



ADMINISTRATIVE POLICY

Policy Title	Policy on Modified Duty for Workplace Injuries
Policy Subtitle/Subject	Click or tap here to enter text.
Responsible Executive(s) (RE)	Sr. VP and COO, Patrick Norton
Responsible Office(s) (RO)	Enterprise Risk Services
Primary Point of Contact from RO	Executive Director of Risk
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Permanent

Temporary

1.0 POLICY STATEMENT

It is the policy of Tulane University to attempt to temporarily provide modified duty assignments to employees who have sustained a work-related injury/illness which prevents them from performing the full range of duties within their job description and classification. This policy is not intended to, nor does it alter an employee's rights under the Americans with Disability Act (ADA) or the Family Medical Leave Act (FMLA). ADA accommodation requests are handled separately by Office of Disability Services. Requests for FMLA leave are handled separately by the Office of Human Resources and Institutional Equity.

2.0 PURPOSE AND SCOPE

This policy sets forth to outline the eligibility for participation in the Modified Duty Program. An employee must provide a written statement from his/her treating physician that he/she is: (a)

temporarily unable to perform his/her essential duties, following an employment related injury or illness, and (b) capable of carrying out work of a modified nature from his/her regular duties.

3.0 APPLICABILITY OF THIS POLICY

This policy applies to all Tulane departments that have employees out due to a workplace injury or illness.

4.0 WEBSITE ADDRESS FOR THIS POLICY

www.policy.tulane.edu

5.0 CONTACTS

Subject	Contact	Telephone	E-mail/Web Address
Clarification and General Information Modified Duty at Tulane	Office of Enterprise Risk Services	504-865-5653	oirm@tulane.edu

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7.0 DEFINITIONS

Modified Duty - An assignment which is for a specified and limited period and fulfills a necessary job function, appropriate to the Employee’s skills and level of experience as determined by the Employer, and which the Employee can perform without violating any medical restriction imposed as a result of a temporary Disability, Sickness or Injury, for which the Employee is compensated at his or her normal rate of pay and benefits.

Workplace incident - An event or occurrence that results in injury/illness, death, or property damage.

Employee – A regular full time, part time or temporary employee as defined by the Worker’s Compensation law. Any individual paid by the university whose compensation rate is subject to the minimum Average Weekly Wage (AWW) rate as outlined per the Workers Compensation law.

8.0 POLICY AND PROCEDURES

8.1 Modified Duty

Once notified of a workplace incident, the department must contact the 24/7 injury hotline to document the workplace injury or illness that occurred during their course and scope of work for Tulane University. The Enterprise Risk Services department will inform the employee in writing of the Modified Duty Program, if the employee cannot return to their normal work requirements.

The employee must be seen and evaluated by his/her physician to determine if the employee is able to return to work, and if so, with or without restrictions. At the time of the evaluation, the employee must inform the physician of the Tulane Modified Duty Program.

When the employee can return to work with restrictions, the employee's physician must indicate the specific restrictions, and the duration of those restrictions. Clarification regarding temporary restrictions may be requested of the treating physician and the University reserves its right to require a second medical opinion.

Taking into consideration the information provided by the physician, the employee will provide their physician’s restrictions to their department supervisor and their department will consult with the Office of Enterprise Risk Services and the Office of Human Resources and Institutional Equity, to determine if a temporary modified duty assignment will be offered.

There may be instances in which the University will not be able to offer a modified duty assignment. In no event will the employee be assigned to perform duties of a level higher than the employee's regular classification. In addition, employees on modified duty may experience some temporary changes from their regular assignment in the areas of work hours, scheduled shifts, regular days off, etc.

If the University determines 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 institution can identify an appropriate placement or the employee's condition improves sufficiently to allow a return to work.

In most cases, there will not be an adjustment in the compensation of the employee that is placed in a modified duty position. However, the employee placed in a Modified Duty position will be paid compensation that is equivalent to the compensation of other employees holding the same position. The compensation and benefits of the employee will remain the responsibility of the original department including during any period of temporary placement external to the department.

8.2 Offer/Refusal/Duration of Modified Duty Position

Once the employee has been approved to participate in the Modified Duty Program, the employee will be provided a Modified Duty job letter. The employee and the supervisor will sign the letter in agreement to the terms of the restrictions.

An employee may choose to accept or refuse the Return-to-Work Modified Duty job offer. However, an employee who refuses a Modified Duty job offer may be subject to termination. Rejection of the job offer might also result in cancellation of income benefits under Workers' Compensation Insurance.

Modified duty assignments shall not become permanent assignments. The duration of approved time will be based upon the information provided by the employee's physician and any other physicians retained by the University. If the employee is unable to return to work at full duty after the initial time, he/she may request a continuation of Modified Duty, not to exceed 180 days or 6 months.

An employee requesting an extension of Modified Duty, must submit documentation to the Office of Human Resources and Institutional Equity and Enterprise Risk Services, from his/her treating physician. This document should include what limitations will continue to exist and the probable duration of those limitations.

If an employee is unable to return to work at full duty, he/she may request a continuation of Modified Duty for a reasonable time. Approval beyond a reasonable time will be based upon the assessment of the employee's ability to return to full duty within the immediate future. An employee requesting an extension must submit updated information from his/her treating physician.

An employee who is unable to return to his/her regularly assigned duties at the end of the Modified Duty agreement may request a leave of absence through the Office of Human Resources and Institutional Equity or may elect to terminate his/her employment with the University. Provided the employee is eligible for and has not exhausted their Family and Medical Leave Act entitlement. Otherwise, the Office of Human Resources and Institutional Equity has the option to approve or deny a leave of absence request. If leave without pay is denied, employment with the University will be terminated.

An employee may choose to file for intermittent FMLA if the employee does not work the number of hours they normally would work. The employee must contact the Office of Human Resources and Institutional Equity for this benefit.

If the employee believes that their medical condition would qualify them as an individual with a disability, they may pursue reasonable accommodations through the University's Americans with Disabilities Act Accommodation Policy at any time.

9.0 CONSEQUENCE OF VIOLATING THE POLICY

If any employee violates this policy, they will be subject to discipline through the Human Resources process, up to and including termination.