



## TEXAS TECH UNIVERSITY™

### Operating Policy and Procedure

#### **OP 70.39: Early Return-to-Work, Alternate, and Light Duty Assignments**

**DATE:** April 2, 2019

**PURPOSE:** The purpose of this Operating Policy/Procedure (OP) is to provide a mechanism for Texas Tech University to assist employees to return to work as soon as possible after a work-related accident, injury, or illness.

**REVIEW:** This OP will be reviewed in April of odd-numbered years by the Assistant Vice President of Human Resources and the Managing Director of the Texas Tech University System Office of Risk Management (TTUS ORM) with substantive revisions presented to the Vice Chancellor/Chief Financial Officer and the President.

#### **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 Texas Tech University (TTU) and the medical restrictions established by the treating physician. The TTUS ORM 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 temporary 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 their normal employment.

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

##### **2. Intent**

Where practical, employees of TTU on temporary disability 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 70.32, Family and Medical Leave Act \(FMLA\) and Parental Leave](#), [OP 70.44, Sick Leave and Sick Leave Pool](#), [OP 70.45, 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

communication with the employee, the employee's physician, and Human Resources to expedite the employee's return to regular duty. The department will also contact Human Resources to coordinate application for Family and Medical Leave. Employees on temporary disability leave suffering any permanent disability as defined by the Americans with Disabilities Act (ADA) should be provided reasonable accommodations and considered for other positions in the department for which they are qualified without job posting requirements defined in [OP 70.11, Appointment of Staff Employees](#). The department should contact Human Resources to coordinate application for an ADA accommodation.

### 3. Responsibilities and Procedures

- a. Granting alternate/light duty is optional at TTU. The offer of alternate/light duty may be terminated at any time in accordance with the university's operational needs. The offer or termination of alternate/light duty must be communicated to the employee in writing using the Bona Fide Offer of Employment (Attachment A). TTU 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 their 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- or part-time, in an employee's position that they 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, or 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, the Assistant Vice Chancellor for Administration and Equal Opportunity, and the Assistant Vice President 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 first Bona Fide 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 Human Resources to determine if the employee is eligible for any other types of leave in accordance with [OP 70.01, Miscellaneous Leaves of Absence](#).
- 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 Bona Fide Offer of Employment (Attachment A) and include the elements described in item g below.
- g. If alternate duty is required, the department should prepare an *Alternate Duty Position Description* (ADPD) demonstrating that such duty is in accordance with the employee's medical restrictions. The employee's treating physician must sign the ADPD. The TTUS ORM will assist departments in completing ADPDs as needed. The Assistant Vice President of Human Resources must approve any offer of alternate duty prior to forwarding such an offer to the employee. The Bona Fide Offer of Employment (Attachment A) should clearly state the following:
- (1) The position offered;
  - (2) The hours of duty;
  - (3) The 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) The address, location, and approximate distance in miles from the employee's residence; and
  - (6) The 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 ADPD, 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 Bona Fide Offer of Employment that has been approved by their physician may be subject to a reduction in income benefits as allowed by the Texas Workers' Compensation Act and corrective action up to and including termination of employment.
- 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 and sent to the TTUS ORM.
- k. The employee shall be required to provide the department 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 [OP 70.32, Family and Medical Leave Act \(FMLA\) and Parental Leave](#), and this OP. Departments should consult with Human Resources for details regarding employment status.

4. **Right to Change Policy**

Texas Tech University reserves the right to interpret, change, modify, amend, or rescind this policy, in whole or in part, at any time without the consent of employees.

[Attachment A: Bona Fide Offer of Employment – Sample Letter](#)

[Attachment B: Bona Fide Offer of Employment Instructions](#)

[Attachment C: Summary of Early Return-to-Work, Alternate, and Light Duty Assignments](#)