

# Workers Compensation- Return to Work

## I. Purpose

The purpose of this guideline is to establish a program to expedite recovery of employees with work-related injuries by returning them to productive employment status as soon as possible while minimizing the risk of re-injury.

## II. Scope

This policy supports TBR P-065 Guideline on Return to Work for employees that have been injured in the scope of work.

## III. Policy

### I. Intent

A. The intent of the program is to be supportive of temporary assignments for employees placed on light or sedentary light duty restrictions by their Authorized Treating Physician during recovery. This guideline does not address the procedure for assessing requirements for reasonable accommodation under the Americans with Disabilities Act (ADA) or eligibility for leave under the Family Medical Leave Act (FMLA) or Tennessee Family Leave Act (TFLA).

### II. Applicability

A. The guideline shall apply to employees who are on leave as a result of work related injuries or illnesses and who are receiving workers' compensation benefits and who are restricted in the performance of their duties due to compensable work-related injuries.

B. The Tennessee Board of Regents does not guarantee placement and is under no obligation to offer, create, or encumber any specific position for purposes of offering placement.

1. In the event an employee refuses a Modified/Transitional Duty Assignment outside the employee's FMLA leave eligibility period, which is within the employee's medical restrictions, the institution is not obligated to provide alternatives.

2. Failure to accept a Modified/Transitional Duty Assignment that has been approved by the Authorized Treating Physician may result in reduction of the workers' compensation wage replacement benefits and/or disciplinary action.

3. A Modified/Transitional Duty Assignment must meet the institution's staffing needs.

### III. Program Objectives

A. For any return-to-work program to be successful, the cooperation of the employee, the employee's department (or another department), Human Resources and the employee's Authorized Treating Physician is necessary.

B. Objectives include, but are not limited to:

1. Assist the employee to return to work as soon as possible;
2. Maintain pre-injury income;
3. Minimize work delays/interruptions;
4. Maintain communication with employee;
5. Minimize isolation and assist the injured employee in maintaining a positive connection to the workplace;
6. Maintain pre-injury routine;
7. Confirm commitment to the employee;
8. Reduce workers' compensation claim costs.

#### IV. Modified/Transitional Work Requirements

A. For work to be considered suitable modified employment, the following conditions must be met:

1. The employee must meet the required qualifications for the Modified/Transition Duty Assignment which the employee will be required to perform;
2. The work must conform to the medical restrictions set by the Authorized Treating Physician;
3. The Modified/Transitional Duty Assignment and/or modified work schedule cannot exceed 90 calendar days unless approved by written recommendation.

B. The Modified/Transitional Duty Assignment ends when any of the following occur:

1. The Authorized Treating Physician releases the employee to return to full duty.
2. Circumstances require that the Modified/Transitional Duty Assignment be discontinued.
3. 90 calendar days have elapsed.

#### V. Procedures

A. An employee must immediately notify their supervisor of any work-related injury.

B. The supervisor will complete, sign, and submit the First Report of Injury form along with any additional applicable forms to Human Resources.

C. Human Resources will submit the claim to the Claims Management Service with any available medical documentation.

D. Human Resources will consult with the injured employee, supervisor, department administrator, division administrator (if applicable) and the Authorized Treating Physician to determine if a proposed Modified/Transitional Duty Assignment is suitable.

E. If a suitable Modified/Transitional Duty Assignment is identified, Human Resources will contact the employee to discuss the assignment, length of assignment, restrictions and expectations regarding the assignment, medical evaluations, and other pertinent information.

F. Human Resources will communicate with the employee on a regular basis for updates and to support the employee through the transitional process.

G. All medical appointments and injury/work status reports for the injured employee will be tracked, to the extent possible, by Human Resources and communicated by Human Resources, to the employee's supervisor regarding any updates or changes.

H. Human Resources will review the Modified/Transitional Duty Assignment every 30 calendar days to determine if the employee is still in transition based on the Authorized Treating Physician's recommendation.

I. If a supervisor encounters issues during the Modified/Transitional Duty Assignment, the supervisor shall report such issues to Human Resources. Human Resources will determine necessary changes or if continuation of the assignment is appropriate.

J. Upon completion of the Modified/Transitional Duty Assignment, Human Resources will coordinate the return to normal full duty assignment in the employing department and the return-to-work file will be closed.

#### VI. Guidelines for Developing a Return-to-Work Assignment

A. When determining if a proposed Modified/Transitional Duty Assignment is suitable, Human Resources will consult with the injured employee, the department, and the Authorized Treating Physician. Other individuals may participate in the discussion as needed (e.g. safety coordinator).

B. The employer will consider physical requirements, job descriptions, job analysis questionnaires, and medical opinions of the Authorized Treating Physician to determine if transitional duties are available.

1. Every effort will be made to place the employee in their employing work unit; however, if this is not possible, Human Resources may recommend an alternative work assignment as long as the conditions for return to work outlined above have been met.

## **IV. Compliance**

All DSCC employees are expected to adhere to this policy.

## **V. Definitions**

- Authorized Treating Physician – the doctor approved to treat the compensable injury. This physician is selected from the state’s workers’ compensation preferred provider network.
- Full Duty – the employee’s pre-injury duties and tasks.
- Modified/Transitional Duty Assignment – a restricted or light duty short-term position, for a defined period, that recognizes an employee’s temporary limitations during recovery and rehabilitation as set forth by the Authorized Treating Physician.
- Occupational Injury – an accident arising out of and in the course of employment.
- Occupational Illness – a disease arising out of and in the course of employment, but not an ordinary disease of life to which the general public is exposed outside of the employment.

## **VI. Revision History**

Policy created 5/30/2014. Revised April 2024; approved by Administrative Council on 4/25/2024.