

1 **4061**

2 **Workplace or Non-Workplace Injuries or Illness and Return to Work**

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4 **Reporting Workplace Injuries.** Staff members who are injured while
5 performing duties or who witness workplace injuries must report them to the
6 superintendent or superintendent's designee as soon as possible after being
7 injured or witnessing an injury. Staff members must prepare written
8 statements regarding the injuries they sustained or witnessed when they are
9 asked to do so by the school district. Failure to report a workplace injury as a
10 witness will constitute insubordination and neglect of duty and may result in
11 adverse employment action up to and including termination or cancellation of
12 employment. Failure to report workplace injuries may also result in delayed
13 or forfeited benefits to which an employee who may otherwise be entitled.

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15 **Returning to Work after Workplace Injuries or Non-Workplace**
16 **Injuries or Illness.** Staff members whose injuries or illness prevent them
17 from completing any or all of their duties, whether or not incurred at work,
18 may be permitted to continue working or may be offered modified duty
19 positions as required by law or as determined appropriate by the
20 superintendent. This policy does not guarantee a limited or modified
21 assignment during the recovery period unless it is otherwise required by law.
22 The employee may be required to provide a return to work certification or
23 report from their treating physician which delineates any restrictions,
24 modifications, or accommodations needed to allow the employee to perform
25 the essential functions of their position.

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27 **Termination After Workplace Injuries or Illness.** Unless otherwise
28 covered in an individual employment contract, employees may be terminated
29 after suffering a workplace injury or illness when the district has a legitimate,
30 nondiscriminatory reason for doing so. Such reasons include but are not
31 limited to:

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- 34 • Necessity to fill the position to maintain continuous services as required
 - 35 • Performance deficiencies of the employee unrelated to the injury or
 - 36 • illness;
 - 37 • Unavailability of substitute or replacement employees;
 - 38 • When the absence will negatively impact students' educational
 - 39 • experience or opportunities; or
 - 40 • Any other reason not otherwise prohibited by law.
- 41

42 The district may make such employment determinations regardless of whether
43 the employee has returned to work and regardless of whether a medical
44 professional has certified that the employee has reached maximum medical

45 improvement. In the event the injury or illness lasts beyond the amount of
46 leave time provided by the district and by the Family Medical Leave Act, which
47 is generally no greater than 12 weeks, the employee may be terminated even
48 if the employee remains eligible for Workers' Compensation under state law
49 or short or long-term disability under a policy available through the district.
50 In no event will an employee be terminated as retaliation for filing a Workers'
51 Compensation claim.

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53 **Termination After Non-Workplace Injuries.** Unless otherwise covered in
54 an individual employment contract or prohibited by law, employees who are
55 unable to perform any of the essential functions of their positions with
56 reasonable accommodation(s) due to injury or illness occurring outside of the
57 workplace may be terminated. The employee's position or a similar position
58 will be held open only as required by law, such as the Family Medical Leave
59 Act.

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61 Adopted on: November 13, 2018
62 Revised on: _____
63 Reviewed on: _____
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