

UNIVERSITY of HOUSTON
MANUAL OF ADMINISTRATIVE POLICIES AND PROCEDURES

SECTION: Human Resources
AREA: Benefits

Number: 02.02.07

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 their 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 a work-related 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 02.02.06](#).

IV. GENERAL PROVISIONS

- A. The Risk Management claims coordinator administers the university's return-to-work program.
- B. The employee's departmental supervisor, transitional departmental supervisor (if applicable) and the claims coordinator recommend and approve the assignment of employees who have been placed on modified duty by the injured employee's health care provider.
- C. The return-to-work program provides opportunities for employees who sustain a compensable injury during the course and scope of employment to return to work at full/modified 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 temporary assignment with alternate duties. Assignment of any employee to a temporary position or modified regular position in accordance with the return-to-work program requires the approval of the employee's departmental supervisor, transitional departmental (if applicable) and the claims coordinator.

- 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 their 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 their 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, review and approval guidelines for applicable administrators. The university's procedures include, at a minimum, review and approval by Human Resources in consultation with the 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 Act](#) of 1993 (FMLA). 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. TEMPORARY ASSIGNMENTS

- A. If an employee is unable to return to regular duties, the employee or the university may request a temporary assignment. Performance of a temporary job assignment is intended to return an injured employee to work at less than their full duties when a compensable injury or serious medical condition resulting from a work-related injury or illness prevents the employee from working full duty. The two types of temporary assignments are modified duty and alternate duty and such temporary assignments are available for six months only. Once the employee's health care provider certifies that the employee can return to work and can perform the essential functions of the job, the supervisor must adhere to the employee's medical/work restrictions. The university will consider an employee's or supervisor's request for return to work in a temporary assignment according to the following criteria:
 1. **Modified Duty:** Performance of all of the essential functions, but only a portion of the non-essential functions and tasks of the regular job duties for which the employee is employed. Modified duty allows the employee to return to current employment in their regular job, and perform those duties and tasks that are within the capabilities of the employee, given the restrictions to duty imposed by the health care provider. Modified duty is a temporary arrangement until the injured employee can resume full duty in their regular job or for a period of six months, whichever comes sooner.

2. **Alternate Duty:** Performance of the essential functions of a job or position other than the position for which the employee is employed. Alternate duty allows the employee to perform other duties and tasks that are within the capabilities of the employee, given the restrictions to duty imposed by the health care provider. Such alternate duty may be physically located in the same department or in some other department. Alternate duty is a temporary arrangement until the injured employee can resume duty in their regular job or for a period of six months, whichever occurs sooner.

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

- B. Supervisors/managers are responsible for providing the return-to-work coordinator with a copy of the employee's position description, which should indicate the physical maximum requirements and the essential and non-essential functions of the position.
- C. An employee who returns to work in a temporary assignment may be assigned to another 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 temporary 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 temporary assignment is responsible for providing an updated work status report after each date of treatment from their health care provider during the period of the assignment to their departmental supervisor and the claims coordinator.

VI. BONA FIDE OFFER OF EMPLOYMENT

- A. Assignment to any of the types of positions described in Section V 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 health care provider has authorized the employee to return to work and will provide training if necessary;
- Description of 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 suspended or not initiated-by the State Office of Risk Management (SORM). If the employee accepts the bona fide offer of employment, then the employee shall perform the duties of the position for the term of assignment 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, whichever occurs sooner. If the employee rejects the bona fide offer of employment, the approved leave period has expired and the employee is unable to return to their regular position, then the employee's continued employment with the university shall be considered based upon business necessity and all applicable laws.
- C. In the case of a temporary assignment, if the employee is unable to return to full duty by the end of the assignment period and the approved leave period has expired then the employee's continued employment with the university shall be considered based upon the business necessity and all applicable laws.

VII. REVIEW AND RESPONSIBILITY

Responsible Party: Associate Vice President for Finance

Review: Every five years

VIII. APPROVAL

/Raymond Bartlett/

Senior Vice President for Administration and Finance

/Renu Khator/

President

Date of President's Approval: November 30, 2021