



Administrative Policies
And Procedures
Tennessee Supreme Court
Administrative Office of the Courts

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Effective Date: July 1, 2016

Supersedes:

Approved by: Chief Justice Sharon G. Lee and Deborah Taylor Tate, Director

Subject: Return to Work Policy Following Workers' Compensation Leave

- I. Authority: Tenn. Code Ann. § 16-8-803.
- II. Policy: It is the policy of the Administrative Office of the Courts (AOC) to return an employee to his or her respective full-time job duties as quickly as possible following a work-related injury or illness. Employees who have been released by their treating physician to return to work with restrictions that make the employee unable to return to his or her full-time, regular duties will be given a temporary transitional duty assignment.
- III. Application: All employees of the AOC.
- IV. Purpose: The AOC wants to encourage employees who may be injured on the job to return to work as soon as medically possible. This policy offers employees who are unable to perform their full duties to return with accommodations, if necessary, including a modified schedule or modified duties. This policy is designed to reduce costs by minimizing the impact of an employee's injury or disability, including the cost of lost productivity time. It will likewise help an employee with an injury or disability to maintain productivity and earning power while recuperating.
- V. Definitions:

Essential Functions: The basic job duties of a position that an employee must be able to perform, either with or without reasonable accommodation.

Full Duty: An assignment involving the essential functions of a position without any accommodation or restriction.

Return-to-Work Coordinator: The HR Manager will work with the employee returning to work and the employee's direct supervisor and/or division director to identify the appropriate transitional duty when the employee is ready to return to work following a work-related illness or injury.

Return-to-Work Employment Plan: An agreement between the employee returning to work and the employee's direct supervisor and/or division director

with input from the treating physician to create a detailed plan for temporary transitional duty. The plan must be approved by the HR Manager.

Transitional Duty: A short-term or temporary modification of a work assignment that will allow an employee to return to work as quickly as possible following a work-related injury or illness. This duty will be assigned after an employee has been released by his or her treating physician to return to work with restrictions that make the employee unable to return to their regular assigned work duties.

VI. Procedures:

Employees who are injured on the job must report their injury within 24 hours to their direct supervisor, and the direct supervisor must immediately notify the HR Manager.

A copy of this policy will be provided by the HR Manager to the employee injured on the job as soon as reasonably possible.

The state workers' compensation procedures require that an employee inform his or her supervisor and the HR Manager about his or her treatment and estimated return to work date.

If the employee believes that he or she is unable to return to work or to assume his or her full duties at the end of the authorized leave period, the employee shall notify his or her direct supervisor. The direct supervisor must immediately notify the HR Manager.

The HR Manager will contact Corvel and schedule a request for confirmation with the treating physician.

If the treating physician confirms that the employee cannot resume full-duty work, but that transitional duty is appropriate, the HR Manager will meet with the employee and direct supervisor and/or division director to establish a Return-to-Work Employment plan providing the employee an opportunity for temporary transitional duty.

An employee may choose to accept or reject a temporary transitional duty assignment. An employee who rejects temporary transitional duty will be treated in accordance with the AOC leave policies and may be subject to discipline, including termination.

An employee's temporary transitional duty will end when one of the following occurs:

- a. The employee is fully released by the treating physician to return to work;

- b. The employee reaches Maximum Medical Improvement as specified by the State's Workers' Compensation Policies but still cannot perform the essential functions of the employee's job (see below); or
- c. The term defined in the approved Return-to-Work Employment Plan ends.

If at the end of the temporary transitional duty period the employee cannot perform the essential functions of his or her full-time job, the AOC will re-evaluate whether continued employment is appropriate considering the applicable federal and state laws, and office policy.