

ADMINISTRATIVE DIRECTIVE

2.5.2 RETURN TO WORK POLICY FOR EMPLOYEES ON WORKER'S COMPENSATION

A. Purpose

Louisiana State University Health Sciences Center (LSU) provides workers' compensation benefits to its faculty and staff in accordance with state law. This coverage includes the University's modified duty program designed to encourage employees, who have been released to perform work with limitations to return to work.

B. Policy

To return an employee to the workplace, LSU will make reasonable efforts to place the returning employee into a meaningful assignment, which he/she can perform while on modified duty on a temporary basis. LSU cannot guarantee placement and is under no obligation to offer, create, or encumber any specific position for purposes of offering placement. All final decisions regarding placement shall be made by the human resource management office.

This policy is not intended to instruct the procedure applicable to employees who are eligible for reasonable accommodation under the Americans with Disabilities Act (ADA) or leave benefits under the Family and Medical Leave Act (FMLA). Inquiries about eligibility under the ADA or FMLA should be directed to the human resource management office. A Human Resource Management representative will serve as the Return to Work Coordinator.

C. Applicability

This policy only applies to permanent employees of LSU who are on leave as a result of work related injuries or illnesses and who are receiving worker's compensation benefits.

In the event an employee refuses an accommodation or reassignment of duties (outside the employee's FMLA benefit eligibility period) which are within the employee's restrictions and ability to perform, LSU is not obligated to provide alternatives. In such a case, LSU will notify the State Office of Risk Management which may result in termination of the employee's workers' compensation benefits.

D. Modified Work Requirements

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

- the employee must meet the required qualifications for the modified job assignment which the employee will be required to perform,
- the work must be a meaningful and productive part of the department's operations,
- the work must conform to the medical restrictions set by the medical care provider, and
- the modified job assignment and/or modified work schedule cannot exceed six months.

GUIDELINES FOR PLACING EMPLOYEES IN TEMPORARY MODIFIED EMPLOYMENT

When determining if proposed modified work is suitable, the team comprised of representatives from Human Resource Management, Office of Safety Services, and departmental management representation of the department in question, will consult with the injured employee, a Physical Therapy representative, and Occupational Health. Other individuals may participate on the team as needed.

The evaluation will be based on, but not limited to, a list of essential duties (based on the job description for which the employee was hired) along with the completed job analysis form for completion by the employee's physician.

The return-to-work team shall identify job functions and physical requirements that can be considered "transitional" duties in the work environment. Every effort will be made to place the employee in his/her original work unit, however, if this is not possible, the team may recommend an alternative work assignment as long as the conditions for return to work outlined above are met. The appropriate administrator of the work unit in which the "transitional" duty assignment is identified must approve the proposed placement prior to further action being taken.

Upon return to work, the return-to-work team will review the "transitional" assignment every 30 days to determine if the employee is still in transition based on the physician's recommendation. An employee who refuses to return to "transitional" duty for which he or she was medically cleared will be reported to the Office of Risk Management for appropriate action.

Civil Service rules, as appropriate and outlined below, shall govern personnel actions for classified employees accepting "transitional" duty assignments:

- Employees may be detailed to special duty, with Civil Service approval, for a period not to exceed six months (usual time required for an employee to remain on Workers' Compensation). No extension of this type of detail shall be authorized.
- The detail to special duty may be lateral or downward. Details to a higher position may also be approved on a case-by-case basis, when justified.
- A position may be double encumbered, if necessary.
- The employee's base pay cannot be reduced during the detail to special duty.

E. Return to Permanent Employment

Once the injured worker has been released to return to work, the employer must make a Bona Fide offer of Employment (legitimate job offer) in writing.