

<b>System-wide Policy:</b>	
<b>HR0398 - Transitional Duty/Return to Work Program</b>	
<b>Version: 1</b>	<b>Effective Date: 10/01/2017</b>

## HR0398 – Transitional Duty/Return to Work Program

### Topics:

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### Objective:

As part of its commitment to employees who experience a work-related injury or illness, the University has a program designed to assist employees in their return to meaningful, productive employment as quickly as possible. This policy explains the university’s transitional return-to-work program, which is designed to facilitate temporary, transitional duty assignments for employees who may be unable to return immediately to regular, full duty due to a work-related illness or injury.

This policy also explains how to request modification of assigned job duties for employees who may be unable to perform their regular job duties due to pregnancy.

### Policy:

#### Definitions

1. Essential Functions: The basic job duties of a position that an employee must be able to perform, either with or without reasonable accommodation.
2. Full Duty: The employee is released by the treating health care provider to resume assigned job duties without restrictions or with restrictions that do not prevent the employee from performing the Essential Functions of the employee’s regular job duties (e.g., a lifting restriction of 50 pounds when the job duties require lifting 25 pounds). The university does not require a “full” or “100%” release to return to work.

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3. Return to Work Coordinator: The Return to Work (RTW) Coordinator is the person with responsibility for helping injured employees and departments identify Transitional Duty opportunities and for ensuring that the System Risk Management Office has knowledge about Transitional Duty matters on the campus. The campus Human Resources Officer will have responsibility for identifying the employee whose job duties will include the RTW Coordinator role.
4. Transitional Duty: A short-term or temporary modification of work assignments to conform to temporary physical limitations and/or medical restrictions arising from a work-related injury or illness as assigned by a treating health care provider (usually a doctor). Transitional Duty is not reinstatement, reemployment, reassignment, or a permanent restructuring of the job. Rather, Transitional Duty is work with modified duties that are temporary and arranged with the expectation that the employee will be able to return to Full Duty as soon as possible and will not be on Transitional Duty longer than ninety (90) days.
5. Transitional Duty Plan (TDP): A written plan based on restrictions from the treating health care provider, to include details for Transitional Duty, with the shared goal of returning the employee to Full Duty as soon as possible.

## **Process**

When a health care provider gives an employee a release to return to work, either with or without restrictions, the employee shall provide the release to the supervisor 1) prior to returning to work and 2) within one business day of receiving the release.

If there are no restrictions, or the restrictions do not affect the employee's ability to return to Full Duty, the employee may return to work immediately.

If the treating health care provider has identified restrictions that prevent the employee from returning to Full Duty, the department will notify the Human Resources Officer, who will be responsible for having the RTW Coordinator assist the department in determining whether the employee's restrictions can be met within the department (i.e., whether Transitional Duty work is available). When it is determined that the restrictions

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can be met within the department, the RTW Coordinator and department will schedule a meeting with the employee to develop a TDP.

A TDP should be in writing and address specific duties, restrictions, hours of work, and schedule for regular future meetings (at least bi-weekly) to review the TDP. In the event restrictions are changed by the treating healthcare provider, the RTW Coordinator, employee, and departmental representative will revise the TDP as necessary.

All TDPs developed and approved at individual campuses and units must be reviewed by the System Risk Management Office prior to implementation, which will provide copies of TDPs to the Third Party Administrator (TPA) and/or the State of Tennessee Division of Claims Administration.

If the department and RTW Coordinator determine that Transitional Duty cannot reasonably be provided within the department, they must inform the campus/institute Human Resources Officer and Chief Business Officer or designee(s), who must approve any decision not to provide Transitional Duty. The System Risk Management Office must be notified in the event Transitional Duty is not provided. If Transitional Duty is not provided, then the employee may be eligible for temporary total disability (TTD) benefits in accordance with state law. Unless the Chief Business Officer agrees otherwise, the department will be responsible for the financial cost to the University of any Decision not to provide Transitional Duty, which the State of Tennessee has set at fifty percent (50%) of TTD benefits paid to the employee.

During the employee’s work-related absence, the RTW Coordinator will maintain communication with the injured employee, the supervisor, the System Risk Management Office, and the treating health care provider on an on-going basis in order to obtain the employee’s prognosis and assess the employee’s work status.

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### **Refusal of Transitional Duty**

An employee may choose to accept or reject a Transitional Duty assignment. An employee who rejects Transitional Duty will be treated in accordance with the university's leave policies and may be subject to termination upon exhaustion of approved leave. Rejection of the assignment may also result in cancellation or reduction of lost time benefits.

### **Termination of Transitional Duty Assignment**

A Transitional Duty assignment will end at the earlier of the following: \_

1. The employee is released to return to work at Full Duty;
2. The employee reaches Maximum Medical Improvement ("MMI") but is still unable to perform the Essential Functions of the position; or
3. The Transitional Duty assignment expires at the end of ninety (90) calendar days. In the event that the treating health care provider anticipates a return to work within a reasonably short period of time, Transitional Duty assignment may be extended up to an additional sixty (60) days upon approval of the System Risk Management Office. The university may require additional certification from the healthcare provider.

If, upon conclusion of a Transitional Duty assignment, the employee cannot perform the Essential Functions of the regular job position, the department and employee should consult the ADA Coordinator.

### **Modification of Assignments for Pregnant Employees**

The university treats women who have temporary work limitations due to pregnancy in the same manner as employees covered by this policy who have similar temporary limitations. A pregnant employee who has restrictions that prevent her from working Full Duty and who is interested in temporary modification of her work assignment should contact the appropriate campus or unit Human Resources Officer.

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**Note**

Transitional Duty will be administered consistent with policy [HR0397 - Worker's Compensation](#). Nothing contained in this policy shall be construed as requiring the university to create a new position for an employee with restrictions or to continue to provide Transitional Duty.

**Related Policies:** [HR0397 - Worker's Compensation](#)