



## **Return to Work**

### **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.

### **Persons Affected**

This policy affects all employees.

### **Policy**

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.

### **Procedures**

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 limitations when considering modified duty. A copy of the job description will be provided to the safety officer and can be obtained from the director of human resources, if requested. Failure to provide the appropriate documentation for modified duty return to work conditions may be grounds, among others, for denial of modified duty assignments. Modified duty, if offered, is limited to a specific time frame of 90 days in any 12-month rolling period and requires a doctor's release in order to return to regular full duty work. If doctor-provided evidence shows that the employee may be able to return to their regularly scheduled position within an additional 90 days, the employee may be allowed to work another 90 days of modified duty in the same rolling 12-month period with the approval of the safety officer. 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 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- director of human resources 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 SFA HOP 03-307 Reasonable Workplace Accommodations.

As each situation arises, the case will be evaluated independently by the supervisor, 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 accommodations. The director of human resources or their designee conveys what, if any, reasonable accommodations will be made to the employee and management.

### **Related Statues or Regulations, Rules, Policies, or Standards**

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

SFA HOP 03-501 Family and Medical Leave  
SFA HOP 03-220 Workers Compensation Insurance Coverage  
SFA HOP 03-307 Reasonable Workplace Accommodations

### **Responsible Executive**

Vice President for Finance and Administration ,Director of Environmental Health, Safety, and Risk Management, Director of Human Resources

### **Forms**

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

### **Revision History**

September 1, 2023 (original)