c. physical work restrictions and limitations relevant to the assignment to be approved by the attending physician;

- d. starting and ending time;
  - e. signature lines; and
  - f. potential loss of reemployment and reinstatement rights of failing to accept a bona fide offer of transitional work.
  - g. Copy of the physical requirements of the transitional work signed by the injured worker's physician.
3. While the employee is on transitional work, the employee shall maintain his/her permanent position, salary at time of injury including any differentials, seniority and benefits.