

Return to Work Policy/Modified Duty

June 7, 2011

This policy does not affect reasonable accommodation required by any federal or state laws, such as The Americans with Disabilities Act (ADA), The Rehabilitation Act of 1973, or other applicable laws and does not affect any rights and obligations under the Family Medical Leave Act (FMLA).

Sacred Heart University may revoke, change or supplement this policy at any time upon written notice. **Nothing herein is a contractual commitment and shall not be construed as such.**

Policy Purpose:

To provide modified work assignments when feasible, so as to return workers to employment, to assist employees who are temporarily unable or restricted from performing their own duties due to an any illness or injury.

Modified Duty:

Modified assignments will be determined based upon the availability of the position, department needs, and restrictions placed upon the individual by the employee's treating physician and will be available on a temporary basis, generally up to 90 days. This program is not intended for employees with injuries that require a permanent modification of their regular job duties. Individuals accepted into this program should have a predicted full recovery within the 90-day time-frame.

When feasible, the modified duty assignment will be in the employee's own department. However, if this is not feasible, Human Resources will attempt to arrange for an assignment in some other area of the University as may be available.

Eligibility

To be eligible for participation in the SHU RTW program, an employee must provide medical approval from his or her treating physician that he or she is:

- Unable to perform his or her essential duties, following illness or injury;
- Is capable of performing the duties of the modified job assignment;
- Is expected to return to his or her regular job duties on a full-time basis generally within 90 calendar days.

Compensation

Compensation during the modified duty assignment will be determined by the assignment itself. However, the employee placed in a modified duty position may be paid a salary that is equivalent to the salary of other employees holding the same position. This compensation will be charged against the payroll of the department that the employee worked for on a regular full-time basis.

Refusal to participate in the Sacred Heart University RTW program

If an eligible employee refuses to cooperate with the SHU RTW program or refuses to accept an available modified duty assignment, employee's benefits could be jeopardized and employment reinstatement may be lost.

Process

1. In the event of an employment related illness or injury, the supervisor must call Public Safety immediately to file a report. The employee's supervisor and a representative from Public Safety will jointly interview the employee to record the events which led to the illness or injury. If the event is an emergency and the employee is in need of immediate medical attention, transportation will be provided to a medical provider/facility or an ambulance will be requested. Interviews will be conducted at a later date when the employee is medically able to participate.
2. Any illness or injury causing an employee to miss 3 or more continuous work days requires the employee to be seen by his/her physician to determine whether he/she is able to return to work with or without restrictions or accommodations. During this evaluation the employee must inform the physician of the University's return to work policy and provide the physician with his/ her regular job description that identifies the essential functions of the job and its physical requirements.
3. For the purposes of this Policy, when the employee is able to return to work the attending physician must complete the Physical Capacities Report (PCR), indicating the specific restrictions and the duration of those restrictions. The physician must also indicate whether the employee will be able to return to work to his/her regularly assigned duties at the end of this modified duty period.
4. Based upon the information provide in the PCR, Human Resources will determine if the employee is an eligible candidate for modified duty and whether a temporary assignment is available. In some cases it may not be feasible for the University to offer a temporary assignment.

Offer of Modified Duty

Once the employee has been approved for a temporary modified duty assignment, he or she will receive a letter from Human Resources outlining the job responsibilities, start and projected end date of the temporary assignment and location of the position. The employee must sign this letter and return to Human Resources within 7 days of receipt of this letter. Failure to sign and return this letter within the required timeframe will be concluded as a refusal to participate in the Sacred Heart University Return to Work Program and could result in loss of benefits and termination subject to applicable laws such as The Americans with Disabilities Act (ADA), The Rehabilitation Act of 1973, the Family Medical Leave Act (FMLA) and Workers Compensation.

End of Modified Duty

Suitability for employment and return to work will be coordinated with the mandates of Worker's Compensation laws, Family Medical Leave Act, Americans with Disabilities Act, The Rehabilitation Act of 1973 and any and all similar state or federal laws.

An employee who is unable to return to his/her regularly assigned duties at the end of the modified duty agreement may request a leave of absence through his/her supervisor or may elect to terminate his/her employment with the University.

Workers Compensation leave and FMLA leave run concurrently

If the employee has exhausted all leave under the applicable laws and policies of the University and FMLA, the University has the option to approve or deny the leave of absence request. If leave without pay is denied, employment with the University will be terminated subject to and as allowed by law.