



POLICY & PROCEDURE DOCUMENT

NUMBER: 4.9200
DIVISION: Finance and Administration
TITLE: Return to Work – Modified Duty Program
DATE: February 6, 2006
REVISED: N/A
Policy for: All Employees

Authorized by: Director, Human Resources

I. Purpose and Scope

To define the Return to Work - Modified Duty Program in accordance with the University's Workers' Compensation Program.

Western Kentucky University values the health and welfare of all employees. The University believes injuries and illness affect the whole person and that effective rehabilitation and treatment must address the whole person. It is important for an injured employee to continue to be physically and mentally active within the restrictions of their particular injury or illness. Western Kentucky University is committed to assisting employees in maximizing the healing process as well as facilitating the opportunity to return to work.

II. Policy

A. Eligibility and Usage

1. Any employee, (full-time, part-time, student or graduate student) of Western Kentucky University who:
 - a. Sustains an injury or illness that arises out of the course and scope of employment and is a compensable injury or illness as defined by Kentucky Workers' Compensation;
 - b. Is temporarily unable to perform his/ her full duties due to a job related injury or illness as determined by his/her treating physician;

- c. Is capable of carrying out work of a modified nature as evidenced by a written statement from a qualified physician with the expectation of returning to regular duties within 90 calendar days.

B. Policy

1. Consistent with Kentucky Workers' Compensation law, Western Kentucky University will make every reasonable effort to return to the workplace those employees who have sustained job related injuries or illnesses, and as a result are temporarily or permanently prevented from returning to their regular position. At the discretion of the employing unit, temporary and student employees may be returned to work early and given light duty assignments, but such assignments will be limited only to the duration of the employee's temporary or student assignment. Placement in a modified duty position is not a permanent reassignment. The modified duty assignment will continue until the employee reaches Maximum Medical Improvement (MMI) or is released to return to his/ her regular position by a physician. All modified duty is for a limited time not to exceed 90 days.
2. The Return to Work- Modified Duty Program is for the benefit of the employee and the University. Its purpose is to keep the employee in the working environment actively employed (receiving his/ her normal rate of pay in a modified position) and contributing to University productivity.

III. **Procedure**

A. General

1. Once it is determined that an employee has sustained a work related injury and the proper paperwork has been completed, the supervisor will determine if a modified duty job is available.
2. The injured employee must provide his/ her supervisor a Fitness for Duty Medical Certification completed by the attending physician. This certification shall indicate whether or not the employee may return to work with restrictions, limitations and the specified time period restrictions should be observed. The Fitness for Duty Medical Certification will assist the supervisor and the Department of Human Resources in placing the employee in a modified position.
3. The University will make every effort to return the employee in a modified duty assignment within the employee's regular work unit.
4. The supervisor may communicate with Human Resources to clarify and obtain specifications on physical restrictions relative to job duties, responsibilities, work availability and workload demands. This communication will assist the University in determining appropriate placement of the modified duty employee.
5. If it is determined that no modified duty jobs are available in the employee's regular unit, Human Resources will make the modified position assignment based on standard modified positions currently available.

6. It is not the responsibility of the University to create modified duty jobs if they are not available. If there are no modified/light duty positions available, the employee will adhere to the Workers' Compensation Program without the option of modified duty.
7. If a modified job assignment is available the offer will be made in writing to the employee outlining the new assignment and the duration.
8. The employee will accept or decline the modified assignment in writing. Failure to report for work on the start date of modified duty, as written in the job offer, will be interpreted as a refusal of the offer.
9. If the employee refuses the modified duty job offer that is within the specified physical restrictions, the University is not obligated to provide alternatives. The employee may be subject to termination and or cancellation of income benefits under Workers' Compensation Insurance.
10. Wages in a modified position will continue at the employee's current rate.
11. In the event that an employee's physician determines that the employee's injury/illness has resulted in permanent disability as defined in the American's With Disabilities Act (ADA), the employee should notify his/ her supervisor, Human Resources and the ADA Compliance Officer. If there are other positions for which the employee is qualified and those positions are available the Department of Human Resources will assist the employee in applying for those vacancies.
12. If there is no work for which the employee is qualified given the imposed restrictions, Human Resources will assist the employee in applying for Long Term Disability and any other programs the employee would be eligible to receive. At this point the employer/employee relationship would be terminated.

B. Affected Employee Responsibilities

1. Report any injury/illness immediately to supervisor;
2. Complete all needed paperwork as soon as possible;
3. Follow campus rules and practices;
4. Maintain contact with Supervisor and the Workers' Compensation Coordinator;
5. Provide regular updates, at least weekly, with medical reports on health condition and treatment to the Workers' Compensation Coordinator;
6. Return to offered modified duty (if applicable), which is within medical restrictions (if applicable) as set by the treating physician.

C. Supervisor Responsibilities

1. Initiate immediate medical treatment for injured employee when necessary;
2. Conduct investigation and identify and correct hazard;
3. Report the injury and complete all appropriate paperwork as soon as possible;
4. Inform employee of campus work rules and practices;
5. Maintain contact with the injured worker and the Workers' Compensation Coordinator;
6. Work with the Workers' Compensation Coordinator, to identify or develop modified duty assignments, within medical restrictions for the affected employee.

IV. Exclusions

V. Related Policies

See also: Procedures

VI. Reason for Revision

Appendices: