



## WASHINGTON MILITARY DEPARTMENT POLICY

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**Administrative Policy 00-030-05**

**WORKER'S COMPENSATION  
RETURN TO WORK POLICY**

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This policy supersedes any state policy issued on this subject with the same or similar title prior to the effective date of this policy. The provisions of this policy are superseded by the specific provisions of any applicable collective bargaining agreement with which they conflict.

### 1. PURPOSE:

This policy demonstrates the Washington Military Department's (WMD) concern for the recovery and rehabilitation of employees suffering from a work related injury or illness by providing the opportunity for light or modified duty during a period of temporary disability.

### 2. APPLICABILITY:

This policy applies to all permanent state employees of the WMD suffering from a work related illness or injury, receiving, or eligible to receive, time loss compensation under RCW 51.32.090. The employee is eligible for the Department's Return to Work (RTW) Program if unable to return to their previous work due to a temporary disability, but capable of performing work of a light or modified nature and is expected to return to the position held at the time of injury. Employees are eligible to participate in the RTW Program for a minimum of two years from the date the temporary disability occurs.

This policy does not apply to guardsmen on state active duty, federal personnel to include Active Guard Reserves (AGRs), traditional guardsmen in a federal military status or military technicians.

### 3. REFERENCES:

- a. Washington Administrative Code (WAC) 296-19A Vocational rehabilitation
- b. WAC 356-46-135 Return-to-work program
- c. WAC 356-46-140 Return-to-work program – Responsibilities – State agencies
- d. WAC 356-46-145 Employee eligibility in the return-to-work program
- e. WAC 356-46-150 Return-to-work initiative program
- f. Revised Code of Washington (RCW) 41.06.490 State employee return-to-work program
- g. RCW 51.44.170 Industrial insurance premium refund account
- h. RCW 51.32.090 Temporary total disability – Partial restoration of earning power – Return to available work—When employer continues wages—limitations

#### 4. POLICY:

Permanent employees who are medically certified as temporarily disabled due to a work related injury or illness will be given available, time limited opportunities for light or modified job duties. The employee's division will be responsible for the payment of the employee's wages during the light or modified work and first priority will be given to return the employee to a position within their respective division.

The Risk Manager, or designee, will manage all employee industrial insurance claims and function as the Department's Return to Work Coordinator.

The employee's supervisor will work with the Return to Work Coordinator to identify suitable job assignments within the limitations identified by the employee's Health Care Provider. A written description of the light or modified job duties, including salary, job description, and starting date will be provided to the employee, Health Care Provider, Risk Manager, and the L&I claims manager.

Temporarily disabled employees performing light or modified duties will be paid at a level appropriate to the duties performed.

In cases where the RTW work assignment includes work hour reduction to the point where the employee's gross monthly wage is less than that being earned at the time of injury, the employee may be eligible for Loss of Earning Power (LEP) benefits through the Department of Labor and Industries pursuant to RCW 51.32.090. The employee must apply for LEP benefits.

Light or modified duties will cease when the employee's Health Care Provider releases the employee for full duty work. Light or modified duties may cease if it is determined that the employee is permanently unable to return to the job of injury. If it is determined by the employee's Health Care Provider that the employee is permanently unable to return to their job of injury, the Department will begin the process of reasonable accommodation pursuant to HR Policy 03-202. The RTW Coordinator will consider a referral to the statewide Return to Work Initiative Program at that time.

If return-to-work opportunities do not exist within that division, the RTW Coordinator will notify the Division Directors in the other divisions to investigate return to work opportunities Department-wide.

Efforts will be made to identify a position closest in nature to the employee's permanently assigned/held position.

The RTW Coordinator will maintain open lines of communication with the supervisor, employee, Health Care Provider, and claims manager to monitor and evaluate the return to work process.

The Department will promote the RTW program. The success of the return to work program requires that all employees know and understand their responsibilities in the process. All employees and supervisors will receive an explanation of the Department's policy and program. Supervisors will receive applicable training on the program.

Information will be provided to the employee on:

- a. Application of Family Medical Leave Act (FMLA) - HR
- b. Reasonable Accommodation – HR
- c. Sick leave buy back – Payroll - see Sick Leave Buy Back Policy
- d. Appropriate use of leave during periods of time loss compensation – Payroll/Risk Management Office
- e. Use of Employee Assistance Programs (EAS) - HR
- f. Effects of leave without pay on benefit and retirement systems – Payroll Office

This policy provides structure and guidance where the employee requires the support and assistance from the Department when the need is great. The WMD places a high priority on the welfare of its personnel.

This policy will be reviewed and updated on an as needed basis.

  
Timothy J. Lowenberg  
Major General  
The Adjutant General  
Director, Washington Military Department

April 7, 2005  
Date