

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Return to Work

Policy Number: 11.24

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 11/15/21

Unit(s) Responsible for Policy Implementation: Vice President for Finance and Administration

Purpose of Policy (what does it do): It is the policy of Stephen F. Austin State University to provide a return to work program as the means to return employees to meaningful, productive employment following injury or illness. To provide the highest level of quality service to the citizens of Texas, the necessity exists for every employee of the university to be available for work, ready, and capable of performing the duties and responsibilities for which the employee was hired.

Reason for the addition, revision, or deletion (check all that apply):

Scheduled Review Change in law Response to audit finding

Internal Review Other, please explain:

Please complete the appropriate section:

Specific rationale for new policy: N/A

Specific rationale for each substantive revision: Minor changes.

Specific rationale for deletion of policy: N/A

Additional Comments:

Reviewers:

Judith Kruwell, Interim Vice President for Finance and Administration

John Wyatt, Interim Director of Human Resources

Jeremy Higgins, Director of Environmental Health, Safety, and Risk Management

Damon Derrick, General Counsel

Return to Work

Original Implementation: January 28, 1997

Last Revision: ~~January 29, 2019~~ February 1, 2022

Purpose

It is the policy of Stephen F. Austin State University to provide a return to work program as the means to return employees to meaningful, productive employment following injury or illness. To provide the highest level of quality service to the citizens of Texas, the necessity exists for every employee of the university to be available for work, ready, and capable of performing the duties and responsibilities for which the employee was hired.

General

The return to work program may provide opportunities for any employee of Stephen F. Austin State University who sustains a compensable injury during the course and scope of employment, a disability as defined by the Americans with Disabilities Act Amendments Act of 2008, and/or a serious health condition as defined by the Family and Medical Leave Act, to return to work at full duty. If the employee is not physically capable of returning to full duty, the university may provide opportunities, when available, for the employee to perform a temporary assignment in which the employee's regular position is modified to accommodate the employee's physical capacities, or to perform duty at an alternate position.

Each case will be evaluated on an individual basis according to the limitations of each employee as documented by a physician and the job responsibilities of the position. In the event of a worker's compensation injury or illness, the physician's restrictions must be documented and submitted on the Worker's Compensation Work Status Report DWC-073, including a thorough assessment of the employee's ~~specifications~~ *limitations when considering their official job description* ~~modified duty~~. A copy of the job description will be provided to the ~~physician~~ *safety officer* and can be obtained from the director of human resources, if requested. Failure to provide the appropriate documentation for ~~modified light or medium~~ *modified* duty return to work conditions may be grounds, among others, for denial of ~~light or medium~~ *modified* duty assignments. ~~Light-Modified~~ *Light-Modified* duty, if offered, is limited to a specific time frame and ~~may not exceed 12 weeks before being upgraded to medium work, then on to~~ *requires a doctor's release in order to return to regular full duty work*. All modified duty or restrictions to the employee's normal job duties as described on the official job description must be approved and accompanied by an Offer of Employment. The Offer of Employment is prepared by the safety officer and presented to the employee by the supervisor or department head. The university will request a release from the employee for direct communication with the physician regarding those matters that directly relate to return to work assessments. The university reserves the right to properly assess and verify the employee's physical capabilities as they relate to the job.

This return to work program shall not be construed as recognition by Stephen F. Austin State University, its management, or its employees that any employee who participates in the program has a disability as defined by the Americans with Disabilities Act Amendments Act (ADAAA) of 2008. If an employee sustains an illness or injury that results in a disability under the ADAAA, it is the employee's responsibility to inform their *immediate* supervisor ~~or a person in a responsible management position~~ *as soon as practical* that a disability under the ADAAA exists and that a reasonable accommodation will be necessary to perform the essential functions of the position held. Once the employee has informed their- supervisor, the human resources director *or their designee* must then be informed. Reasonable accommodations may be granted in conjunction with the physician's assessment of the employee's capabilities as it relates to the job and the needs of the university and as described in the Reasonable Workplace Accommodation for Disabilities policy (11.22).

As each situation arises, the case will be evaluated independently by the supervisor, ~~head of~~ department *head*, safety officer, director of human resources, the physician, and other administrators as necessary. Timely contact of individuals cited in their respective areas of responsibility is required to provide the employee with prompt care and *determination of appropriate* ~~justifiable~~ accommodations. *The director of h*Human resources *or their designee* conveys *what, if any, reasonable* ~~the conditions and requirements of~~ accommodations will be ~~made~~ *granted* to the employee *and management*.

Cross Reference: Family and Medical Leave (12.9); Workers Compensation Coverage (12.23); Reasonable Workplace Accommodation for Disabilities (11.22); Americans with Disabilities Act of 1990, 42 U.S.C. § 12101, as amended by the Americans with Disabilities Act Amendments Act of 2008, Pub. L. No. 110-325, 122 Stat. 3553; Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601-2654

Responsible for Implementation: Vice President for Finance and Administration

Contact For Revision: Environmental Health, Safety, and Risk Management Department and Human Resources

Forms: Worker's Compensation Work Status Report DWC-073, Offer of Employment (available in: Environmental Health, Safety, and Risk Management Department)

Board Committee Assignment: Academic and Student Affairs