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|  <b>HAWAII HEALTH SYSTEMS</b><br>CORPORATION<br><i>"Touching Lives Everyday"</i> | <b>Department:</b><br>Human Resources   | <b>Policy No.:</b><br><b>HR 0009</b>                    |
|   | <b>Issued by:</b><br>VP & Dir. of Human Resources   | <b>Revision No.:</b><br>NA                              |
| <b>Policy and Procedures</b>  | <b>Approved by:</b><br><br>HHSC Board of Directors<br>By: Raymond Ono<br>Its: Secretary/Treasurer | <b>Effective Date:</b><br>April 17, 2008                |
| <b>Subject:</b><br><b>RETURN TO WORK PRIORITY PROGRAM (RTWPP) PROCEDURES</b>  |   | <b>Supersedes Policy:</b><br><br><b>Page:</b><br>1 of 4 |

- I. **POLICY:** Hawaii Health Systems Corporation (HHSC) is committed to assisting employees who are disabled by a work-related injury or illness to obtain suitable employment.
- II. **COVERAGE:** The policy applies to all regular civil service employees of HHSC including temporary employees who are employed in a civil service position for at least 6 months but with limitations based on the expiration date of their appointments.
- III. **GENERAL DESCRIPTION:** The RTWPP addresses light duty and priority placement with every effort being made to place employees in a light duty position temporarily in preparation to returning employees to their regular work. If a physician determines that the employee is permanently unable to perform any/all of the essential functions of the employee's regular pre-injury position, HHSC will provide job placement opportunities to such employees.
- IV. **DEFINITIONS**

**Alternate work:** Work, involving a change of the Employee's position, to which a disabled Employee is assigned to when s(he) can no longer perform the usual and customary duties and responsibilities of his/her pre-injury work.

**Civil service employee:** An employee who has met all requirements for membership in the civil service under 76-27, HRS.

**Eligibility period:** A period not to exceed six months. The eligibility period begins with the Facility Meeting and runs concurrently with the initial 30 days to review options. It ends with a placement or the completion of a facility (regional) job search (or one jurisdiction wide job search, if requested) within the six months period.

**Environmental restrictions:** A restriction stated by a physician that precludes the employee from returning to his/her original worksite. Such restriction, which is non-physical in nature includes, but is not limited to, the inability to work in a particular department or facility with co-workers, supervisors and other factors.

**Light duty:** Temporary work that is different from the employee's usual and customary duties and responsibilities in any facility of the HHSC. Work is planned/assigned to adhere to the physical and/or psychological restrictions set by a physician. The

employee remains appointed to their current position, throughout the entire light duty assignment.

**Modified work:** Changes in non-essential or marginal usual and customary duties and/or responsibilities of the employee's current work.

**Physician:** A doctor of medicine, a dentist, a chiropractor, an osteopath, a naturopath, a psychologist, an optometrist, or a podiatrist, as defined by § 386-1, HRS.

**Priority Placement:** A job placement process for those employees who are unable to permanently return to their usual and customary work because of a work related injury or illness. Placement shall occur without the requirements of a probation period.

## V. PROCEDURES

### A. Return to Work Assessment

The Claims Manager/Adjuster will make a continuous assessment of medical information received on a claim. Based on this assessment, a determination may be made to return the employee to some type of employment. If a physician states that an employee is able to return to regular work, no further assessment is needed.

If the assessment indicates that the employee could return to some other form of employment such as modified work, light duty or alternate work, restrictions determined by a physician may be accommodated.

The HR Director shall consider temporary modification of the employee's regular work responsibilities and duties to accommodate the employee's restrictions that has been identified by a physician.

If an employee refuses a temporary assignment, the employee shall be placed on unauthorized absence from work for the hours that the employee is supposed to be at work and the employee's wage-loss replacement can be affected.

### B. Inability to Return to Regular Work on a Permanent Basis

When a physician returns an employee to alternate work and determines that the employee is permanently unable to perform any/all of the essential functions of the employee's regular pre-injury position, the HR Director/Designee will prepare for and schedule a meeting with the employee to formally review the employee's status and to explain the employee's rights, responsibilities and options.

A letter will be sent to the employee notifying him/her of the meeting. The letter should list the following.

- ◆ Purpose;
- ◆ Date and time;
- ◆ Location to include address and room or office number;
- ◆ Facility contact person and telephone number;
- ◆ Right to have representation - union, legal or other at the meeting;
- ◆ Documents or other information the employee is required to bring to the meeting;
- ◆ A notice that failure to respond to the meeting notification will be deemed as a negative response to participate in the Return to

Work Priority Program and shall result in the initiation of a discharge action; and

- ◆ Name and telephone number of the person the employee must call, five (5) working days prior to the scheduled meeting, to confirm his/her attendance at the meeting.

#### C. The Meeting

The following topics will be discussed at the meeting:

- ◆ Employee's qualification for alternate job placement;
- ◆ Available options
  1. Resignation - at least 30 calendar days of the facility meeting; and resignation letter must include effective date of resignation (should be within fifteen calendar days of the date of the resignation letter);
  2. Retirement (notify employee that a copy of the retirement application is to be submitted to the Regional HR Director/Designee within 30 days of the meeting);
  3. Participate in RTWPP;
- ◆ Steps for priority placement into alternate work
  1. Eligibility period for placement;
  2. Discussion of advantages and disadvantages of geographical restrictions for job search efforts;
  3. Complete and thorough review of job search efforts, both facility and jurisdiction wide, if employee is willing to consider other regions;
  4. Placement in alternate work position;
  5. Discharge if employee cannot be placed in permanent vacant position;
  6. Vocational rehabilitation benefits, if eligible;
  7. Select Priority List; and
  8. Possible consequences of refusal of placement.

#### D. Eligibility Period

Priority placement begins with the facility meeting and runs concurrently with the initial 30 days to review options. It ends with a placement or the completion of one jurisdiction-wide job search, if employee is willing to consider all positions within the jurisdiction within the six-month period. For employees with short-term appointments, the eligibility period shall not exceed the expiration date of their appointments.

#### E. Facility (regional) Job Search

The Regional HR Director/Designee shall consider all suitable vacancies in an attempt to place the employee. In considering vacancies, the Regional HR Director/Designee may modify, downgrade or reallocate positions.

The job search process is as follows:

1. Check with Employment to make sure that all identified vacancies that the employee is qualified for, but is neither a promotion nor a higher based salary, is considered.

2. Check with Classification to see if there are any pending positions.
3. Check with Senior Management, if there is a possibility of downgrading, modifying or relocating a position that is suitable for the employee.

F. If Position is Identified:

Appointment shall be made, except for good cause as determined by the Vice President/Director of Human Resources. If the employee refuses the offer of an alternate position, the employee shall be discharged from employment and the employee's workers' compensation benefits can be affected.

An employee who has been placed by the facility in a position under Priority Placement shall be eligible for additional placement services if the employee is deemed incapable of performing the duties of the new position due to the work related injury or illness. Additional job placement services shall begin at the jurisdiction level.

Employees who are placed through the RTWPP shall not be required to serve a new probation period.

G. Conditions for Discharge

1. Fails to respond to the notification letter scheduling the facility meeting;
2. Refuses or fails to attend the facility meeting after being properly notified;
3. Fails to notify the Regional HR Director/Designee with his/her decision to participate in Priority Placement within the 30 calendar days to review options;
4. Refuses an offer of employment, refuses or fails to attend a scheduled job placement meeting, job interview or fails to report to work for the position (s)he was appointed to under Priority Placement;
5. Cannot be placed within the HHSC in Priority Placement;
6. Completes an appointment with an NTE date.

Copies of this policy are posted in each facility and may be obtained from the Corporate Human Resources Office or Regional/Facility Human Resources offices. Contact the Corporate Human Resources office or Regional Human Resources offices on any questions you may have about this policy.