

Guidelines – Return to Work Priority Placement Program

Employee Notice, Meeting, Eligibility Period, Job Search, Placement, and Discharge

I. Employee Meeting

a. General

- i. Upon physician's certification that an employee is permanently unable to return to their regular work due to a compensable WC injury, but is able to return to alternate work, the employee's unit HR Rep will notify and provide the information to the WC Claims Manager and ORM. The unit's HR Rep, in coordination with ORM, shall submit a RTWPPP referral to OHR.
- ii. OHR, in conjunction with the HR Rep, shall schedule an initial informational meeting with the employee.
- iii. The purpose of the meeting is to provide an overview of the program, formally review the employee's status, and to explain the employee's rights, responsibilities, and options.

b. Notice and Participation

- i. OHR shall issue a notice of the meeting to the employee. The notice shall include the following information:
 1. Purpose;
 2. Date and time;
 3. Location, to include address and room number;
 4. Contact person and telephone number and email address;
 5. Right to have representation (legal, union, or other) at the meeting (contacting and informing the representative about the meeting is the employee's responsibility);
 6. Documents or other information the employee is required to complete and/or bring to the meeting; and

7. Name, telephone number, and email address of the person the employee must call prior to the scheduled meeting to confirm his or her attendance at the meeting.
- ii. If the employee does not respond to the meeting notice or does not appear for the scheduled meeting, he or she will be provided one more opportunity for a meeting. This notice shall indicate that failure to respond to or appear at the scheduled meeting shall result in initiation of the discharge process.

1. Meeting Objectives

- a. The meeting shall include:

- i. Introduction of the participants;
 - ii. Purpose of the meeting;
 - iii. The employee's qualifications for alternate job placement.

- b. The employee's available options shall be provided:

- i. Priority placement into alternate work, including information such as:
 - Eligibility period;
 - Job search efforts;
 - Geographic preferences;
 - Placement in an alternate position;
 - Discharge, and;
 - Refusal of placement.
 - ii. The employee shall have a thirty (30) calendar day period from the date of the employee meeting to review and select his or her option and inform the HR Rep and OHR of the selected option, and

submit required documents to effectuate the selected option. This may include notice to HR Rep of resignation or notice to HR Rep of retirement, within thirty (30) calendar days of the meeting.

- iii. The employee's workers' compensation claim(s) shall not be discussed at the meeting.
- iv. The HR Rep and OHR shall document the meeting, providing a copy to the employee and appropriate representative(s) who attended the meeting and shall provide follow-up support throughout the program.

II. Eligibility Period

- a. Priority placement begins with the employee meeting and runs concurrently with the initial thirty (30) calendar days to review options. It ends with a placement or the completion of the University-wide job search within the six-month period.
 - i. For temporary employees, the eligibility period shall not exceed the expiration date of their appointment.
 - ii. The eligibility period of an employee in the RTWPPP shall not exceed six months and shall not be altered due to changes in the employee's medical condition after selection of the option for priority placement.
- b. Campus Job Search
 - i. OHR shall attempt to place the employee in a suitable vacancy in the employee's campus, as applicable.
 - ii. Priority placement through this program takes precedence over filling a vacancy through normal recruitment processes.
 - iii. Placement to a vacancy must consider the following criteria:
 - 1. It is similar to the employee's current position criteria (e.g., full/part-time, permanent/temporary);
 - 2. The position is authorized for filling;

3. It is within the employee's preferred geographic locations;
 4. The employee meets the minimum qualifications and other applicable requirements for the position and/or job class. MQ assessment shall be coordinated with the receiving unit and OHR.
 5. It will not result in a promotion or higher base salary for the employee;
 6. Funding is available; and
 7. The position's required tasks, duties, and responsibilities are within the employee's medical limitations/restrictions.
- iv. The WC Claims Manager shall obtain a physician's review and, in coordination with ORM, provide determination of suitability of the identified position vacancy.
 - v. OHR shall continue to consider all suitable vacancies until the employee's eligibility in the priority placement program ends.
- c. University-wide Job Search
- i. If no suitable vacancy is identified in the Campus job search OHR shall complete a University-wide job search using the same criteria described above.
 - ii. The WC Claims Manager shall obtain a physician's review and, in coordination with ORM, provide determination of suitability of the identified position vacancy.
- d. Placement
- i. Placement shall be made to a suitable alternate position. An employee who has been placed through RTWPPP shall not be required to serve a new probationary period.
 - ii. If the employee refuses the offer of suitable alternate employment and the University has no other suitable work which the employee is capable of performing:
 1. The employee shall be discharged from employment; and

2. If the employee has a compensable workers' compensation claim, the employee's workers' compensation benefits may be affected.
- iii. An employee who is placed in suitable alternate employment through priority placement is eligible for additional placement services only if the employee is deemed unable to perform the duties of the new position due to the work-related injury or illness. The priority placement shall continue for the period not to exceed six (6) months, less time expended in the original placement process.
- iv. The compensation adjustment for the work-related medical placement shall be made in accordance with the applicable established provision of the employee's collective bargaining agreement, Governor Executive Order, or other applicable established law, rule, regulation, or other formal provision for compensation. This does not apply if the employee in suitable alternative employment accepts another position through Internal Vacancy Announcement or open recruitment.

III. RTWPPP Discharge from Service

a. Conditions

- i. A work-injured employee shall be discharged from the University if the employee cannot be placed through the campus or University-wide job searches.
- ii. A work-injured employee may also be discharged from the University if the employee:
 1. Fails to respond to notice of, refuses to attend, or fails to attend, the initial employee informational meeting;
 2. Fails to notify the HR Rep and OHR of their decision of option or to participate in the RTWPPP within thirty (30) calendar days of the employee meeting;
 3. Refuses any offer of employment, refuses or fails to attend a scheduled job placement meeting, or fails to report to work for the position to which they were appointed under the RTWPPP;

4. Cannot be placed by the end of their eligibility period; or
5. Is a temporary employee in an appointment with a not-to-exceed date that has expired.

b. RTWPPP Discharge Notification

- i. OHR shall recommend the discharge of the work-injured employee to the campus Approving Authority, including the effective date of discharge.

IV. Vocational Rehabilitation

An employee with a WC injury who resigns or is discharged because they are unable to be placed in an alternate employment, may be eligible for vocational rehabilitation (VR) benefits in accordance with Chapter 386, HRS. Reemployment Rights/Select Priority.