

Texas A&M University-San Antonio

24.01.01.00.02 Supplemental Risk Management Standards – Return to Work and Fitness for Duty

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Procedure Statement

In conjunction with the Early Return to Work procedure attached to System Regulation [24.01.01 Supplemental Risk Management Standards](#), this procedure establishes the process that Texas A&M University-San Antonio (TAMU-SA) will follow concerning return to work and fitness for duty.

Reason for Procedure

To ensure that all employees at TAMU-SA are treated fairly and are given the opportunity to return to work within the guidelines of his or her treating physician and with the approval of his or her supervisor. This procedure does not obligate the university to create work or to return an employee to work if there is no appropriate work available. In addition, this procedure does not apply to requests for an accommodation covered by the American with Disabilities Act, as amended (see System Regulation [08.01.01 Civil Rights Compliance](#)).

Official Procedure

1. General

In order to ensure that employees are provided with the greatest opportunity to return to work and that the university ensures the safety, welfare, and productivity of its employees, the following areas must be considered when reviewing the medical condition of an employee.

1.1. Ability to perform essential job functions

- 1.1.1. When an employee provides a medical certification from the treating physician that he or she is released to work without restriction, no further action is required. The medical certification can be a treating physician's statement that covers a minor illness or injury that kept the employee away from work to recover.
- 1.1.2. When an employee is not able to perform all of his or her essential job functions, a Fitness for Duty Certification is required.

- 1.2. A Fitness for Duty Certification is required when one or more the following conditions exist:
 - 1.2.1. An employee experiences a serious illness or injury that causes him or her to be away from the job site regardless of the duration of the illness/injury. Before the employee can return to work, the employee must have the treating physician complete a Fitness for Duty Certification form.
 - 1.2.2. Medical restrictions limit the ability of the employee to perform all of his or her essential job functions. In this situation, the following action, with the approval of the individual's supervisor and the division head, or combination of actions may be taken to provide temporary work modifications for the employee:
 - 1.2.2.1 Assign light duty for up to six weeks
 - 1.2.2.2 Reassignment to another position
 - 1.2.2.3 Modify current work area or job tasks to address the employee's medical restrictions
 - 1.2.2.4 Utilize leave (with or without pay) and/or other benefits, if eligible.
- 1.3. Light Duty will only be assigned if the supervisor recommends it and the employee agrees to it. Light duty will last no longer than six weeks in duration. If the employee does not agree to light duty, then one of the remaining three options in paragraph 1.2.2 will be considered, if feasible.
- 1.4. A temporary work reassignment may be offered to the employee only if the need for the work already exists. A temporary work reassignment will last no longer than six weeks in duration. Any permanent reassignment will require the approval of the President or appointed designee. Documentation will be placed in the employee's personnel file if the reassignment is approved.
- 1.5. A work or task modification may be provided to a requesting employee as long as the supervisor agrees and it does not create an undue hardship for the university. Documentation of the modification's approval will be placed in either the employee's personnel or medical file depending on the modification provided.
- 1.6. Leave options are available to the employee in lieu of returning to work due to his or her medical condition.
 - 1.6.1. Leave with pay is available when the employee has a balance of vacation, sick and/or compensatory-time available.
 - 1.6.2. Leave without pay (LWOP) may be authorized when the employee has exhausted all available leave (vacation, sick and compensatory time). LWOP will not normally extend beyond 12 weeks in duration if the employee is eligible for FMLA. If the employee is not eligible for FMLA, and all other options have been exhausted, then refer to Section 1.7.
 - 1.6.3. Sick Leave Pool leave may be available to an employee after missing 80 hours of work (related to the illness or injury) and exhausting all other available leave. Refer to TAMUS Regulation 31.06.01, Sick Leave Pool Administration for details.

1.6.4. FMLA is available to eligible employees (with or without pay) for no more than 12 weeks (per fiscal year) beginning with the first day in which the employee missed work as a result of being treated for the illness or injury.

Refer to System Regulation [31.03.05 Family and Medical Leave](#), for more details.

1.7. If all available options have been exhausted and the employee is unable to return to work or cannot perform all the essential job functions, then the employee's employment may be terminated due to business necessity in accordance with TAMU-SA Procedure [32.02.02.00.01 Discipline and Dismissal of Non-Faculty Employees](#).

1.8. Any exceptions to this procedure require written approval from the President or designee.

1.9. All documentation and decisions concerning return to work and fitness for duty will be provided to the Human Resources department for filing in the employee's personnel and/or medical file.

2. Responsibilities

2.1. Employees are responsible for the following:

- 2.1.1. Notifying the University Police Department to complete an injury report if injured within the course and scope of employment;
- 2.1.2. Providing the supervisor and Human Resources (HR) with a physician's statement returning him or her to work if he or she is out for three or more consecutive work days;
- 2.1.3. Meeting with Safety and HR representative to discuss any restrictions or limitations imposed by a licensed medical provider; and
- 2.1.4. Updating the supervisor and HR on the status of his or her medical condition and work restrictions on a regular basis.

2.2. Supervisors are responsible for the following:

- 2.2.1. Completing, reviewing, and signing the accident report, if applicable;
- 2.2.2. Assisting in the development and assignment of light duty task(s) to return the employee to work early, if possible;
- 2.2.3. Seeking HR assistance when needed concerning medical restrictions, safety concerns, or the employee's failure to comply with instructions; and
- 2.2.4. Informing HR if there is not any work that can be performed within the medical provider's restrictions.

2.3. Office of Safety and Risk Management is responsible for the following:

- 2.3.1. Receiving the accident report, if applicable;
- 2.3.2. Working with the employee's supervisor and HR on case management to include the actions listed under 2.4 below.

2.4 Human Resources is responsible for the following:

- 2.4.1 Processing the Worker's Compensation claim, if applicable;
- 2.4.2 Reviewing the medical documentation releasing the employee to return to work;
- 2.4.3 Coordinating with the supervisor to determine work that the employee can perform within the medical provider's restrictions, if possible;
- 2.4.4 Informing the employee if there is not any work available that is in compliance with the medical provider's instruction;
- 2.4.5 Maintaining communication with the employee and medical provider until the medical restriction is lifted; and
- 2.4.6 Maintaining communication with System Risk Management, Worker's Compensation personnel as required.

Related Statutes and Policies

- [American with Disabilities Act Amendment Act \(ADAAA\)](#)
- [Family and Medical Leave Act \(FMLA\)](#)
- [System Policy 24.01 Risk Management](#)
- [System Regulation 24.01.01, Supplemental Risk Management](#)
- [System Regulation 08.01.01, Civil Rights Compliance](#)
- [System Regulation 31.06.01, Sick Leave Pool Administration](#)
- [System Regulation 31.03.05, Family and Medical Leave](#)
- [TAMU-SA Procedure 32.02.02.00.01, Discipline and Dismissal of Non-Faculty Employees](#)

Forms

- [Certification of Fitness for Duty](#)

Definitions

Return to work - is when an employee is released to work by a licensed provider after being out for medical reasons for more than three consecutive work days.

Fitness for Duty Certification - is a form that must be completed by a licensed medical provider after an employee has been away from work for more than three consecutive work days, has further medical appointments regarding the medical condition, and/or is restricted from performing certain job tasks. This form may be used when the employee does not qualify for Family and Medical Leave Act (FMLA) protections.

Light Duty – is the approval and assignment of modified work duties to an employee for a limited period of time in order to assist the employee in returning to regular work.

Reassignment – is when the employee agrees to accept a different position for which he or she is qualified to perform the essential job functions, and the need for the work already exists.

Contact Office

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