

Administrative Policy No. 09.10

Subject: Transitional Return to Work Program

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Authorizing Source: [RCW 41.06.490](#)
[RCW 51.32.090](#)
[RCW 51.32.300](#)
[RCW 72.01.045](#)
[RCW 74.04.790](#)
[WAC 296-20-01002](#)

Effective Date: March 20, 2009

Revised: August 12, 2022

Approved By: Original signed by Michael Williams
Interim Senior Director, Office of Justice and Civil Rights

Purpose

The purpose of this policy is to establish requirements for the Transitional Return to Work (TRTW) program for permanent employees who are injured on the job.

In accordance with [RCW 41.06.490](#), state employee return-to-work program, each agency must adopt a return-to-work policy, taking into consideration the special nature of the employment in the agency. This policy provides eligibility for a minimum of two years from date the temporary disability commenced, for any permanent employee who is receiving compensation under RCW 51.32.090 and who is, by reason of his or her temporary disability, unable to return to his or her previous work, but who is physically capable of carrying out work in a lighter or modified capacity.

Scope

This policy applies to all permanent DSHS employees injured or incapacitated in the course of employment who:

- Are receiving compensation under [RCW 51.32.090](#) (Workers' Compensation Program).

- Can return to work within their medical restrictions outlined in the TRTW plan.
- Are expected to return to the position they held at the time of injury or incapacitation.

For detailed instructions regarding steps for providing employees who have been injured on the job, and who have a TRTW plan, see the [Insurance and Claim Services Intranet SharePoint](#) intranet site or contact your Industrial Insurance Consultant.

Definitions

Access area means the work location within a reasonable commuting distance that considers the employee's physical limitations.

Appointing authority is the individual lawfully authorized to appoint, transfer, layoff, reduce, dismiss, suspend, or demote employees.

Industrial Insurance Consultant is the person designated by the appointing authority to process claims, develop TRTW assignments, and act as the primary contact.

Healthcare provider is the provider, accepted by the Department of Labor and Industries in adjudicating the employee's industrial insurance claim, who is authorized to sign the L&I Report of Accident, certify time off work, and establish medical restrictions for their patient.

Permanent employee is an employee who has attained permanent status in a job classification upon his or her successful completion of a probationary, trial service or transition review period. A permanent employee who has accepted a temporary non-permanent appointment within his or her agency and holds permanent status in the classification the employee left is still considered a permanent employee.

Supervisor is the person observing and evaluating the employee in the TRTW assignment.

Transitional Return to Work (TRTW) means a temporary method of assigning different or modified duties to an employee who is expected to return to their regular job assignment. TRTW encompasses all alternative work assignments of a less physically or mentally demanding nature than the employee's regular work as established by the employee's attending physician. The employee's TRTW assignment includes one or a combination of the following:

- **Gradual return** means the regular job is performed at reduced hours.
- **Restricted duty** means the regular job is performed with some tasks limited or eliminated.
- **Job modification** means the regular job is performed with some equipment or

method of work modified.

- **Light duty** means the regular job is not performed. A lighter group of work tasks are assigned.

Policy Requirements

The DSHS appointing authority is responsible for implementing a TRTW program taking into consideration the unique work and business needs of the administration, facility, or office. The Enterprise Risk Management Insurance Services program manager is responsible for designating an industrial insurance consultant to implement individual, specific TRTW plans and assignments.

- A. The appointing authority must ensure TRTW plans:
1. Reflect the most reasonable and expedient means of returning the employee to work.
 2. Include jobs within:
 - a. The employee's customary work site, when possible, if not possible;
 - b. The same division; or
 - c. Other DSHS divisions.
 3. Require that both the employee and supervisor complete and sign the Transitional Return to Work Assignment form ([DSHS form 02-524](#)).
 4. Take into consideration the employee's access area.
 5. Do not exceed the employee's physical or mental capacities as determined by the health care provider.
 6. Give the TRTW employee the opportunity to receive training related to the employee's regular duties that are within the employee's access area and physician specified work capacities.
- B. An employee is eligible to participate in the TRTW program for a minimum of two years from the date the employee's time loss started.
- C. An employee working in a TRTW assignment will be compensated at the salary range the employee was earning at the time of injury unless the TRTW assignment is categorized as "gradual return," or is a "light duty" assignment with reduced work hours. The employee then may qualify for Loss of Earning Power (LEP) benefits through the Department of Labor and Industries (L&I).

D. Loss of Earning Power (LEP) while in a TRTW assignment:

1. The employee working reduced hours must apply to L&I for LEP benefits. The employee completes the application form and provides a copy of their earnings statement to the industrial insurance consultant who completes the employer portion of the form and forwards it to L&I (with a copy to the TRTW employee) so the L&I claims manager can determine eligibility.
2. The L&I claims manager determines the employee's eligibility and authorizes the LEP payment in accordance with [RCW 51.32.090](#).

E. Assault benefits while in a TRTW assignment:

1. Employees eligible for assault benefits under [RCW 72.01.045](#) or [RCW 74.04.790](#) and approved to receive those benefits under DSHS [Administrative Policy 9.02 will receive the assault benefit when on a TRTW assignment](#).
2. Assault benefits are paid to supplement (if necessary) the total monthly compensation received by the employee, resulting in the employee receiving full pay for the workdays missed.

F. Any employee who has not successfully completed a probation, trial service or transitional review period, or is in an on-call or a non-permanent position, except as stated above, is not considered a permanent employee.

G. This policy does not preclude appointing authorities from authorizing TRTW for employees who do not hold permanent employment status.