Lost work time resulting from industrial and non-industrial injuries and illnesses is costly to the University. An effective Return-to-Work Program can provide the structure to enable the campus to reduce the costs associated with industrial and non-industrial leave programs. This Risk Management Memo provides information concerning the CSULB Return-to-Work Program.

Program Objectives: The objectives of the Return-to-Work Program are:

1. to reduce the loss of time by employees which delays the accomplishment of University goals and objectives;
2. to comply fully with federal and state regulations relative to the continued employment of individuals with disabling injuries or illnesses;
3. to reduce disability insurance costs to the University.

Definitions:

Temporary Disability - A disability arising out of an injury or illness which temporarily prevents the employee from performing the full scope of his/her duties and responsibilities.

Permanent Disability - A disability arising out of an injury or illness which permanently prevents the employee from performing the full scope of his/her duties and responsibilities. A disability is considered to be permanent after the employee has reached maximum medical improvement or his/her condition has been stationary for a reasonable amount of time.

Return-to-Work Procedures (Temporary Disability):

To expedite the return to work of an employee who has sustained an injury which has temporarily prohibited him/her from performing the full scope of his/her duties and responsibilities, the University shall make every attempt to provide modified work. Often the modification includes removing those parts of the job which the injured employee cannot perform. Modified work may also be available through the temporary reassignment of the injured employee to an appropriate position currently in recruitment.

The appropriate administrator shall make every attempt to provide limited or modified work for the employee within the limitations prescribed by the treating physician. In the event that clarification or additional information concerning these limitations is needed, the appropriate administrator shall request assistance for the University’s Return-to-Work Coordinator. In the event that the appropriate administrator is unable to provide modified work, the appropriate administrator shall inform the Return-to-Work Coordinator.

The Return-to-Work coordinator shall, with the assistance of the Director of Staff Personnel, the Associate Vice President for Academic Personnel, or other individuals as appropriate, attempt to identify a currently vacant position to which the employee could be temporarily assigned. The temporary placement of an employee in a position currently in recruitment will not cancel, delay, or otherwise affect the recruitment and selection process.

If an alternative work assignment is identified, the employee shall be informed and advised to return to work by the Return-to-Work Coordinator.
If modified or an alternative work assignment cannot be identified, the employee shall be so notified by the Return-to-Work Coordinator. In this case, the employee shall receive appropriate disability benefits, utilize sick leave, or be placed in a leave without pay status.

Return-to-Work Procedures (Permanent Disability):

Reasonable accommodation efforts shall be required for any employee who sustains a permanent disability which precludes him/her from performing the essential function of his/her position. The essential job functions are the fundamental job duties of the position and are evidenced by the University’s judgment and written job descriptions.

Reasonable accommodation for an employee sustaining a permanent disability may involve any of the following:

a. **Providing physical access**
   This may be necessary when the employee is affected by a barrier and may include structural alteration of buildings and grounds.

b. **Job restructuring**
   A position may be restructured to eliminate the non-essential components of the position. An essential function of the fundamental job duties of the position, do not include the marginal functions of the position. Marginal functions are those that are merely incidental to the performance of the fundamental duties of the position. Position functions may be essential because
   - the reason the position exists is to perform that function;
   - the number of available employees to whom the performance of that function can be distributed is limited; or
   - the function is highly specialized and the position incumbent was hired for his/her expertise or ability to perform that particular function.

c. **Reassignment to a vacant position**
   An individual may be reassigned to a vacant position whose duties can be performed with or without modification. If an employee is placed in a position with a lower salary range, a red circle rate may be granted in accordance with the governing Memoranda of Understanding or administrative policy.

d. **Acquiring or modifying equipment**
   When a permanently disabled employee, who can continue to perform the essential functions of his/her position, is able to return to work but needs accommodation, the Return-to-Work Coordinator, the employee’s Appropriate Administrator, the employee’s Administrative Services Manager, the Director of Staff Personnel or the Associate Vice President for Academic Personnel, and other individuals as appropriate, shall review all relevant information and determine the appropriate action to be taken. Analysis of associated costs of accommodation shall be included in the review.

On behalf of the committee, the Return-to-Work Coordinator will notify the appropriate Division Executive of the determination for his/her action.

If reassignment of the employee to an appropriate position currently under recruitment is determined to be the appropriate action and the employee is placed in a position with a lower salary range, a red circle rate may be granted in accordance with the governing Memoranda of Understanding or administrative policy.

If it is determined that reasonable accommodation to allow the employee to return to work cannot be made, the disability retirement, medical separation and/or vocational rehabilitation of the employee will be pursued as appropriate.

**FORMS:** NA