

## Return to Work

**Original Implementation:** January 28, 1997

**Last Revision:** January 26, 2016

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.

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 documentation must be submitted on the Worker's Compensation Work Status Report DWC073, including a thorough assessment of the employee's specifications considering their official job description. A copy of the job description will be provided to the physician and can be obtained from the director of human resources, if requested. Failure to provide the appropriate documentation for light or medium duty return to work conditions may be grounds, among others, for denial of light or medium duty assignments. Light 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 regular 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 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 the supervisor or a person in a responsible management

position 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 the supervisor, the human resources director must then be informed. Confirmation of the disability by a licensed physician or other appropriate medical provider as determined by the university is required. Such documentation may be assessed or verified by the university. 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, 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 justifiable accommodations. If possible, a modified offer of employment will be proposed. The Offer of Employment form is to be used for this purpose.

**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 DW0C73; Offer of Employment (available in: Environmental Health, Safety, and Risk Management Department)

**Board Committee Assignment:** Academic and Student Affairs