



UT System Administration Policy Library -- Policy INT163

# Return to Work after Work-Related Injury or Illness

Responsible Officer: Director of Employee Services

Sponsoring Office: Office of Employee Services

Effective Date: August 1, 2008

Last Reviewed: August 1, 2008

Errors or changes to: [policyoffice@utsystem.edu](mailto:policyoffice@utsystem.edu)

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## **POLICY STATEMENT**

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Workplace safety and injury prevention are of paramount importance to The University of Texas System (UT System) Administration. When workplace injuries or illnesses occur, the UT System Administration is committed to the safe return of employees back to work. Our early return-to-work (RTW) program provides opportunities for an employee who is injured on the job to return to work at full duty. If the injured employee is not physically capable of returning to full duty, the program provides opportunities to perform his or her regular job with modifications or, when available, to perform alternate temporary work that meets the injured worker's physical capabilities.

An employee who is temporarily restricted from performing their regularly assigned job duties due to a work-related injury or illness and who is able to safely return to work will be offered employment in accordance with the terms of this policy. In the absence of other legal or policy limitations, employees who are able to return to full or modified work duty but choose not to do so may be subject to termination.

This policy should not be construed as acknowledgment that employees who are considered for modified duty are necessarily classified or perceived as a person with a disability, as defined by the Americans with Disabilities Act of 1990.

All employees within UT System Administration are eligible to participate in the RTW program.

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## **RATIONALE**

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The purpose of this policy is to provide guidelines by which the UT System Administration arranges temporary modified duty for employees who have incurred work-related injuries or illnesses and have been released by their treating doctor to restricted work activities. The program will be administered by the UT System Administration's Office of Employee Services (OES).

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## **SCOPE**

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All offices of UT System Administration.

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## **WEBSITE ADDRESS FOR THIS POLICY**

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## RELATED STATUTES, POLICIES, REQUIREMENTS OR STANDARDS

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UT System Administration Policies & Standards	Other Policies & Standards
<ul style="list-style-type: none"> <li>• <a href="#">Board of Regents' Rules and Regulations, Rule 30201</a></li> <li>• <a href="#">INT103, Workers' Compensation Insurance Program</a></li> <li>• <a href="#">INT116, Accommodating Disabilities in the Workplace</a></li> <li>• <a href="#">INT122, Family and Medical Leave</a></li> <li>• <a href="#">INT126, Leave Without Pay</a></li> </ul>	<ul style="list-style-type: none"> <li>• <a href="#">Texas Labor Code, Chapter 413</a>, Section 413. 021; Section 413. 023; Section 413. 024; Section 413. 025</li> <li>• <a href="#">Texas Department of Insurance Adopted Rule 129.6</a></li> </ul>

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## CONTACTS

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If you have any questions about UT System Administration Policy INT163, *Return to Work Policy*, contact the following office(s):

Subject	Office Name	Telephone Number	Email/URL
Human Resources	Office of Employee Services	(512) 499-4587	<a href="mailto:esc@utsystem.edu">esc@utsystem.edu</a>
Workers' Compensation Insurance	Office of Risk Management/Workers' Compensation Insurance	(512) 499-4645	<a href="http://www.utsystem.edu/orm/wci/wci.htm">http://www.utsystem.edu/orm/wci/wci.htm</a>

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## DEFINITIONS

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**Bona Fide Job Offer** – Written job offer for temporary modified duty that must be signed by employee, supervisor and OES representative

**ORM-WCI** – Office of Risk Management, Workers' Compensation Insurance

**Temporary Modified Duty** – Temporary position to which an employee is assigned when he or she is unable to return to his or her regular position and job duties following a work-related injury or illness.

**Treating Doctor** – Doctor in charge of coordinating health care services for the injured or ill employee. Determines the employee's ability to return to work and determines restrictions that may be placed on the employee as they pertain to work.

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## RESPONSIBILITIES

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### Employee

- Notify UT System ORM-WCI when a work-related injury or illness occurs that affects the ability to perform required job duties.
- Maintain contact with their supervisor, ORM-WCI and OES during their absence from work and while assigned to modified duty in order to coordinate and facilitate RTW efforts by these departments.

### Office of Employee Services

- Develop modified duty job offers in cooperation with the ORM-WCI and the employee's supervisor or department head

## Office of Risk Management

- Notify OES when an injured employee loses time from work due to a job-related injury or illness.
- Work directly with the employee, supervisor, and OES to coordinate RTW opportunities for employees injured on the job.

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# PROCEDURES

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## 1. Required Documentation

Before an employee who is restricted from performing their regularly scheduled job duties due to temporary physical limitations caused by work-related injury or illness is offered a work assignment, a description of the job duties or work activities that the injured employee was required to perform at the time the employee sustained the injury will be provided to the treating doctor to determine whether the employee is able to perform their job duties and if any physical restrictions exist. Accommodations will be based on the DWC-73 - Work Status Report completed by the doctor treating the work-related injury or illness to establish the extent and expected duration of job-related restrictions.

Employees working modified duty assignments shall be required to undergo periodic evaluations by the treating doctor to assess any changes in restrictions. The results of these evaluations shall be reported in writing to ORM-WCI and OES.

Employees must reasonably facilitate the successful delivery of requested documentation to UT System Administration.

## 2. Return to Work Offers

Taking into consideration the information provided by the doctor, the employee's department, in consultation with OES and ORM-WCI, shall determine if a temporary modified duty assignment will be offered. Only work that is considered productive and meaningful to UT System Administration shall be considered.

If the employee's regular department is unable to reasonably accommodate the employee's work restrictions, a modified duty assignment may be considered in another department.

NOTE: For temporary assignments, the employee's regular department will be responsible for paying the employee's wages during the reassignment.

In some cases, there may not be an adjustment in the compensation of the employee that is placed in a modified duty position. However, the employee placed in a modified-duty position will be paid a salary that is equivalent to the salary of other employees holding the same position.

Once the decision to offer a temporary modified-duty assignment is made, the employee will be issued a bona fide job offer compliant with Texas Administrative Code Rule §129.6. A work agreement must be completed and signed by the employee, supervisor, and OES representative.

An employee may accept or refuse a RTW job offer. However, refusal may affect the employee's continuation of employment.

An employee may also be required to forfeit any workers' compensation income benefits he/she is receiving, or may be eligible to receive in the future, if he/she refuses a temporary work assignment since the inability to obtain wages is no longer the result of the work-related injury or illness.

### **3. Expectations While Working Modified Duty Assignments**

An employee performing any full or modified duty duties under this policy is subject to the usual work performance standards of that job and of UT System Administration. Employees are also subject to removal from modified duty and/or disciplinary action in accordance with policy [INT101 - Discipline and Dismissal](#).

The employee is responsible for following medical instructions on and off the job.

The employee must immediately report any difficulties with performing assigned work. The supervisor and employee will work to address the problem.

### **4. Duration of Modified Duty**

An offer of modified duty may be made for any amount of time, not to exceed the limits described in this policy.

An employee is limited to 90 days of modified duty work in any rolling 12-month period. If doctor-provided evidence shows that the employee may be able to return to their regularly scheduled position within an additional 90 days, the employee may be allowed to work another 90 days of modified duty in the same rolling 12-month period with the approval of OES and ORM-WCI. If the employee is not able to return to their regularly-assigned position before the exhaustion of permitted days of modified duty, they may be subject to termination. In some cases, an employee exhausting their allotment of modified duty days may be eligible to remain employed pursuant to the terms of other policies of UT System Administration (e.g., [INT126 - Leave Without Pay](#), [INT116 - Accommodating Disabilities in the Workplace](#), [INT122 - Family and Medical Leave](#)).

If the employee's treating doctor indicates in writing that restrictions no longer apply and that the employee may return to full duty, the temporary work assignment shall terminate immediately or upon the effective date of the restrictions' removal, whichever is earlier. The employee will then be allowed and expected to return to their regular duties and classification.

If at any time the doctor indicates in writing that the restrictions are expected to last beyond the employee's maximum permitted days of modified duty, the employee's offer of modified duty is subject to revocation and the employee may be subject to termination.

### **5. After Expiration of Modified Duty Eligibility**

An employee with a work-related injury or illness who is terminated because he/she was not released to full duty by his/her treating doctor before his/her temporary modified duty work assignment expired may also qualify for income benefits under workers' compensation. The workers' compensation insurance carrier will determine whether the employee would qualify for these benefits.

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## **FORMS AND TOOLS/ONLINE PROCESSES**

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DWC-73 - Work Status Report

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## **APPENDIX**

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None

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keywords: workers' comp

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