

## **OLD DOMINION UNIVERSITY RETURN TO WORK PROCEDURES**

### **I. SCOPE**

The practices promulgated in this procedure are issued in compliance with Old Dominion University's Return to Work Policy. The procedures provided herein apply to teaching and research faculty, administrative and professional faculty, adjunct faculty, classified employees, and hourly/wage employees of Old Dominion University at all university locations. This procedure shall be applied in situations when a full-time faculty or classified employee or part-time classified employee is restricted in the performance of their regular duties due to personal injury, illness or medical condition, or due to a work-related accident/injury. This procedure may be applied in situations when an adjunct faculty or hourly/wage employee is restricted in the performance of their regular duties due to personal injury, illness or medical condition, or due to a work-related accident/injury. Requests by an adjunct faculty or hourly/wage employee will be reviewed by the supervisor in consultation with the Department of Human Resources and the Office of Equal Opportunity on a case-by-case basis. Old Dominion University provides for the use of Return to Work Duty Assignments (RTWDA) and shall, to the extent possible, assist employees by temporarily modifying work assignments, duties or arranging for a temporary transfer until the employee is medically released to resume regular duties.

### **II. RESPONSIBILITIES**

- A. The Director of Human Resources for policy and procedure oversight.
- B. The Benefits Manager and Employee Relations Manager for technical guidance, administration, communications and training and the assignment and supervision of Return to Work Coordinator.
- C. Vice Presidents, Deans, Chairs, Directors, and Supervisors for policy and procedure execution and Return to Work Duty Assignment compliance.
- D. The Directors of Risk Management and Environmental Health and Safety for coordination with university policies and procedures concerning Work Place Safety and Health.
- E. The Assistant Benefits Manager (Return to Work Coordinator) for routine technical guidance and assistant to supervisors and employees, communication and training coordination, RTWDA employee file and documentation maintenance, and liaison and communications with Virginia Sickness and Disability Program VSDP Administrators and the State's Workers' Compensation Administrator, as applicable.

- F. The Return to Work Committee, to periodically evaluate the Return to Work Program and to provide applicable recommendations and guidance to the Director of Human Resources, executive management and supervisors. Members of this committee shall be the Benefits Manager, Employee Relations Manager, the Return to Work Coordinator and a representative from the Risk Management/Environmental Safety Office.

### **III. DEFINITIONS**

- A. Full Duty – Regular work tasks as defined in the employee’s job description or work profile.
- B. Light or Modified Duty – A temporary situation when an employee returns from a personal or work-related injury or illness to medically restricted or modified duties in their home department. Duties assigned can be those identified in the employee’s current job description or work profile with restrictions or another assignment within the employee’s home department.
- C. Alternate Duty – A temporary situation where the non-availability of light or modified duty preclude the employee’s return to duty in the employee’s home department in either a light or modified duty assignment, and a temporary assignment to an alternate position is offered in another host department.
- D. Return to Work Duty Assignment – a temporary assignment to a light, modified or alternate duty assignment.
- E. Home Department – The department to which the employee is assigned during his or her normal employment.
- F. Host Department – The department which provides alternate duty to an injured or ill employee.
- G. Work-related injury or illness – An injury or illness certified as compensable by the Workers’ Compensation Program.
- H. Personal injury, illness or medical condition – An injury, illness or medical condition not compensable under Workers’ Compensation.

### **IV. PROCEDURES**

- A. Employees with a work-related accident/injury or illness shall notify their supervisor and Return to Work Coordinator immediately following a work-related accident/injury, and comply with all applicable Virginia Sickness and Disability Program (VSDP) & Workers’ Compensation policies and procedures.

- B. Supervisors shall notify the Return to Work Coordinator immediately when an employee is expected to be absent for any period of time for a work-related injury or illness. Supervisors shall notify Human Resources as soon as possible when an employee is expected to be absent for more than five consecutive workdays for a personal injury, illness or other medical reason. Supervisors and employees shall comply with applicable VSDP, Department of Human Resource Management leave policies, and Workers' Compensation policies and procedures.
- C. Employees returning to full duty following any absence resulting from a work-related accident/injury or from a personal injury or illness excused by an authorized medical provider, must provide their supervisor with documentation from the authorized medical provider which excuses (no duty) the just concluded absence and recommends return to full duty, if applicable. If the authorized medical provider recommends light or modified duty, this documentation must be provided to the employee's supervisor. Employees may not return to work following an absence excused by an authorized medical provider, without documentation from the authorized medical provider which approves/authorizes return to work in a full, light or modified duty status.
- D. Supervisors and the employee, in conjunction with the Department of Human Resources Return to Work Coordinator shall, within five (5) business days, review the authorized medical provider's light or modified duty recommendations/restrictions. Whenever possible the employee shall be assigned to a RTWDA. If disagreement arises between the supervisor and the employee concerning the capabilities of the employee or the appropriateness of the RTWDA, the matter shall, within five (5) business days, be referred to upper management within the supervisor's/employee's department and the Department of Human Resources RTW Coordinator .
- E. The employee's supervisor, in conjunction with the Department of Human Resources Return to Work Coordinator, using the light/modified duty restrictions provided by the authorized medical provider, shall complete a RTW Position Requirements Worksheet for any assigned RTWDA (light, modified or alternate duty). This worksheet shall be reviewed by the supervisor and employee together, signed by the supervisor and by the employee and forwarded to the Department of Human Resources RTW Coordinator. A copy of the physician's or VSDP Third Party Administrator (TPA) document that establishes the duty restrictions shall be attached to the RTW Position Requirements Worksheet. In instances requiring clarification of restrictions or applicability of the RTWDA, a copy of the RTW Position Requirements Worksheet and the Employee's Work Profile will be provided to the treating physician for review.
- F. RTWDAs shall be temporary (except where there may be implications concerning the Americans with Disabilities Act - ADA) and made available to those employees who

are expected to return to full duty in their previously held position in the home department. Long-term restrictions shall be evaluated for applicability to the ADA. RTWDAs may be made for 30 calendar days and may not normally exceed 120 days. At the conclusion of 30 days, the supervisor in consultation with department management, and the Department of Human Resources may terminate the RTWDA assignment thus placing the employee on Leave With or Without Pay, VSDP short-term disability, VSDP long-term disability or personal/workers' compensation leave, as appropriate. On a case-by-case basis, at the supervisor's discretion, in consultation with the Return to Work Committee, employees unable to return to full duty may also:

- be continued in the RTWDA assignment for 30 day increments, not to normally exceed 120 days, with review following each increment;
- be required to explore the option of requesting a leave of absence; be required to explore the option of filing for a VRS disability retirement, if eligible;
- be required to explore pursuing other employment opportunities.

- G. RTWDAs must meet department/university staffing needs and accommodate the employee's medical restrictions while taking into consideration the welfare and safety of the employee and their co-workers.
- H. A RTWDA shall not exceed the level of responsibility of the regularly assigned position/function.
- I. RTWDAs may be altered, upgraded, or changed in a manner consistent with medical restrictions and in accordance with the employee's condition.
- J. Departments shall look at all areas within their scope of responsibility, not just the returning employee's position, for available light and modified RTWDAs.
- K. If a light or modified RTWDA is not available within the home department, the home department supervisor shall notify the Return to Work Coordinator and seek an alternate duty assignment in a host department. If a host department alternate duty assignment is not available the home department supervisor shall notify the Return to Work Coordinator.
- L. Funding of the employee's position shall be the responsibility of the home department regardless of the location of the RTWDA.
- M. The home or host department supervisor, as applicable, shall review the RTWDA monthly to evaluate the employee's progress toward return to regular duties. The employee may be requested to provide updated medical information concerning physical capabilities and prognosis from the authorized medical provider during this review. The host department supervisor shall keep the home department supervisor and Return to Work Coordinator advised of the employee's status following each four week evaluation.

- N. The employee and supervisor shall notify Return to Work Coordinator on the employee's return to regular work from light, modified or alternate duty. The employee shall provide a written release for full duty from the authorized medical provider prior to the employee's return to full duty. An employee may not return to full duty without a release to full duty from the authorized medical provider.
- O. Supervisors shall maintain adequate documentation to ensure equal opportunities have been afforded. Copies of all documentation shall be forwarded to the Return to Work Coordinator.

Responsibility: Department of Human Resources and all University Departments

Effective Date: August 1, 2001  
Revised: April 15, 2005  
February 1, 2006  
March 15, 2006