



<p>42 U.S.C. Sec. 12101</p>	<ol style="list-style-type: none"> <li>1. Has been injured at work.</li> <li>2. Is disabled as defined under the State Workers' Compensation Act.</li> <li>3. Is capable of productive work.</li> <li>4. Cannot return to his/her pre-injury job for the District with or without reasonable accommodations as a result of his/her work injury.</li> <li>5. Is expected to be able to return to his/her pre-injury job within a definite period of time.</li> <li>6. Is being paid workers' compensation disability benefits.</li> </ol> <p>c. An employee shall not be eligible for continuation in the transitional Return-to-Work Program if one (1) of the following determinations are made:</p> <ol style="list-style-type: none"> <li>1. Employee cannot perform the assigned lighter duty work.</li> <li>2. Employee will be unable to return to his/her pre-injury occupation with or without reasonable accommodations within a reasonable period of time.</li> </ol> <p>d. The work that shall be offered to an eligible employee shall be productive work that will advance the interests of the District.</p> <p>e. Employees, who are unable to return to their regular job but are capable of performing transitional/accommodated/light duty, must return to transitional/accommodated/ light duty. Employees who choose not to participate in the District's Return-to-Work Program or follow all regulations in this Return-to-Work Policy may become ineligible for State Workers' Compensation benefits and, in some cases, refusal to participate may be a basis for termination. Eligible Family Medical Leave runs concurrent with original absence date and may only protect the injured worker for an absence no greater than 12 weeks.</p>
<p>29 U.S.C. Sec. 2701 77 P.S. Sec. 1 42 U.S.C. Sec. 12101</p>	<p><b>Section 4. <u>Delegation of Responsibility</u></b></p> <ol style="list-style-type: none"> <li>a. The Superintendent or designee shall establish a Transitional Return-to-Work Program and develop Administrative Procedures and regulations to implement the Board policy.</li> <li>b. The Superintendent or designee shall ensure that all District staff responsible for the Transitional Return-to-Work Program shall receive periodic training from legal counsel with expertise in the Family and Medical Leave Act, Americans with Disabilities Act, Workers' Compensation, and labor relations. The training shall include information on the interaction of the Transitional Return-to-Work Program and applicable laws, contracts, and Collective Bargaining Agreements.</li> <li>c. The Superintendent or designee shall ensure that District Supervisors identify</li> </ol>

45 CFR  
Part 160, 164

appropriate modified assignments and ensure the employee does not exceed the physician's set restrictions. Supervisors will also stay in regular contact with absent employees and communicate North Allegheny School District's attendance expectations clearly. They are also responsible for reporting any problems with employees and this policy to the Return-to-Work Manager or Program Supervisor.

- d. The Superintendent or designee shall determine if a lighter duty job will be offered to an eligible employee.
- e. Injured workers will notify their supervisors in a timely manner when their condition requires an absence. They will closely follow their physician's medical treatment plan and actively participate in North Allegheny School District's Return-to-Work Program, which includes following all the guidelines of this policy. Injured employees will also help supervisors identify potential options for transitional/accommodated/light duties that they discover. While supervisors are responsible for maintaining constant communication with the injured employee, the worker also has the obligation to maintain contact with North Allegheny School District about their condition and status. The injured worker will complete all the required paperwork in a timely manner.
- f. When the interactive process is going to be engaged in, the Superintendent or designee shall engage the Solicitor or special labor counsel.

**Section 4. Guidelines**

- a. The Transitional Return-to-Work program and Board policy shall be implemented in a manner that does not conflict with applicable laws, contracts, or Collective Bargaining Agreements.
- b. The District will do everything in its power to tailor the restricted work schedule to the injured employee's normal, pre-condition work schedule. However, depending on the job limitations, it may be necessary for the employee to take on a specifically designed, temporary schedule to accommodate these restrictions.
- c. Nothing in this policy shall be construed as requiring that a lighter duty job be provided to an eligible employee or that the essential functions of any job be eliminated. Lighter duty jobs are intended as a transitional opportunity to assist an injured employee to return to his/her pre-injury occupation with or without reasonable accommodations.

**References:**

Workers' Compensation Act – 77 P.S. Sec. 1 et seq.  
 Family and Medical Leave Act – 29 U.S.C. Sec. 2601 et seq.  
 Americans with Disabilities Act – 42 U.S.C. Sec. 12101 et seq.  
 Family and Medical Leave, Title 29, Code of Federal Regulations – 29 CFR Part 825  
 Health Insurance Portability and Accountability Act, Title 45, Code of Federal

	Regulations – 45 CFR Part 160, 164 Board Policy – 246, 501
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