

1 The Transylvania County Board of Education (the “board”) supports the practice of bringing
2 employees back to work after a work-related injury or illness as soon as they are medically able
3 in order to enhance the employees’ recovery while minimizing the impact of work-related
4 injuries on school system operations.

5
6 The superintendent is directed to establish a return to work program that is consistent with
7 federal and state law, board policy, and State Board of Education requirements. The objectives
8 of the program will be to:

- 9
10 1. assist employees who are recovering from a work-related temporary injury or illness to
11 safely return to full duty without restrictions at the earliest possible time;
- 12
13 2. assist recovering employees who have temporary work restrictions to return to a
14 temporary, time-limited transitional work assignment of modified or alternate duties
15 approved by the authorized health care provider, when **the work is available and, further,**
16 **when it is** practicable and in the best interests of the school system to do so;
- 17
18 3. assist employees with permanent work restrictions to find suitable employment, **if it is**
19 **available;** and
- 20
21 4. maintain close communication, coordination, and cooperation between the employee,
22 school system representatives, and others working to expedite the employee’s recovery
23 and return to work.

24
25 The superintendent shall provide specific procedures to guide all employees in carrying out the
26 return-to-work program. All supervisory employees are expected to fully comply with the
27 program procedures and to assist in meeting the program’s objectives. Employees experiencing
28 work-related injuries or illnesses shall fulfill all responsibilities assigned to them under the
29 return-to-work program and shall fully comply with the applicable requirements of the North
30 Carolina Workers’ Compensation Act.

31
32 If an employee refuses an approved transitional duty assignment or other suitable employment
33 offered under this policy or under the return-to-work program required by this policy, the
34 superintendent or designee shall **directly notify** the workers’ compensation administrator **to who**
35 **may** apply to terminate the employee’s workers’ compensation benefit payments in accordance
36 with the North Carolina Workers’ Compensation Act. In addition, the employee will be subject
37 to disciplinary action to the extent consistent with law.

38
39 This policy and any procedures developed by the superintendent to implement this policy are not
40 intended to, and do not, confer any additional employment rights on any employee, including
41 any right to a transitional duty assignment, nor will they be construed as recognition by the
42 school system that any employee who participates in the return-to-work program has a disability
43 as defined by the Americans with Disabilities Act of 1990, the Rehabilitation Act of 1973, or the
44 North Carolina Persons with Disabilities Protection Act. **Furthermore, nothing in this policy**

45 shall be construed to require the superintendent to create a position of employment for an
46 employee returning to work with restrictions that prevent the employee from completing the
47 essential functions of his or her position.
48

49 Legal References: Americans with Disabilities Act of 1990, 42 U.S.C. 12101 *et seq.*, 28 C.F.R.
50 Part 35; Family and Medical Leave Act of 1993, 29 U.S.C. 2601 *et seq.*, 29 C.F.R. Part 825;
51 Rehabilitation Act of 1973, 29 U.S.C. 701 *et seq.*, 34 C.F.R. Part 104; North Carolina Persons
52 with Disabilities Protection Act, G.S. ch. 168A; North Carolina Workers' Compensation Act,
53 G.S. 97, art. 1; 115C-12(43), -337; State Board of Education Policy TCS-Q-001
54

55 Cross References: Family and Medical Leave (policy 7520)
56

57 Adopted:
58

NEW