

Early Return to Work

All employees are covered by the ESD Workers' Compensation Insurance policy. The ESD has developed a Return to Work Program designed to assist workers who are temporarily disabled due to an illness or injury. This involves the disabled worker, the attending physician, the insurance carrier, and the program administrative supervisor.

The policies and procedures in this program are not intended to be contractual commitments and they shall not be construed as such. This policy is not intended as a guarantee of continuity of benefits or rights of any kind. No permanent employment for any term is intended or can be implied by this policy.

The superintendent shall develop procedures which will insure adherence to this policy, statutes, and the Oregon Administrative Rules

1. When employees report illness or injury, they will be required to complete appropriate forms and may be sent to a doctor for examination and/or treatment. If the doctor determines that the employee qualifies for our Return to Work Program, the doctor will complete the appropriate forms indicating the restrictions and conditions for transitional work. The ESD will then attempt to provide a modified work position until the employee is able to resume normal duties. All modified work is temporary in nature and is designed to facilitate a return to normal duties as soon as possible. Modified duty positions may be offered at any location or on any shift.
2. Modified work assignments will not exceed a period of 90 days unless the treating physician provides documentation that the employee is expected to be able to perform full normal duties within or by the end of an additional 90 days.
3. Failure to report for work at the designated time and place will be regarded as a voluntary resignation and could affect your time loss compensation, vocational benefits and/or reemployment/reinstatement rights.
4. This is not designed as a substitute for reasonable accommodation under any applicable federal or state laws, such as the Americans with Disabilities Act, The Rehabilitation Act of 1973, or other applicable laws.

5. To preserve the ability to meet ESD needs under changing conditions, the ESD reserves the right at its sole and absolute discretion to revoke, change, or supplement these guidelines at any time with or without written notice.

END OF POLICY

Legal Reference(s):

[ORS 659A.043](#)

[ORS 659A.046](#)

[OAR 436-110-0001 to -0900](#)

[OAR 581-024-0240](#)

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630 (2006); 28 C.F.R. Part 35 (2006).

Cross Reference(s):

GAB - Job Descriptions