



**ADMINISTRATIVE
POLICIES AND PROCEDURES MANUAL**

**DATE ISSUE
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D4-175.0**

SUBJECT

EMPLOYEE INSURANCE AND BENEFITS

SUB-TOPIC

MODIFIED DUTY POLICY FOR INJURY (RETURN-TO-WORK POLICY)

This policy applies to all University of Texas at Dallas employees. When feasible, UTD will assist employees injured on the job and temporarily restricted from performing their regularly assigned duties (as determined by their treating doctor) by modifying their work assignments for a limited period of time or until they are able to resume their regular duties. UTD will help employees, unable to resume their regular duties, to transfer to a position suited to their capabilities when feasible.

I. PROCEDURE

A. Involving attending physician:

Designated Workers Compensation personnel will inform the injured/ill employee's treating doctor about UTD's commitment to rehabilitation and return-to-work policies and procedures. The employee's treating doctor will provide temporary restrictions to the employee's work duties.

B. Evaluating the injured employee:

The employee's treating doctor's written documentation will be used to determine the employee's ability to return to work in a modified capacity. (See Exhibit D13.) An informal meeting will be scheduled with Environmental Health and Safety representatives and the employee's department head to discuss the employee's limitations and the possibility of the employee returning to work temporarily in a modified capacity.

A formal written work agreement will not be required for employees with an injury that requires lost time of seven (7) calendar days or less. If the treating doctor recommends a return to work on modified duty for seven (7) calendar days or less, a Environmental Health and Safety representative will then contact the employee's supervisor to arrange a possible return to work.



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C. The work agreement: (See Exhibit D14.)

The injured employee, and the employee's department supervisor will sign a written work agreement which the employee will follow while working in a modified capacity at UTD. The employee's treating doctor must approve the work agreement before the employee may return to work. The work agreement will be valid for a period of 90 days with a possible extension. The wages will be at the entry level for that assigned position. If the assigned position is at a lower pay level than the employee's current position, then the pay will be no less than 75% of the employee's current wages. If the treating doctor deems the employee capable of full release earlier than expected, the written work agreement will be voided when the employee returns to work in an unrestricted capacity.

If the employee's department is unable to utilize the employee with modified duty, then the Office of Environmental Health and Safety will explore other possibilities in other departments. If a work agreement is signed with another department, the employee's department will be responsible for paying the employee's prevailing wages while he/she works the temporary assignment in the other department.

II. WHEN THE WORK AGREEMENT EXPIRES AND THE EMPLOYEE IS NOT RELEASED BY HIS/HER TREATING DOCTOR TO RETURN TO HIS/HER REGULAR DUTIES, EH&S AND HUMAN RESOURCES WILL CONSIDER THE FOLLOWING ALTERNATIVES:

- A. The employee may be temporarily reassigned to the same or a different position consistent with his/her physical capabilities for a period not to exceed an additional three (3) months extension, provided the employee's physician certifies that the employee will be able in fact to return to full duties. Otherwise, the employee may be considered disabled and treated under applicable policies for accommodating disabled employees.
- B. The employee may apply for a transfer through routine procedures to a vacant position in another department consistent with his/her physical capabilities (per UTD transfer policies and procedures).



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C. If the modified duty assignment ends and the employee is not released by the treating doctor to return to his/her regular duties, UTD will make reasonable accommodations to continue the individual's employment at UTD or consider the employee's application for disability leave in accordance with the UTD Medical Disability Leave policy and refer the employee to the Texas Rehabilitation Commission for retraining. The decision will be made on a case-by-case basis depending on the specific circumstances.

III. REFUSING EMPLOYMENT OFFERS:

An employee who refuses a bona fide job offer as set forth in this policy may be subject to termination (in accordance with UTD Policy & Procedure for Discipline and Dismissal, D8-100.0). If the employee is being reimbursed through WCI for lost time, then that benefit may also be forfeited.



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CHECKLIST FOR IMPLEMENTING MODIFIED DUTY (RETURN-TO-WORK) POLICY

1. When an employee is initially injured and is certified unable to return to work by the treating doctor, Workers Compensation Insurance is contacted.
2. WCI will review the employee's job description.
3. The UTD WCI representative then contacts the treating doctor by letter requesting that this employee be evaluated for possible return to work, either full duty or with restrictions.
4. When response from the treating doctor is received, UTD Environmental Health and Safety and the employee's department head meet to discuss the recommendations.
5. If the employee can return to work and the restrictions are still within the normal scope of his employment, then the employee is returned to normal duty.
6. If the treating doctor has given restrictions which will require some modification of the job duties, then the restrictions are worked out with the department in which the affected employee works.
7. Next, the department will do everything possible to bring this individual back to work in this limited capacity.
8. If the department cannot utilize the person, EH&S along with HR will attempt to find modified duty in another department.