

MONTANA BOARD OF REGENTS OF HIGHER EDUCATION  
Policy and Procedures Manual

SUBJECT: PERSONNEL  
Policy 713.2 – Workers Compensation – Early Return to Work/Modified Duty  
Adopted: March 20, 2003 Revised: September 20, 2012

Board Policy:

— All units of the Montana University System are required to provide Modified Duty or Early Return To Work (ERTW) opportunities for all employees with temporary physical restrictions identified by the treating physician. The ERTW Program will focus on temporary modifications to the employee's existing position and/or work schedule.

— Where permitted by labor agreements if temporary modifications are not possible each MUS unit will create a modified duty position that is not an employee's time of injury position or necessarily within an employee's home department. Temporary job modifications or modified duty will be offered to injured employees for up to 6 weeks upon the recommendation of the treating physician with extensions considered on a case by case basis.

— Each MUS unit will have authority and responsibility for ERTW and loss control activities. Designated individuals on each campus will work with the employee, the employee's supervisor, and the employee's medical provider, worker's compensation adjuster and/or managed care representative to ensure injured employees return to work within their functional capacities as soon as possible. To enhance consistency and lead to an efficient loss control program an individual may be assigned authority and responsibility for more than one campus.

Procedures:

— It is the policy of the Montana University System (MUS) to provide and promote a safe and healthy work environment for all employees to foster a positive atmosphere for learning and the educational process. The Montana University System/Board of Regents believes employees are our most important assets. Often, after medical treatment for an occupational injury or illness an employee's treating physician will identify physical restrictions that temporarily prevent an employee from returning to his or her time of injury position without some temporary modifications to work procedures, job duties, or hours worked. This policy reflects a commitment to assisting injured workers return to work as soon as possible.

— Funding for ERTW and Modified Duty positions are the responsibility of each employee's home department, however each unit of the MUS may elect to provide assistance by utilizing a central source of funding identified for ERTW-Modified Duty purposes.

I. Board Policy:

The MUS Self-Funded Workers' Compensation Program (Program) shall ensure that Stay-At-Work/Return-to-Work (SAW/RTW) Assistance is available to eligible MUS employees in accordance with Montana Workers' Compensation Act (MCA Title 39 Chapter 71 Part 10) and Administrative Rules published by the Montana Department of Labor (ARM 24.29.1801-1821).

II. Procedures:

4. A. MUS Workers' Compensation Committee shall adopt and revise as necessary a written SAW/RTW Assistance Policy that explains to the employee the process for evaluating and providing services to assess and help assist the injured worker return to work, within the worker's physical abilities

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and for which the worker is qualified, as soon as possible following a work-related injury or occupational disease.

B. MUS Campus personnel with designated Work Comp Program responsibilities will lead the SAW/RTW assistance efforts in collaboration with others the Campus or Program considers instrumental to the SAW/RTW assistance process, including outside experts if deemed in the best interest of the MUS and the employee.

C. MUS Work Comp Program Director will facilitate appropriate communication, provide technical assistance, monitor effectiveness of the Program's SAW/RTW Assistance Policy and comply with DLI reporting requirements.

D. Funding for SAW/RTW assistance and transitional employment assignments, other than specific allocated claim costs, are the responsibility of each employee's campus.

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History:

Item [118-104-R0303](#), Workers' Compensation Proposal, Early Return to Work/Modified Duty, approved by the Board of Regents March 20, 2003. Item [156-101-R0912](#), revised September 20, 2012.