

Stay-at-Work/Return-to-Work Policy

Subject:	Personnel
Policy:	Stay-at-Work/Return-to-Work Policy
Revised:	April 1999; Revised May 2009; Revised August 2013
Effective Date:	July 1, 2012
Review date:	July 1, 2016
Responsible Party:	MSU Safety & Risk Management

100.00 Introduction

The MSU Stay-at-Work/Return-to-Work policy has its basis in current Montana statutes and rules, Board of Regents' policy and the policies set forth by the Montana University System Self-Funded Workers' Compensation Program. Montana State University has developed the following policy and procedures to assure compliance with the Stay-at-Work/Return-to-Work (SAW/RTW) Assistance requirements listed in MCA 39-71-10 and ARM 24.29.1801-1821.

100.10 Purpose

The 2011 Legislature established SAW/RTW assistance to be made available upon request to help injured employees return to meaningful, productive employment as soon as it is safe to do so following a compensable work-related injury or occupational disease, even if they are not yet able to perform 100% of their regular work duties.

Staying at work or returning to work helps to reduce the impact of workplace injuries on workers, their families, their employers and their communities. A SAW/RTW program is a practical approach to returning injured employees to a safe and productive work environment, and is intended to be time-limited and temporary. Although injured employees may be unable to perform their time-of-injury job, they can often do alternative, productive work while recovering fully from injuries. Services extended as part of SAW/RTW assistance are provided in addition to or prior to rehabilitation services and are intended to help an injured worker return to work.

100.20 Policy

It is the policy of Montana State University to provide assistance to help employees stay at or return to meaningful, productive employment as soon as medically possible following an injury or illness. If an injured employee is not capable of immediately returning to his/her regular position, assistance provided may place the employee in a temporary assignment in which the employee's regular position

or hours are modified to accommodate the employee's temporary physical abilities, or identify alternate work that is better suited to the employee's temporary physical abilities.

MSU Safety & Risk Management is responsible for administering MSU's Workers' Compensation program. The campus claims coordinator is the specific individual within SRM to coordinate MSU's Workers' Compensation and SAW/RTW program. Additional information with regard to Workers' Compensation can be found in the [MSU Personnel Policy and Procedures Manual, Section 1005](#).

Comment [BKM1]: Updated this section and sent to HR in February but it is not yet updated on the web.

100.30 Procedures

- A. The employee is responsible for keeping his/her supervisor informed of the status of their condition on a regular basis and must immediately inform their supervisor of any changes in physical abilities.
- B. Injured employees must follow their treating physician's orders and restrictions both at home and at work.
- C. A transitional team is formed once the treating physician has completed a Medical Status Form (MSF; also known as a Work Status Report) that indicates the physical conditions under which the injured employee may return to work. The makeup of the team will vary but typically includes the returning injured employee, the home department supervisor (along with other appropriate department personnel), the campus claims coordinator and the third-party claims adjustor. Additionally, the employee's treating physician and/or [managed care representatives](#) may be included, depending on the unique circumstances of each claim.
- D. If not expressly prohibited by labor agreements, current positions may be temporarily modified to fit the physical limitations of injured employees by modifying workstations, altering specific tasks or working reduced hours. If that is not possible, MSU departments must make every effort to identify transitional employment that conforms to the physical abilities identified on the injured employee's most recent MSF. Transitional employment may include part-time work, existing jobs with different physical requirements, or alternated job tasks to accommodate physical limitations.
- E. While working in a transitional employment assignment, the employee receives the same base rate of pay received while working in his/her time-of-injury position, dependent upon hours worked.
- F. At no time may an injured employee return to their time-of-injury job without a written release from their treating physician. This typically is a note on the MSR that states "Released to Full Duty".
- G. The campus claims coordinator may be able to assist in placing the employee in a suitable transitional employment assignment either within the home department or elsewhere within the university (a host department). The coordinator will also assist in management and resolution of any problems that may arise in the temporary transitional assignment.
- H. If a transitional employment assignment is provided, either the supervisor or the host supervisor shall report the hours worked to the employee's home department and Safety & Risk Management.
- I. Based upon available funding, home departments that can provide job modifications or transitional employment for an employee may be reimbursed from a central pool established for that purpose. Benefits are not included in the reimbursement, only wages. If the home department cannot provide any SAW/RTW opportunities, the employee may be assigned a temporary employment assignment in a host department and the home department will continue to pay the employee's full salary and benefits.
- J. The campus claims coordinator will provide in writing to the injured employee a description of the SAW/RTW assistance being offered to them, with a copy to the MUS Self-Funded Workers' Compensation Program Director, the third party claims adjustor, the employee's home department and if applicable, the host department. The campus claims coordinator will also [inform the MUS Self-Funded Workers' Compensation Program Director and third party claims adjustor if an](#)

Comment [BKM2]: I used this term to avoid being too wordy. Includes outside physical therapists, Voc Rehab Consultants and Nurse Case Managers.

employee declines the SAW/RTW offer, the date the worker is released to full duty, or when the SAW/RTW services end.

Comment [BKM3]: MUS policy II.D.

- K. Job modifications or initial transitional employment assignments will only be provided for a specified period of time with an option to renew, and have a typical duration of six to twelve weeks. Extensions are considered on a case-by-case basis. The injured employee must fully understand that SAW/RTW assignments are temporary, are part of their rehabilitation program, and that they will be expected to return to their time-of-injury job as soon as medically released to do so by their treating physician.
- L. All medical appointments must be kept or immediately rescheduled. Failure to keep appointments may result in termination of workers' compensation benefits and/or withdrawal of SAW/RTW transitional employment.
- M. If the injured employee chooses to decline a temporary transitional employment assignment it may result in loss of workers' compensation time loss benefits.

100.40 Limits

- A. Montana State University establishes this SAW/RTW program as a management tool, not an employee right or benefit. It is recognized that returning to the work environment as soon as possible after an on the job injury or illness occurs has a positive impact upon the healing process, and is in the best interests of the employee and employer alike. As a management tool, this program does not require the university to create a position for the sole purpose of accommodating an injured employee or to extend employment to an injured employee when no meaningful work is available. Transitional employment might not be available for every injured employee.
- B. The focus of this program is employees who are predicted, by a physician, to be able to return to full work status within 60 – 90 days. This program is not intended for employees with injuries that require a permanent modification of their regular job duties. Such employees may be eligible for benefits under the Americans with Disabilities Act (ADA) and should consult with Human Resources.