

Stay-At-Work and Early-Return-To-Work Programs

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Why should my district implement Stay-At-Work and Early-Return-To-Work programs for its employees?

Two programs are currently in place to serve employees who, due to illness or injury, cannot perform their jobs in traditional, work-place environments or who require additional time after an incident or illness prior to returning to their usual workplace.

The Stay-At Work program meets the needs of a person who, though able to perform a modified job, cannot manage his or her regular duties due to injury or illness. The Early-Return-To-Work program helps employees transition back to the workplace as soon as they are able. Both programs identify jobs or modified duties that are meaningful and within the employee's capabilities, and each ensures that the modified job be temporary and designed to transition the employees back to their regular position.

These programs are a win-win situation for the district and the employee. By performing modified duties, employees are able to "work-harden" (regain their strength and endurance) in order that they can return to their regular position. As importantly, their self-esteem improves and morale and productivity of the staff likewise improve.

In addition to the fact that these programs provide benefits for both the school district and its employees, another reason for embracing them pertains to existing laws that require the school district to do so. Section 504 of the Rehabilitation Act of 1973 ("Section 504") prohibits discrimination against all disabled individuals on the basis of disability in any program or activity that receives or benefits from federal financial assistance. Section 504 further requires that disabled employees be provided with reasonable accommodation and sets forth requirements concerning identification, evaluation, appropriate services, and procedural safeguards.

The Americans with Disabilities Act, as amended in 2008, broadened who qualifies for protection under the ADA and Section 504. Since these changes, public employers have been provided guidance on their obligations to offer appropriate and necessary accommodations to employees under Section 504. This guidance includes best practices for accommodating employees with permanent disabilities as well as for those with temporary disabilities, including employees returning to work after an injury with a reduced or modified workload or work schedule.

To keep the school district running efficiently – and to function in compliance with the law – it is in the district’s best interest to reintegrate formerly injured or otherwise healing employees into the workplace with reasonable accommodations. Recent rulings by administrative agencies have restated guidance by the Equal Employment Opportunity Commission declaring it is illegal to prohibit employees who are not able to fully return to work from returning on a modified basis. Section 504 and the ADA provide protections for temporarily disabled employees, and therefore failure to honor these legal protections by permitting partial return to work amounts to discrimination on the basis of disability.

If you have questions about return-to-work procedures, please contact us. Implementing a return-to-work program ensures a district is free from discrimination while also contributing to safe-work settings and efficient use of public resources.