



Angelo State University
Operating Policy and Procedure

OP 52.57: Early Return-to-Work, Alternate, and Light Duty Assignments

DATE: March 5, 2018

PURPOSE: The purpose of this Operating Policy/Procedure (OP) is to provide a mechanism for Angelo State University to assist injured employees to return to work as soon as possible after a workplace accident, injury, or illness.

REVIEW: This OP will be reviewed in February every three years, or as needed, by the director of human resources with recommended revisions forwarded through the vice president for finance and administration to the president by March 15 of the same year.

POLICY/PROCEDURE

Return-to-work policies include light and alternate duty assignments whereby employees with work-related injuries or illnesses are encouraged to return to work as soon as possible in accordance with the operational needs of Angelo State University and the medical restrictions established by the treating physician. The Office of Human Resources will help facilitate early return-to-work (ERTW) activities with the department, as required, to ensure a quick return to work of the employee.

1. Definitions

Light Duty (also known as modified duty) - A situation where an employee returns from a work-related injury to modified or restricted duties in the previously held position.

Alternate Duty - A situation where temporary medical restrictions preclude return to duty in the employee's previous position, and a temporary assignment to an alternate position is offered within the home department or a hosting department.

Home Department - The department to which the employee is assigned during her/his normal employment.

Hosting Department - The department that provides alternate duty to an injured employee.

2. Intent

Where practical, employees of the university temporarily unable to perform their regular job requirements because of a workers' compensation covered injury will be afforded the opportunity to return to work in light or alternate duty status. In either of these instances, the duty being offered will meet the physician's recommendations and be subject to the provisions of OP 52.16 Family Medical Leave Act, OP 52.42 Staff Sick Leave, OP 52.49 Vacation Leave, and this OP.

ERTW policies should be used in all departments to keep an employee working and productive. In situations where ERTW is not practical, the department should initiate and continue communications with the employee and the employee's physician to expedite the employee's return to regular duty.

Employees on temporary disability leave suffering any permanent disability as defined by the Americans with Disabilities Act (ADA) or the Americans with Disabilities Act Amendments Act of 2008 (ADAAA) should be provided reasonable accommodations and/or considered for other positions in the department for which they are qualified. Position reassignments because of permanent disability may be made without having to meet the job posting requirements outlined in OP 52.21 Job Posting, Advertising, and Recruitment. Refer to OP 52.03 for more information regarding ADA definitions and accommodations procedures.

3. Responsibilities and Procedures

- a. Granting alternate/light duty is optional, and the offer of alternate/light duty may be terminated at any time in accordance with the operational needs of the university. The offer or termination of alternate/light duty must be communicated to the employee in writing using the *Return to Work (Alternate/Light Duty) Job Offer Letter*. The university is not obligated to create alternate/light duty positions.
- b. Each department should implement procedures that encourage employees who are away from work because of a work-related injury or illness to return to work in such a capacity as the employee is able. Departments can facilitate this by identifying light duty assignments that conform to the employee's particular limitations as prescribed by the employee's treating physician. This may consist of either modifying the employee's current job requirements (light duty) or assigning the employee other responsibilities in another position (alternate duty).
- c. Light duty may consist of any tasks, full-time or part-time, in an employee's position that he/she are qualified to perform when unable to perform regularly assigned duties. This procedure does not require elimination or reassignment of a substantial number of essential functions related to the position.
- d. The injured employee's home department has the first opportunity to offer temporary alternate duty. If that department is unable to accommodate the employee, alternate duty may be found in another department. Departments should cooperate with one another in providing alternate duty. The employee's home department or division shall pay the employee's salary.
- e. Employees on light or alternate duty shall maintain their salary and status except in such circumstances approved by the appropriate vice president and the director of human resources. The duration of light duty or alternate duty should be the lesser of the duration of the medical restriction or three calendar months commencing upon the date the department offered the return to work (alternate/light duty) offer of employment for the injury/illness. At the end of three calendar months, the case shall be reviewed for determination of status. At the time of review, the current physical restrictions, the prognosis for length of recovery, and the continued availability of the modified duty tasks will be assessed and light or alternate duty may be extended an additional three calendar months. If the employee is unable to return to unrestricted pre-injury/illness job duties by the end of the six calendar months, the employee's opportunity to participate in the

program will end. If the employee is unable to return to work full duty at the end of the light or alternate duty, the department should consult with the Office of Human Resources to determine if the employee is eligible for any other types of leave.

- f. Following the employee's release for restricted duty by a physician, the department should review the medical limitations relevant to the essential functions of the employee's job description. The department should offer the employee light duty if such duty is compatible with the employee's medical restrictions and is available. The offer must be in writing using the *Return to Work (Alternate/Light Duty) Job Offer Letter* and include the elements described in item g below.
- g. If alternate duty is required, the department should prepare an *Alternate Duty Job Description* (ADPDQ) demonstrating that such duty is in accordance with the employee's medical restrictions. The claimant's treating physician must sign the ADPDQ. The Office of Human Resources will assist departments in writing ADPDQs as needed. The director of human resources must approve any offer of alternate duty prior to forwarding such an offer to the employee. The *Return to Work (Alternate/Light Duty) Job Offer Letter* should clearly state the following:
 - (1) Position offered;
 - (2) Hours of duty;
 - (3) Wages;
 - (4) Job description, including duty hours, and maximum physical requirements of the position (lifting and approximate lbs., approximate time stooping, pushing, standing, sitting, etc.);
 - (5) Location of the position offered; and
 - (6) Duration of assignment (Beginning and ending date of the position).
- h. The employee's physician must review and certify that the employee can perform the tasks defined. If the physician modifies the ADPDQ, the employing department must determine whether the modification is acceptable and if additional duties should be substituted. The physician should recertify the job description if duties are added or revised. The department maintains the right to withdraw the offer of alternate duty if the job description, as modified by the physician, is unacceptable to meet operational needs.
- i. The employee who does not agree to or accept a *Return to Work (Alternate/Light Duty) Job offer* of employment that has been approved by his/her physician may be subject to disciplinary action (e.g., termination) and/or a reduction in income benefits as allowed by the Texas Workers' Compensation Act.
- j. Any time an employee returns to duty from a lost-time status, whether to light duty, alternate duty, or full duty, a DWC-6, *Supplemental Report of Injury*, must be completed by the Office of Human Resources and submitted to the State Office of Risk Management (SORM).

[Minor revisions: February 5, 2018]

- k. The employee shall be required to provide the Office of Human Resources a medical report from the attending physician following each physician's visit, but not less than every 30 days, throughout the duration of relevant medical restriction. At the end of light or alternate duty, the employee must return to regular duty, seek reassignment to a position that meets that employee's capabilities, or be placed on disability leave in accordance with state and federal regulation and this OP. Departments should consult with the Office of Human Resources for details regarding employment status.

4. Forms

All related forms and procedures are available on the Office of Human Resources website at http://www.angelo.edu/dept/human_resources/