



# TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER EL PASO

## Operating Policy and Procedure

### HSCEP OP: 70.43, Early Return-to-Work (ERTW)/Alternate and Light Duty Assignments

**PURPOSE:** The purpose of this Health Sciences Center El Paso Operating Policy and Procedure (HSCEP OP) is to provide a mechanism for TTUHSCEP to assist employees with work-related injuries or illnesses to return to work as soon as possible after an accident, injury or illness.

**REVIEW:** This HSCEP OP will be reviewed by September 1 of every even-numbered year (ENY) by the TTUS Director of Risk Management and the Executive Director of Human Resources (EDHR), with recommendations for revisions submitted to the Chief Financial Officer by November 15.

### POLICY/PROCEDURE:

1. Return to work policies includes light and alternate duty assignments to encourage employees with work-related injuries or illnesses to return to work as soon as possible. Human Resources, with guidance from TTUS Office of Risk Management, will assist the department in determining the employee's recommended activities to help insure an Early Return to Work (ERTW). The employee's ERTW should assist the department in the continuation of the departmental operations.

#### a. Definitions.

- (1) **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 position they already held.
- (2) **Alternate Duty:** A situation where temporary duty 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.
- (3) **Home Department:** The department to which the employee is assigned during his/her normal employment.
- (4) **Hosting Department:** The department which provides alternate duty to an injured employee.

b. **Intent.** Where practical, employees of HSCEP on temporary disability due to a workers' compensation-covered injury will be afforded the opportunity to return to work in light duty 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 HSCEP OP 70.32, **Family and Medical Leave**, HSCEP OP 70.01, **TTUHSCEP Leave Policy**, HSCEP OP 10.15, **Americans with Disabilities Act**, and this HSCEP 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) should complete a Reasonable Accommodation Request form. Departments should provide reasonable accommodation(s) to the employee, or if necessary, the employee should be considered for other positions in the department for which they are qualified without job posting requirements.

**c. Responsibilities/Procedures.**

- (1) Granting alternate duty is optional to TTUHSCEP. The offer of alternate duty may be terminated at any time in accordance with its operational needs. Termination of alternate duty should be forwarded to the employee in writing. TTUHSCEP is not obligated to create alternate duty positions.
- (2) Each department should implement procedures that encourage employees who are away from work due to 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 stated 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).
- (3) When an employee is unable to perform regularly assigned duties, the employee may return to work full or part-time to light duty assignments which he/she is qualified to perform. The light duty may consist of alternate duties not normally assigned, or may consist of modified duties regularly performed.
- (4) 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 salary shall be paid by the employee's home department or division.
- (5) Employees on light or alternate duty shall maintain their salary and status except in such circumstances approved by the appropriate vice president, the Director of Equal Employment Opportunity, and the EDHR. The duration of light duty or alternate duty should be the lesser of the duration of the medical restriction or three months. At the end of three months, the case shall be reviewed by the aforementioned for determination of status.
- (6) Prior to the employee's return to work, where necessary, the employee shall provide a completed Request for Medical Information for Reasonable Accommodation form. Following the employee's release from 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.
- (7) 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. Human Resources will assist departments in writing ADPD's as needed. Any offer of alternate duty must be approved by the EDHR prior to forwarding such an offer to the employee. The offer (Attachment A) for alternate duty assignment should clearly state the following:
  - (a) the position offered;
  - (b) the hours of duty;

- (c) the wages;
  - (d) job description, including duty hours, and maximum physical requirements of the position (lifting and approximate lbs., approximate time stooping, pushing, standing, sitting, etc.);
  - (e) the address, location and approximate distance in miles from the employee's residence; and
  - (f) the beginning and ending date of the position.
  - (g) The employee's physician must review and certify that the tasks defined can be performed by the employee. 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 ADPD, as modified by the physician, is unacceptable to meet operational needs.
- (8) Employees in receipt of a bona fide offer of employment should follow the instructions below:
- (a) Carefully read the letter. If the letter is not clear, contact Human Resources immediately for clarification.
  - (b) Check the appropriate space indicating acceptance or denial of the offer of employment.
  - (c) Sign and date the form.
  - (d) Return the letter immediately. A phone call may be made to accept or not to accept the position and the signed form provided upon return to work; however, a response must be submitted within two (2) days of receipt of this offer.
- (9) The employee who does not agree/accept a bona fide offer of employment that is based on restrictions provided by their physician may be subject to:
- (a) A reduction or termination of benefits as allowed by the Texas Workers' Compensation Act, and
  - (b) Will be placed on leave without pay by their department.
- (10) Anytime an employee returns to duty from a lost time status, whether to light duty, alternate duty or full duty, the department will prepare a DWC-6, *Supplemental Report of Injury*, and send it to TTUS Risk Management.
- (11) The employee shall be required to provide the department a medical report from the attending physician following each physician visit, but not less than every 30 days throughout the duration of relevant medical restriction. At the end of alternate duty, the employee must either return to regular duty, seek reassignment to a position which meets that employee's capabilities, or be placed on disability leave in accordance with HSCEP OP 70.01 and this HSCEP OP.

2. **Summary of Early Return-to-Work/Alternate and Light Duty Assignments**

- a. Granting alternate duty is TTUHSCEP's option and may be terminated at any time by informing the employee in writing.
- b. TTUHSCEP is not obligated to create alternate duty positions.
- c. Return the injured employee to work as soon as possible in order to reduce lost time by assigning light/alternate work duties which may be unrelated to the employee's usual job.
- d. Permanent disabilities fall under ADA requirements. Refer to HSCEP OP 10.15, Americans with Disabilities Act.
- e. Each department shall be responsible for implementing procedures. Departments shall make a good faith effort for each individual case. Employees in light/alternate work assignments shall maintain their salary and status unless there are unusual circumstances.
- f. Once the employee is released to alternate duty by a doctor and if alternate duty is available, a bona fide offer of employment shall be made in writing to the employee.
- g. The department shall prepare a Position Description (PD) with alternate duties noted. If the doctor modifies duties, the department will determine if it is acceptable and may counter or withdraw the offer.
- h. The employee who does not agree/accept a bona fide offer of employment that is based on restrictions provided by their physician may be subject to:
  - (a) A reduction or termination of benefits as allowed by the Texas Workers' Compensation Act, and
  - (b) Will be placed on leave without pay by their department.
- i. The employee is required to provide the department with a medical report from the doctor at least every 30 days.
- j. The employee must either return to work at the end of the alternate duty, seek reassignment, or be placed on disability leave in accordance with HSCEP OP 70.01, HSCEP OP 10.15, and HSCEP OP 70.32.

3. **ERTW Sequence of Actions.**

Employee completes Reasonable Accommodation Request Form and has his/her medical provider complete the Request for Medical Information for Reasonable Accommodation form.

- a. Medical provider determines employee limitations.
- b. Department receives medical provider's assessment.
- c. Department evaluates medical assessment against job requirements. d. Department determines if:
  - (1) Modification of current job requirements are feasible (light duty); or
  - (2) Must assign other responsibilities in another position (alternate duty).

- (a) Employee returns to work under light duty; or
  - (b) Department develops an ADPD for three months maximum.
- e. Letter of alternate duty offer is made to employee.
- f. Medical provider reviews ADPD in light of employee limitations.
- g. Employee accepts/rejects ADPD.