**RETURN TO WORK** *Policy Code:* **7635**

The board supports the practice of bringing employees back to work after a work-related injury or illness as soon as they are medically able in order to enhance the employees’ recovery while minimizing the impact of work-related injuries on school operations.

The executive director is directed to establish a return to work program that is consistent with federal and state law, board policy, and State Board of Education requirements. The objectives of the program will be to:

1. assist employees who are recovering from a work-related temporary injury or illness to safely return to full duty without restrictions at the earliest possible time;
2. assist recovering employees who have temporary work restrictions to return to a temporary, time-limited transitional work assignment of modified or alternate duties approved by the authorized health care provider, when practicable and in the best interests of the school to do so;
3. assist employees with permanent work restrictions to find available suitable employment within the school; and
4. maintain close communication, coordination, and cooperation between the employee, school system, and others working to expedite the employee’s recovery and return to work.

The executive director shall provide specific procedures to guide all employees in carrying out the return-to-work program. All supervisory employees are expected to fully comply with the program procedures and to assist in meeting the program’s objectives. Employees experiencing work-related injuries or illnesses shall fulfill all responsibilities assigned to them under the return-to-work program and shall fully comply with the applicable requirements of the North Carolina Workers Compensation Act.

If an employee refuses an approved transitional duty assignment or other suitable employment offered under this policy or under the return-to-work program required by this policy, the executive director or designee shall notify the workers’ compensation administrator who may apply to terminate the employee’s workers’ compensation benefit payments in accordance with the North Carolina Workers’ Compensation Act. In addition, the employee will be subject to disciplinary action to the extent consistent with law.

This policy and any procedures developed by the executive director to implement this policy are not intended to, and do not, confer any additional employment rights on any employee, including any right to a transitional duty assignment, nor will they be construed as recognition by the school that any employee who participates in the return-to-work program has a disability as defined by the Americans with Disabilities Act of 1990, the Rehabilitation Act of 1973, or the North Carolina Persons with Disabilities Protection Act. Furthermore, nothing in this policy shall be construed to require the executive director to create an employment position for an employee returning to work with restrictions that prevent the employee from completing the essential functions of his or her previous position.

Legal References: Americans with Disabilities Act of 1990, 42 U.S.C. 12101 *et seq.*, 28 C.F.R. Part 35; Family and Medical Leave Act of 1993, 29 U.S.C. 2601 *et seq.*,29 C.F.R. Part 825; Rehabilitation Act of 1973, 29 U.S.C. 701 *et seq.*, 34 C.F.R. Part 104; North Carolina Persons with Disabilities Protection Act, G.S. ch. 168A; North Carolina Workers’ Compensation Act,G.S. 97, art. 1; 115C-12(43), -337; State Board of Education Policy TCS-Q-001

Cross References: Family and Medical Leave (policy 7520)

Adopted: June 17, 2020

Revised: July 20, 2022