

## DHHS POLICIES AND PROCEDURES

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**Section V:** **Human Resources**  
**Title:** **Workers' Compensation Return-to-Work Policy**  
**Current Effective Date:** **July 1, 2026**  
**Revision History:**  
**Original Effective Date:**

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### **PURPOSE**

The purposes of the Return-to-Work Program (hereafter "RTWP") are:

- Provide modified work for employees who, due to a work-related injury or illness, are restricted from performing some or all of their regular duties temporarily; and
- Address placement efforts to return employees to work who, after reaching maximum medical improvement for their work-related injury or illness, are permanently restricted from performing their regular work duties.
- Standardize DHHS's return-to-work efforts in workers' compensation claims.
- Retain DHHS talent by establishing guidelines aimed at keeping employees with the agency following a work-related injury or illness.
- Promote positive workplace morale through communication and support for the injured worker; and
- Minimize the potential for re-injury or permanent disability; and
- Reduce budgetary impact of workers' compensation claims to the agency; and
- Increase productivity by decreasing lost work time.

### **POLICY**

It is the policy of the North Carolina Department of Health and Human Services (DHHS) to promote rehabilitation and enhance the recovery process of employees experiencing work-related injuries or illnesses while maximizing productivity and controlling agency impact. The Return-to-Work Program (hereinafter RTWP) will foster compliance with the North Carolina Workers' Compensation Act, the Americans with Disabilities Act (ADA), and associated guidelines. This will be accomplished through a partnership of the injured employee, medical providers, and team of division/facility personnel as described herein.

### **IMPLEMENTATION**

All facilities and divisions shall institute an RTWP tailored to their organizational needs pursuant to the guidelines established in this policy developed under the State Government Workers' Compensation Program<sup>1</sup>. Every employee experiencing a work-related injury or illness shall be entered into the RTWP as soon as medically possible.

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<sup>1</sup> <https://oshr.nc.gov/documents/workers-compensation-policy>

## **1. Return To Work Committee**

A. DHHS facility and division leadership shall establish an interdisciplinary committee to develop and implement the RTWP. The Return-to-Work Committee (hereinafter the Committee) is responsible for the implementation of the program and should incorporate representatives from various areas in the facility/division. The Committee shall include the assigned Workers' Compensation Administrator ("WCA") and a representative of management. The Committee may also include the following:

- 1) Safety Officer
- 2) Employee Relations Representative
- 3) Equal Employment Opportunity (EEO) Representative
- 4) Vocational Evaluator
- 5) Employee Assistance Program (EAP) Representative
- 6) Americans with Disabilities Act (ADA) Representative
- 7) Agency Legal Counsel
- 8) Representative from the Office of Workforce Transition

An existing committee may assume responsibilities of the Return-To-Work Committee, i.e. a Human Resources Advisory Committee or Safety and Health Committee.

## **2. Program Management**

A. Supervisor Responsibilities. Upon receiving notice that an employee is released to return to work by the treating physician, the supervisor of the employee will immediately, within one business day, notify the WCA of whether or not the employee can return to their usual position, with or without modification.

1) Pre-Maximum Medical Improvement ("MMI"), if an injured employee can do part of their usual job, but not all of the tasks, the supervisor will distribute the tasks the employee is unable to perform among team members on a temporary basis. The supervisor may also assign the injured employee tasks within their capabilities that would ordinarily be assigned to other team members.

2) Post-MMI, if an employee's preinjury job can be modified to accommodate the employee's work restrictions without creating an undue hardship on the team, the supervisor shall make the necessary accommodations and work directly with the employee on transitioning back to work.

B. Workers' Compensation Administrator Responsibilities. The WCA will act as liaison between the Third-Party Administrator ("TPA") and DHHS. In this capacity, the WCA will keep the injured employee's supervisor informed of medical status and all work restrictions or work releases. The WCA will inform the TPA of any lost time and returns to work to ensure compensation is paid promptly and accurately.

1) In the event an injured employee cannot return to their usual job duties, the WCA will use the light duty list maintained by the Committee to select tasks for the injured employee to perform.

2) In the event the injured employee returns to any work other than their usual job, the WCA will prepare a list of job tasks for the authorized treating physician to review and approve pursuant to N.C. Gen Stat. 97-2(22).

3) The WCA will prepare and ensure delivery of all return-to-work notices to injured employees by certified mail, hand delivery, email, or other reliable method. The WCA and/or Supervisor may also communicate the return-to-work instructions directly to the injured employee via telephone, with written confirmation to follow.

4) The WCA will send a copy of all written return-to-work notices and job descriptions to the Agency Legal Counsel and TPA representative.

B. Return-To-Work Committee Responsibilities. The Committee shall meet at least biannually either in person or via virtual method to discuss pending workers' compensation claims, review the RTWP parameters and ensure compliance with DHHS policy, and update the light duty list. The Committee shall also be responsible for the following program management throughout the year as issues arise:

1) Identifying obstacles to a return to work for employees and means for resolution on a case-by-case basis.

2) Maintaining a list of possible return-to-work options (light duty list) across the facility/division in accordance with the guidelines below.

3) Providing incentives for managers and supervisors to participate in the RTWP.

4) Providing guidance to supervisors in identification of light duty.

5) Providing suggestions/options for modifying existing jobs.

6) Providing suggestions/options for ongoing education/communication about the RTWP.

7) Developing a strategy to obtain and continue ongoing support from top management, supervisors and employees for the RTWP.

### **3. Maintaining a Light Duty List**

A. The Committee shall maintain a list of return-to-work options for pre-MMI injured employees. The list will include tasks from each department/section within the division or facility, and general job tasks not specifically assigned to any one team. The tasks may be part-time or seasonal, or available on an intermittent, as needed basis. The tasks further may be of a nature that the work performed by the injured employee is not strictly related to any business purposes, and instead, rehabilitative or otherwise non-competitive.<sup>2</sup> Job tasks included on the list may also be duties of other DHHS employees who can benefit

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<sup>2</sup> See N.C. Gen. Stat. § 97-2(22).

from being temporarily relieved of a task that an injured employee may be able to perform during the period of convalescence. The list should be reviewed and updated at each committee meeting, or as the need arises when an injured employee is pending a return to work.

B. The Committee may consult the Office of Workforce Transition and/or Agency Legal Counsel on developing and updating the modified task list to ensure compliance with DHHS policy and applicable law.

#### **4. Permanent Job Placement Post MMI**

A. In the event of permanent work restrictions which preclude an injured employee from returning to their prior job duties, the Supervisor in conjunction with the WCA and in consultation with the Committee shall take the following actions:

1) Determine if reasonable accommodations can be made to the injured employee's usual job by engaging in the interactive process pursuant to the Americans with Disabilities Act (ADA).

2) If reasonable accommodation is not available, attempt to place the employee in another existing available job that is suitable to the employee's capacity. The agency shall treat reemployment of the employee with priority as described in the Selection Policy, Special Employment and Reemployment Considerations, Recruitment and Selection Section.<sup>3</sup>

3) If a position is not available that is suitable to the employee's capacity within the division or facility of injury, the WCA shall refer the case to the Director of the Office of Workforce Transition for review of all facility/division internal vacancies.

B. Facility and Division leadership shall give priority, to the extent allowable under applicable law, to hiring employees referred by the Office of Workforce Transition. In the event an applicant is selected for a vacancy over a qualified candidate referred by the Office of Workforce Transition, the hiring manager will submit a memorandum to the Director of the Office of Workforce Transition to document the reason for said selection.

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<sup>3</sup> [oshr.nc.gov/documents/selection-applicants-policy-effective-july-17-2025](https://oshr.nc.gov/documents/selection-applicants-policy-effective-july-17-2025)