



# **Handbook of Operating Procedures**

**Section:** 7.6.11  
Originally Approved: 7/19/2004  
Last Amended:  
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## **MODIFIED DUTY/RETURN-TO-WORK POLICY**

### **A. Purpose**

This policy establishes a Return-to-Work program for all employees of The University of Texas-Pan American who suffer temporary disability from an on-the-job injury or occupational disease. The purpose of the policy is to establish guidelines so that the University can facilitate the rehabilitation of employees and allow a timely return to work, minimizing the loss of employee productivity by placing the employee in a temporary assignment. The temporary assignment is not to exceed 90 days. A medical evaluation will determine when the employee will return to regular employment. The modified duty policy is designed to reduce lost workdays, increase employee morale, and reduce Workers' Compensation costs.

### **B. Procedures**

The Return-to-Work program is initiated by a Texas Workers' Compensation Commission (TWCC 73) form. The Office of Human Resources has established specific procedures based on a TWCC 73 form to guide supervisors and employees regarding the Return-to-Work program as detailed below. These procedures include the review and approval by the department chair/head and employee's supervisor, in consultation with the Human Resources representative.

#### **Conditions:**

1. The employee's medical condition and restrictions will be provided by the treating physician who is selected by the employee; however, the University and/or insurance carrier have a right to a second opinion by a physician of their choosing. After the physician's evaluation, the employing department and the Office of Human Resources will meet to determine if the employee can physically perform any or all essential functions of his or her permanent position held prior to the injury/illness.
2. The Office of Human Resources will request a copy of the TWCC 73 from the treating physician. If the opinion of the treating physician is that the employee can perform modified duty, the Office of Human Resources and the employing department will determine if there is a valid "temporary light-duty assignment" which the employee can physically perform.



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3. Determination guidelines are:
  - (a) adherence to work limitations the treating physician has authorized based on the physical condition of the employee;
  - (b) maximum physical requirement of the job;
  - (c) work schedule of the position; and
  - (d) expected duration of the assignment.
  
4. Determination will be made to:
  - (a) offer the employee a “temporary” assignment, or
  - (b) allow the employee to continue on the payroll by using accrued sick leave and vacation, or
  - (c) allow the employee to go off the payroll and begin receiving Temporary Income Benefits under Workers’ Compensation Insurance.

### **C. Temporary Assignment**

1. The guidelines for defining “temporary assignment” are as follows:
  - (a) The assignment will be reviewed within 30 days from the day the employee signed the bona fide offer of temporary assignment; it will be reviewed by the OHR representative and the employee’s supervisor. This assignment review is to ascertain that the employee complies with the restrictions on the TWCC 73 form.
  - (b) The assignment meets the physical limitations set forth by the treating physician.
  - (c) Sufficient and appropriate work is available.
  - (d) Medical documentation (TWCC-73) is provided every two weeks from the treating physician and documents the employee’s improvement status. Restriction changes allow for modification of temporary assignment duties.



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2. The Office of Human Resources must receive written medical documentation (TWCC-73) from the treating physician stating the employee is allowed to return to work and should list all the medical and physical restrictions assigned to the employee by the treating physician.
3. The Office of Human Resources will request in writing an "Essential Job Analysis" from the Employing Department. The analysis form will provide all the essential functions the employee performed prior to their injury/illness. The treating physician, a representative of the employing department and the Office of Human Resources will determine if temporary accommodations can be provided for the 90-day appointment.
4. A bona fide offer of employment will be made in writing to the employee upon agreement of medical restrictions between the treating physician, the representative(s) of the employing department and the Office of Human Resources.
5. The employee may be placed in their regular position with modifications or placed in a "temporary" position that meets the physical needs of the employee.
6. The employee should be assigned to his or her home department if a position is available. Home department is defined as the department in which the employee worked prior to their injury or illness.
7. When an employee is assigned to a light duty position somewhere other than their home department, that employee will be subject to the *Handbook of Operating Procedures* 7.2.2, Criminal Background Checks, which authorizes the employer to obtain criminal history record information. The home department will be responsible for paying the employees salary.

### **D. Bona Fide Offer of Employment**

1. The Office of Human Resources will make the offer of temporary employment to the employee.
2. Temporary employment offers will be made in writing.
3. The position will be temporary, for 90 days, at which time the offer will be re-evaluated.
4. The employee will be allowed 10 days to accept the bona fide offer of



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employment. If the employee has not responded by the tenth day, the employee will be considered to have declined the offer. If the position is declined, temporary income benefits may be terminated. An employee who refuses an offer of temporary employment is subject to termination.

### **E. Temporary Employment Opportunities:**

The home department will be interviewed first to determine if temporary light-duty accommodations can be made to meet the medical restrictions outlined by the employee's treating physician. If the home department cannot accommodate the employee, a second department will be interviewed and the employee would be subject to the *Handbook of Operating Procedures 7.2.2, Criminal Background Checks*, which authorizes the employer to obtain criminal history record information.

Temporary light-duty opportunities, at times, may be limited in quality. The University will make every possible attempt to accommodate all employees. If a temporary light-duty position cannot be accommodated, the employee will continue to be covered by Worker's Compensation Insurance.

### **F. Supervision During "Temporary Light-duty" Assignment:**

Employees who are temporarily employed in a department other than their home department will be assigned a "temporary" supervisor. The supervisor will be a member of the staff in the department in which the employee is working temporary light-duty. All University rules, regulations, and policies, and departmental policies will be adhered to by the employee as they would be adhered to in regular employment. The activities of the employee will be the responsibility of the acting supervisor. Those activities include but are not limited to absenteeism, (sick and/or vacation leave), reporting to work in a timely manner, work performance, employee morale, relationships with co-workers, and any other activity covered under policies, rules, and regulations.

The home department supervisor and the acting supervisor must maintain open communications concerning the employee's work status and medical condition.

### **G. Review**

This policy shall be reviewed every five years by the Director of Human Resources.