

UNIVERSITY of HOUSTON
MANUAL OF ADMINISTRATIVE POLICIES AND PROCEDURES

SECTION: Safety and Risk Management
AREA: Risk Management

Number: 06.05.02

SUBJECT: Return-to-Work Program
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I. PURPOSE AND SCOPE

This document encourages employees to return to work promptly following a work-related injury or illness. If an employee is able to work, but is unable to return to his or her regular duties, this document provides methods by which the employee may request to return to work in a modified or alternative assignment.

II. POLICY STATEMENT

The University of Houston provides a return-to-work program for work-related injuries or illnesses 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, it is necessary 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.

III. DEFINITIONS

Definitions of terms used in this document may be found in MAPP 06.01.01 and MAPP 06.05.01.

IV. GENERAL PROVISIONS

- A. The Safety and Risk Management Claims Coordinator administers the university return- to- work program.
- B. Human Resources approves all return-to-work decisions made within the context of this document.
- C. The return-to-work program provides opportunities for any employee covered by workers' compensation insurance who sustains a compensable injury during the course and scope of employment, to return to work at full duty.

If the employee is not physically capable of returning to full duty, the return-to-work program provides 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 a transitional assignment with alternate duties. Assignment of any employee to a transitional position or modified regular position in accordance with the return-to-work program, including determination of the pay rate for the transitional position, requires the approval of Human Resources or its designee. In the case of a faculty member, Human Resources will work with the Senior Vice President for Academic Affairs and Provost or designee.

- D. This return-to-work program shall not be construed as recognition by the 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 of 1990. If an employee sustains an injury or illness that results in a disability under the Americans with Disabilities Act, it is the employee's responsibility to inform his or her supervisor or a person in a responsible management position

when a disability under the Americans with Disabilities Act exists and that a reasonable accommodation is necessary to perform the essential functions of his or her job.

- E. The university has developed specific procedures to guide employees regarding the return-to-work program. Procedures address applications for return-to-work documentation requirements, and review and approval guidelines for applicable administrators. The procedures in this document include those for the review and approval by Human Resources in consultation with the Safety and Risk Management Department.
- F. The university complies with the Americans with Disabilities Act of 1990, which prohibits discrimination against qualified individuals with disabilities. Nothing in this document shall be used as the basis for illegal discrimination against any individual or group.
- G. The university complies with the Family and Medical Leave of Absence (FMLA) Act of 1993. The policy on FMLA is detailed in the UH System Administrative Memorandum 02.D.06.
- H. It is a violation of this return-to-work MAPP, and state or federal law, for any employee, supervisor, or manager of the university to discharge or in any other manner discriminate against an employee of this agency because the employee:
- Files a workers' compensation claim in good faith;
 - Hires a lawyer to represent the employee in a workers' compensation claim;
 - Institutes or causes to be instituted in good faith a proceeding under the Texas Workers' Compensation Act;
 - Testifies or is about to testify in a proceeding under the Texas Workers' Compensation Act.

V. SPECIAL ASSIGNMENTS

- A. If an employee is unable to return to regular duties, the employee or the university may request a special assignment as follows:
1. Assignment to the employee's regular position with temporarily modified duties that the employee is able to perform;
 2. Temporary assignment to a transitional position for a maximum of six months with duties that the employee is able to perform;
 3. Permanent assignment to another position with duties which the employee is able to perform; or
 4. Assignment to the employee's regular position with permanently modified duties that the employee is able to perform.
- B. The university will consider an employee's or supervisor's request for return to work in a special assignment according to the following criteria:
1. *Assignment to the employee's regular position with temporarily modified duties is designed for an employee who is temporarily unable to function at full capacity in the regular position due to work-related illness or injury, but who is expected to return to regular duties within six months.* Such duty modifications require the certification of the

employee's treating physician, and the Executive Director of Safety and Risk Management.

2. *Return to work to a transitional position with different duties is designed for an employee who is temporarily unable to function at full capacity in the regular position due to work-related illness or injury, but who is expected to return to regular duties within six months.* The employee must possess the knowledge, skills, and abilities required to function in the transitional position. Such temporary reassignment is used only when temporarily placing the employee in the transitional position would provide mutual benefits to the university and the employee, and when no current employee would be displaced by such reassignment. Such temporary reassignment requires the certification of the employee's treating physician, and the Executive Director of Safety and Risk Management.

Transitional assignments require advance approval of Human Resources. If a transitional assignment warrants a pay change for the affected employee, Human Resources is responsible to determine the correct pay rate for the transitional assignment. In the case of a faculty member, Human Resources will work with the Senior Vice President for Academic Affairs and Provost or designee.

The employee's salary in the transitional assignment shall be paid by the employee's regular department or division. The maximum duration of a transitional assignment is six months. The regular department or division is responsible for documenting the transitional assignment in accordance with university specifications.

3. *Return to work to a vacant regular position with different duties is designed for an employee who is permanently unable to function at full capacity in his or her regular position due to work-related illness or injury, and who possesses the knowledge, skills, and abilities required to function in the vacant position.* Such permanent reassignment is used only when permanently placing the employee in the vacant position would provide mutual benefits to the university and the employee, and where no current employee would be displaced by such reassignment. Such permanent reassignment requires the certification of the employee's treating physician and the approval of the supervisor of the new position and appropriate university administrators.
4. *Return to work to a restructured regular position with modified duties is designed for an employee who is permanently unable to function at full capacity in his or her regular position due to work-related illness or injury.* Such permanent duty modification requires the certification of the employee's treating physician, the approval of the department director or manager and appropriate university administrators.

- C. An employee who returns to work in a special assignment may be assigned to another university work site, depending upon the availability of vacant positions and the limitations or abilities of the employee.
- D. An employee participating in the return-to-work program will not be placed into a transitional or regular position if such an assignment would place the employee or others in greater danger than if an able employee held the position.
- E. An employee participating in the return-to-work program will not be placed into a position if such assignment would displace another current employee.
- F. An employee in a special assignment as described in section five is responsible for providing periodic reports from his/her health care provider during the period of the assignment.

VI. EMPLOYMENT OFFERS

Bona Fide Offers of Employment are subject to the following:

- A. Assignment to any of the types of positions described in section five will be documented in a bona fide offer of employment letter to the employee. The bona fide offer of employment letter shall include the following information:
- The type of position offered and the specific duties;
 - A statement that the university is aware of and will abide by any physical limitations under which the treating doctor has authorized the employee to return to work;
 - The maximum physical job requirements;
 - The wage rate of the job;
 - The assignment location;
 - The expected assignment duration;
 - The consequences of not accepting the assignment, in terms of duration and any income benefits payable under the Texas Workers' Compensation Act, and any other relevant leave provisions. The letter states that the university cannot guarantee that a position will be available should the employee fail to accept the assignment.
 - The contact person if the employee has questions regarding the assignment, job modifications, or other relevant leave provisions.
- B. The employee may accept or reject the bona fide offer of employment. The employee should be informed that rejection of the bona fide offer of employment will result in workers' compensation temporary income benefits (if applicable) being stopped by the State Office of Risk Management (SORM) as the state's insurance carrier. If the employee accepts the bona fide offer of employment, then the employee shall perform the position duties for the assignment term or until the employee is able to return to full duty, whichever is sooner. If the employee rejects the bona fide offer of employment, then the employee remains off work until the end of any approved leave period or until the employee is certified by the health care provider to return to full duty.
- C. In the case of a temporary assignment, if the employee is unable to return to full duty by the end of the assignment term and/or by the end of the employee's approved leave period, then the employee's continued employment with the university shall be considered based upon the business necessity of filling the employee's position and all applicable laws.

VII. REVIEW AND RESPONSIBILITY

Responsible Party: Associate Vice President for Administration

Review: Every three years on or before November 1

VIII. APPROVAL

Randy J. Harris
Vice President for Administration and Finance

Arthur K. Smith
President

Date of President's Approval: 09/05/2001

IX. REFERENCES

Index Terms: Return-to-work program
 Work-related injuries