

I. PURPOSE

This policy establishes San José State University's position on the Return-to-Work Program.

San José State University recognizes that its most valuable assets are our employees. An important goal of the University, therefore, is to return employees who are temporarily unable to perform all duties as outlined in their current position descriptions due to an occupational injury or illness, to transitional work that is productive and valuable at the earliest appropriate time.

II. POLICY

It is the policy of San José State University to, at the earliest opportunity, return temporarily occupationally injured employees to transitional work that is within their temporary work restrictions.

III. PROCEDURE

1. While the employee is on leave due to an occupational injury or illness, the appropriate administrator will stay in contact with the injured employee to discuss the return-to-work process and be available for questions.
2. In the event the injured employee has pre-designated his/her own physician(s), the injured employee must provide all treating physician work status reports to his/her appropriate administrator or his/her designee and have a copy sent to Human Resources. A work status report must include:
 - a. Clear, complete and understandable medical work restrictions
 - b. Duration of medical work restrictions, including a beginning date and either an end date or medical status review date
 - c. Signature of the appropriate professional

If medical work restrictions are not clear or incomplete, clarification will be obtained as necessary.

Upon receipt of a work status report from the University's Workers' Compensation 3rd party administrator, Human Resources will initiate an interactive discussion to evaluate possible reasonable and appropriate accommodations. Parties in attendance will be the employee, the employee's union representative (if requested by the injured employee), Human Resources, the appropriate administrator or his/her designee, and, as necessary, the Workers' Compensation Specialist and the Employment Accommodations Resource Center. The discussion will be a collaborative, consultative decision-making process to establish the feasibility of transitional work based on the injured employee's temporary work restrictions as set forth by the treating physician, and the needs of the University. Essential job functions and usual duties per the injured employee's position description will be identified during the interactive discussion. Actual activities, demands, and environmental conditions usually required in the injured employee's job should also be defined (for example, details about required postures, motions, lifting, and carrying).

As a result of the interactive discussion(s), a temporary transitional work assignment that is within the medical work restrictions set forth by the employee's treating physician will be developed and finalized by the appropriate administrator and Human Resources. The transitional job duties may include modifications of the injured employee's usual and customary occupation or alternative work that is compatible with the employee's job skills and experience. Depending on the treating physician's work restrictions, the tasks will be as close as possible to the essential job functions as outlined in the employee's current position description. If this is not possible, alternative job duties shall be considered. There will be no change to the employee's current base salary during the period of the temporary transitional work assignment.

3. Start and end dates of temporary accommodations, concurrent with the treating physician's re-examination of the employee's status, shall be established during the interactive discussion(s). All employee limitations/restrictions will be lifted on the end date specified by the treating physician unless a revised evaluation is provided. The employee will be required to return to his/her regular job duties the next scheduled work day, not including pre-approved leave time.
4. The appropriate administrator or his/her designee will contact the employee by telephone and follow up by written notice to inform him/her of the temporary transitional job duties.
5. New or updated treating physician work status reports will be evaluated by the appropriate administrator or his/her designee with Human Resources to determine the continued practicability of providing temporary transitional job duties that meet the goals of the Return-to-Work Program policy. Follow-up interactive discussions may also be scheduled as a result.
6. The appropriate administrator or his/her designee and Human Resources will monitor the transitional assignment to determine continued viability.
7. Human Resources and the university's third-party administrator of workers' compensation claims will communicate throughout the employee's recovery process and the claim statuses will be disseminated to the appropriate administrator or his/her designee.
8. Transitional job duty assignments are temporary and may terminate due to a department need or a change in the employee's medical work status report.

IV. EXCEPTIONS

The university reserves the right to modify, change, or terminate this program at any time to meet the requirements of any applicable federal or state regulations, CSU policy and/or any bargaining unit agreement. The university will notify all affected bargaining units of any proposed changes prior to implementation.