

**SUBJECT:** Personnel

**Policy:** 404.41 Stay-at-Work/Return-to-Work

**Effective:** November 2014    **Revised:**

**Reviewed:** December 2022

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### **Introduction and Purpose**

The Great Falls College 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. Great Falls College MSU has developed the following policy to assure compliance with the Stay-at-Work/Return-to-Work (SAW/RTW) Assistance requirements listed in MCA Section 39-71-10 and ARM 24.29.1801-1821.

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 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.

### **Policy**

#### College Responsibilities

- a. The College shall provide assistance to help employees stay at or return to meaningful, productive employment as soon as medically able following an injury or illness.
- b. The College is responsible for administering Workers' Compensation programs. Human Resources will coordinate claims.

#### Work Assignments

- a. If an injured employee is not capable of immediately returning to his/her regular position, the College 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. The employee shall receive the same base rate of pay as was earned during his/her time-of-injury position, dependent upon hours worked.
- b. The SAW/RTW program is a management tool, not an employee right or benefit. As a management tool, this program does not require the college 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.
- c. 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.

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- d. SAW/RTW assignments are temporary as part of a rehabilitation program. Employees must return to their time-of-injury job as soon as medically released to do so by their treating physician.

#### Employee Responsibilities

- a. The employee must keep his/her supervisor informed of the status of their work abilities on a regular basis and must immediately inform their supervisor of any changes in physical abilities. Employees must follow their treating physician's orders and restrictions both at home and at work.
- b. Employees that were taken off work or given work restrictions must provide a written release from their treating physician before returning to full duty at their time of injury position.
- c. All medical appointments must be kept by the employee or immediately rescheduled. Failure to keep appointments may result in termination of workers' compensation benefits and/or withdrawal of SAW/RTW modified or transitional employment.
- d. If the injured employee chooses to decline a modified or transitional employment assignment it may result in loss of workers' compensation indemnity benefits.

#### Eligibility

- a. This policy applies to employees who are predicted, by a physician, to be able to return to full work status within 60 – 90 days. Employees with injuries that require a permanent modification of their regular job duties may be eligible for benefits under the Americans with Disabilities Act (ADA) and should consult with Human Resources.

#### Departmental Responsibilities

- a. Departments must make every effort to temporarily modify working conditions such as workstations, hours of work, or specific tasks assigned in order to accommodate limitations, unless specifically prohibited by labor agreements.
- b. Based upon available funding, home departments providing job modifications or transitional employment may be reimbursed from a central pool established for that purpose. Benefits may be excluded from the reimbursement. If a department cannot provide any SAW/RTW opportunities, the employee may be assigned a transitional employment assignment in a host department; the home department shall continue to pay the employee's full salary and benefits.
- c. The claims coordinator shall assist in management and resolution of any problems that may arise in the temporary assignment. The claims coordinator may also assist in placing the employee in a suitable transitional employment assignment either within the home department or elsewhere within the college (a host department).
- d. 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 to the claims coordinator.



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- e. The claims coordinator shall 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 claims coordinator shall also inform the MUS Self-Funded Workers' Compensation Program Director and third party claims adjustor if an employee declines the SAW/RTW offer, the date the worker is released to full duty, and when the SAW/RTW services end.

### **Definitions**

**Responsible Party** Individual, title, position or group responsible for authority and review of policy or standard of practice.

**Home department** The department an employee worked in when the injury or illness occurred.

**Host department** The department providing transitional employment when the home department is unable to modify the time-of-injury job to accommodate the employee's limitations

**Modified job assignment** Changes made to an individual's time-of-injury position to accommodate limitations of injury or illness, such as modified workstations, tools, hours worked, or other conditions.

**Standards of Practice** Rules, procedures, or guidelines developed by campus authorities to permit, restrict, or require actions within the parameters of the enterprise policy.

**Time-of-injury job** The job held by an employee at the time an illness or injury occurred.

**Transitional employment** A new assignment in a host department to provide continued employment when the home department is unable to modify the time-of-injury job.