

EDINBORO UNIVERSITY OF PENNSYLVANIA - UNIVERSITY PROCEDURE

Worker's Compensation – Modified Duty Procedure No. P010

OBJECTIVE:

The Modified Duty Program shall be made available to Edinboro University employees who are recovering from a work-related injury or illness. This policy applies to all Edinboro University employees, including faculty, management and staff. This Modified Duty Program applies only to those employees who are expected to return to full duty in their regular job position.

It is the policy of Edinboro University to facilitate a prompt return to work of employees absent due to a work-related injury or illness. Modified duty is intended to promote employee self-esteem by encouraging the employee to return to work in a productive capacity, and to ease the transition of recovering employees into a resumption of full work duties without restrictions.

PROCESS:

Modified duty assignments shall not become permanent work assignments. The total number of days an employee can be re-assigned to modified duties shall not exceed 180 calendar days in any 12-month period. The Director of Human Resources and Staff Development and the Director of Environmental Health and Safety may approve exceptions to the 180-day limitation upon review of the employee's case file.

Modified duty work may be assigned in any department within the University and is not restricted to the department where the employee was assigned prior to the work-related injury or illness. However, every effort will be made to return the injured employee to a modified duty assignment in his/her department.

Modified duty will generally be assigned on the day shift, Monday through Friday 8:00 a.m. - 4:30 p.m. This permits closer supervision, a wider variety of assignments, and does not place the injured employee in a position where the employee's safety could be potentially jeopardized. Employees assigned to work in their regularly assigned department shall work the hours of that department. Overtime work is not available to the employees assigned to the Modified Duty Program.

1. Eligibility for Modified Duty

Work-Related Injuries/Illnesses:

Edinboro University employees are eligible for the Modified Duty Program as a result of sustaining work-related injury or work-related illness that results in the employee being placed on restrictions from certain types of work or activities by the attending physician. The Director of Environmental Health and Safety shall coordinate modified duty for work-related injuries/illnesses.

Nonwork-Related Injuries/Illnesses:

The University is under no obligation to provide modified duty to employees who sustain a nonwork-related injury or illness. The availability of modified duty will be evaluated on a case-by-case basis and will be coordinated through the Human Resources Department. All provisions of this procedure are applicable to employees who return to work with restrictions after sustaining a nonwork-related injury.

2. Return to Work

Employees who require medical attention or miss time from work as a result of a work-related injury or illness shall provide the Director of Environmental Health and Safety and his/her immediate supervisor with the original certificate from a medical provider which authenticates the period of illness or injury which includes:

- date or dates the employee was seen by the medical provider;
- diagnosis of the injury or illness;
- recommendations for time off work, the specific time period involved, and an explanation of why the injury or illness prevents the employee from returning to work even with reasonable accommodation;
- prognosis for recovery and the estimated date of release to full duty;
- medical restrictions that need to be considered when identifying the modified duty job offer;
- authorized signature of the licensed or certified medical providers: Physician, Physical Therapist; Clinical Psychologist; Dentist; Optometrist; Oral Surgeon; Chiropractor; Podiatrist; Nurse Practitioner; or Physician's Assistant.

3. Modified Duty Job Description

Upon receipt of the original medical certificate, the Director of Environmental Health and Safety in conjunction with the employee's Dean, Department supervisor, Chairperson, etc. will determine whether there exists an appropriate modified duty assignment consistent with reasonable accommodation for specified medical restrictions, the department's staffing needs and relevant fiscal considerations. In the event an appropriate assignment cannot be identified in the employee's department, the Director of Environmental Health and Safety may assign the employee to another department that has an appropriate modified duty assignment during this period. The employee shall not be permitted to return to work until the medical provider provides written approval of the employer's modified duty job offer. Employee assigned to the Modified Duty Program will not be assigned to perform duties of a level higher than their regular job classification. Employees assigned to modified duty may experience some temporary changes from their regular assignments in the areas of daily work hours, overtime scheduled shifts, regular days off, and holiday leave.

Modified duty assignments will not alter the employee's bi-weekly salary, but shift differential pay shall not be paid as a result in change of the employee's work shift. The assignment will be evaluated periodically and may be adjusted based upon the employee's medical progress. The University reserves the right to schedule an independent medical examination in order to verify the recovering employee's need to continue modified duties or modification of the work restrictions. If it is determined that an appropriate modified duty assignment does not exist, the employee shall remain on paid leave or Leave of Absence Without Pay as appropriate until such time as the appropriate placement can be identified or the employee's condition improves sufficiently to allow a return to work.

If the employee with work-related injury or illness elects to refuse the modified duty assignment, the use of paid sick leave may be terminated. The employee may be allowed to use other forms of paid leave, be terminated, or be placed on a Leave of Absence without Pay. The University shall immediately notify the third party insurance carrier when an employee refuses to return to work on modified duty, and a request shall be made to suspend lost time benefits.

4. Modified Duty Offer

Upon receipt of the medical provider's release to work with restrictions and approval of the modified duty job offer, the Director of Environmental Health and Safety will contact the employee by telephone and inform the employee of his/her release to work in the Modified Duty Program. The Human Resources Department shall provide the employee with the required "Notice of Ability to Return to Work" (Commonwealth of Pennsylvania's Bureau of Worker's Compensation LIBC Form 757) and a copy of the physician's approval of the modified duty job offer.

If the Director of Environmental Health and Safety is unable to contact the employee by telephone, the Human Resources Department shall send copies of the forms to the employee by certified mail. In the event that the employee does not respond to the certified letter within seven (7) days from the date the certified letter was sent, it will be presumed that the employee does not wish to return to work. In this case, the Director of Environmental Health and Safety will immediately contact the Human Resources Director and the University's third party worker's compensation administrator.

5. Full Duty Work Release

The employee shall be responsible for providing the Director of Environmental Health and Safety with the original certificate of full-duty work release. Photocopies of the release will not be accepted. The original full-duty work release will be forwarded to the Human Resources Office. The Director of Environmental Health and Safety will contact the employee's supervisor and coordinate the employee's return to his/her pre-injury position. The provisions identified in this section apply to both work-related and nonwork-related injuries and illnesses.

Approved by Frank G. Pogue, President Effective Date: May 1, 2004

Review Date: As Required Procedure

Number: P010

(President's Office)