



TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER

Operating Policy and Procedure

HSC OP: 70.43, **Return-to-Work (RTW)/Alternate and Light Duty Assignments**

PURPOSE: The purpose of this Texas Tech University Health Sciences Center Operating Policy and Procedure (HSC OP) is to provide a mechanism for TTUHSC to assist employees with work-related injuries or illnesses and return to work as soon as possible after an accident, injury, or illness.

REVIEW: This HSC OP will be reviewed by September 1st of every even-numbered year (ENY) by the TTUS Director of Risk Management and the Vice President and Chief Human Resources Officer (CHRO), with recommendations for revisions forwarded to the Executive Vice President and Chief Operating Officer (COO) by November 15th.

POLICY/PROCEDURE:

1. **Return-to-Work.** Return-to-work (RTW) policies include light and alternate duty assignments to encourage employees with work-related injuries or illnesses to return to work as soon as possible. With guidance from the TTUS Office of Risk Management, Human Resources will assist the Department in identifying suitable activities that align with the Employee's medical requirements and support the operational needs of the Department.

a. **Definitions.**

- (1) **Light Duty:** An employee returns from a work-related injury to modified or restricted duties in the position they already held.
- (2) **Alternate Duty:** Where temporary duty restrictions prevent an employee from safely returning to work and is temporarily assigned to an alternate position within the home department or a hosting department.
- (3) **Home Department:** The Department to which the Employee is assigned during normal employment.
- (4) **Hosting Department:** The Department that provides an alternate duty to an injured employee.

b. **Intent.** Where practical, employees of TTUHSC on temporary disability due to a workers' compensation-covered injury will be allowed to return to work in light duty or alternate duty status. In either of these instances, the duty offered will meet the physician's recommendations and be subject to the provisions of [Texas Tech University System Regulation 10.10: Employee Leave](#), [Texas Tech Systems Regulation 10.04: Access for Individuals with Disabilities](#), and [HSC OP 51.04 Access for Individuals with Disabilities](#), the Americans with Disabilities Act (ADA), and this TTUHSC OP.

RTW policies should be used in all departments to keep an employee working and productive. In situations where RTW is impractical, the Department should initiate and continue communications with the Employee and Human Resources to expedite the Employee's return to regular duty.

Employees on temporary disability leave suffering any permanent disability as defined by the Americans with Disabilities Act (ADA) should complete a Reasonable Accommodation Request form on the Human Resources Forms page.

Departments should provide reasonable accommodation(s) to the Employee, or if necessary, the Employee should be considered for other positions in the Department for which they are qualified without job posting requirements outlined in HSC OP [70.11](#).

c. Responsibilities/Procedures.

- (1) Granting alternate duty is optional to TTUHSC. The offer of alternate duty may be terminated at any time following its operational needs. Termination of alternate duty should be forwarded to the Employee in writing only after approval by Human Resources. TTUHSC is not obligated to create alternate duty positions, but will make reasonable efforts in alignment with our values-based culture.
- (2) Each Department should implement procedures that encourage employees who are on restrictions to return to work when possible. Departments can facilitate this by identifying light-duty assignments that conform to the restrictions determined by their healthcare provider. This may consist of modifying the Employee's current job requirements (light duty) or assigning other responsibilities in another position (alternate duty).
- (3) When an employee cannot perform regularly assigned duties, the Employee may return to work full or part-time to light-duty assignments that the Employee is qualified to perform. The light duty may consist of alternate duties not usually assigned or modified duties regularly performed.
- (4) The injured Employee's home department has the first opportunity to offer temporary alternate duty before alternate duty is presented in another department. Departments should cooperate in providing alternate duties. The Employee's salary shall be paid by the Employee's home department or division unless funding requirements, contractual staffing models, grant restrictions, or other business reasons prohibit this process.
- (5) Employees on light or alternate duty shall maintain their salary and status except in such circumstances approved by the appropriate dean/vice president, the Office of Equal Opportunity (OEO), and the VPHR. The light duty or alternate duty should be less than the duration of the medical restriction or three months. At the end of three months, the case shall be reviewed by Human Resources and the OEO for the most suitable options.
- (6) Before the Employee's return to work, where necessary, the Employee shall provide a completed [ADA Reasonable Accommodation Request for Medical Information](#) form on the Human Resources Forms page. An email request and physician note may be approved for use in lieu of the form at the discretion of Human Resources. Following the Employee's release from restricted duty by a physician, Human Resources will review the medical limitations relevant to the essential functions of the Employee's job description and communicate with the Department. The Department should offer the employee light duty if such duty is compatible with the Employee's medical restrictions and is available and notify Human Resources of this offer.
- (7) If alternate duty is required, the Department should prepare an Alternate Duty Position Description (ADPD) in Word to document the duties, responsibilities, physical demands, hours worked per week, and job functions to be performed following the Employee's medical restrictions. Any offer of alternate duty and ADPD must be approved by the campus HR Managing Director prior to forwarding such an offer to the Employee. The offer (Attachment A) for alternate duty assignment should clearly state the following:
 - (a) the position offered;
 - (b) the hours of duty;

- (c) the wages;
 - (d) job description, including duty hours and maximum physical requirements of the position (lifting and approximate lbs., approximate time stooping, pushing, standing, sitting, etc.);
 - (e) the address, location, and approximate distance in miles from the Employee's residence; and
 - (f) the beginning and ending date of the position.
- (7) The Employee's physician must review and certify that the Employee can perform the tasks defined. If the physician modifies the ADPD, the employing Department must determine whether the modification is acceptable and if additional duties should be substituted. The physician should recertify the job description if duties are added or revised. The Department maintains the right to withdraw the offer of alternate duty if the ADPD, as modified by the physician, is unacceptable to meet operational needs. Any questions or concerns should be directed to Human Resources.
- (8) Employees in receipt of a bona fide offer of employment should follow the instructions below:
- (a) Carefully read the letter. If the letter is not clear, contact Human Resources immediately for clarification.
 - (b) Check the appropriate space indicating acceptance or denial of the offer of employment.
 - (c) Sign and date the form.
 - (d) Return the letter immediately. A phone call may be made to accept or not accept the position, and the signed form is provided upon return to work; however, a response must be submitted within seven (7) days of receipt of this offer.
- (9) The Employee who does not agree/accept a bona fide offer of employment that is based on restrictions provided by their physician may be subject to:
- (a) A reduction or termination of benefits as allowed by the Texas Workers' Compensation Act, and
 - (b) Will be placed on leave without pay by their Department.
- (10) Anytime an employee returns to duty from a lost time status, whether to light duty, alternate duty, or full duty, the Department will prepare a DWC-6, *Supplemental Report of Injury*, and send it to TTUS Risk Management.
- (11) The Employee shall provide updates on restriction status to Human Resources and their Department following each physician visit. All ORM-required medical report updates, usually at a minimum thirty of (30) day increments, shall be followed.
- (12) At the end of an alternate duty assignment, the Employee must either return to regular duty, seek reassignment or apply to a new position that meets that Employee's capabilities and restrictions, or be placed on disability leave in accordance with Texas Tech University System Regulation [10.10](#), *Employee Leave*.

2. **Overview of Early Return-to-Work and Light Duty Assignments**

- a. TTUHSC is not obligated to create alternate duty positions, and it may be terminated at any time by informing the Employee in writing.
- b. TTUHSC will attempt to return the injured Employee to work as soon as possible by assigning light/alternate work duties that may be unrelated to the Employee's usual job.
- c. Each Department shall be responsible for implementing procedures and practices consistent with this policy. Departments shall make a good faith effort to provide light duty or alternate duty assignments based on the Employee's restrictions. Employees in light/alternate work assignments shall maintain their salary and status unless otherwise approved by the VPHR.
- d. The Employee who rejects the Bona Fide Offer of Employment that meets restriction criteria provided by their physician may be subject to:
 - (1) A reduction or termination of benefits as allowed by the Texas Workers' Compensation Act; and
 - (2) Will be placed on leave without pay by their Department.
- e. The Employee is required to provide the Department with a medical report from the doctor the day after the doctor's visit.
- f. The Employee must either return to work at the end of the alternate duty, seek reassignment, or be placed on disability leave in accordance with System Regulation [10.10](#).

- 3. **Americans with Disabilities Act.** All employees with disabilities should refer to HSC OP [51.04](#), *Access for Individuals with Disabilities*, and Texas Tech University System Regulation [10.04](#), *Access for Individuals with Disabilities*, for information and instructions for reasonable accommodations or disability accommodations not addressed in this policy. Human Resources administers all Employee accommodation requests and can be contacted directly for guidance and assistance.
- 4. **Right to Change Policy.** TTUHSC reserves the right to interpret, change, modify, amend, or rescind this policy in whole or in part at any time without prior notice to or without the consent of employees.