

1. Title

Return to Work After Work-Related Injury or Illness

2. Policy

Sec. 1 Purpose. The purpose of this Policy is to provide guidelines by which The University of Texas System Administration follows when arranging 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 U. T. System Administration's Office of Employee Services (OES).

Sec. 2 Policy Statement.

2.1 Return to Work Program. Workplace safety and injury prevention are of paramount importance to the U. T. System Administration. When workplace injuries or illnesses occur, the U. T. System Administration is committed to the safe return of employees back to work. The 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.

2.2 Temporary Restriction. An employee who is temporarily restricted from performing his or her 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.

2.3 Americans with Disabilities Act. 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.

2.4 Eligibility. All employees within U. T. System Administration are eligible to participate in the RTW program.

Sec. 3 Required Documentation. Before an employee who is restricted from performing his or her 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 his or her job duties and if any physical restrictions exist. Accommodations are based on the DWC-73 - Work Status Report, which is completed by the doctor treating the work-related injury or illness to establish the extent and expected duration of job-related restrictions.

3.1 Periodic Evaluations Required. 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 the Office of Risk Management, Workers' Compensation Insurance (ORM-WCI) and OES.

3.2 Employee Requirement. Employees must reasonably facilitate the successful delivery of requested documentation to U. T. System Administration.

Sec. 4 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 U. T. System Administration shall be considered.

4.1 Work in Another Department. 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.

4.2 Possible Adjustment of Compensation. 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.

- 4.3 Work Agreement. Once the decision to offer a temporary modified duty assignment is made, the employee will be issued a bona fide job offer that complies with *Texas Administrative Code* Rule Section 129.6. A work agreement must be completed and signed by the employee, supervisor, and OES representative.
 - 4.4 Refusal of RTW Job Offer. 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 or she is receiving, or may be eligible to receive in the future, if he or she refuses a temporary work assignment since the inability to obtain wages is no longer the result of the work-related injury or illness.
- Sec. 5 Expectations While Working Modified Duty Assignments. An employee performing any full or modified duties under this Policy, is subject to the usual work performance standards of that job and of U. T. System Administration. Employees are also subject to removal from modified duty and/or disciplinary action in accordance with policy INT101, *Discipline/Dismissal of Employees*.
- 5.1 Compliance with Medical Instructions. The employee is responsible for following medical instructions on and off the job.
 - 5.2 Performance of Assigned Work. The employee must immediately report any difficulties with performing assigned work. The supervisor and employee will work to address the problem.
- Sec. 6 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.
- 6.1 Limits for Modified Duty. 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 his or her 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 his or her regularly-assigned position before the exhaustion of permitted days of modified duty, he or she may be subject to termination. In some cases, an employee exhausting his or her allotment of modified duty days may be eligible to remain employed pursuant to the terms of other U. T.

System Administration Policies (e.g., INT126, *Leave Without Pay*; INT116, *Accommodating Disabilities in the Workplace*; INT122, *Family and Medical Leave*).

- 6.2 When Restrictions No Longer Apply. 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 the restrictions were removed, whichever is earlier. The employee will then be allowed and expected to return to his or her regular duties and classification.
- 6.3 Exceeding of the Maximum Number of Days. 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.

Sec. 7 After Expiration of Modified Duty Eligibility. An employee with a work-related injury or illness who is terminated because he or she was not released to full duty by his or her treating doctor before his or 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 qualifies for these benefits.

3. Definitions

Bona Fide Job Offer - written job offer for temporary modified duty that must be signed by the 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 to 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 who determines the employee's ability to return to work and determines restrictions that may be placed on the employee as they pertain to work.

4. Relevant Federal and State Statutes, Policies, and Standards

[Texas Labor Code, Medical Review, Sections 413.021, .023, .024, and .025](#)

[Texas Administrative Code Rule Section 129.6, Bona Fide Offers of Employment](#)

5. Relevant System Policies, Procedures, and Forms

[Board of Regents' Rules and Regulations, Rule 30201, Leave Policies](#)

[INT101, Discipline/Dismissal of Employees](#)

[INT103, Workers' Compensation Insurance Program](#)

[INT116, Accommodating Disabilities in the Workplace](#)

[INT122, Family and Medical Leave](#)

[INT126, Leave Without Pay](#)

[DWC-73 Work Status Report](#)

6. System Administration Office(s) Responsible for Policy

Office of Employee Services

7. Dates Approved or Amended

August 1, 2008

November 14, 2012