

Affiliated Campuses 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; Revised January 2020

Effective Date: November 6, 2013

Review Date: January 2023

Responsible Party: MSU Safety and Risk Management

Scope:

This policy applies to the Montana University System and the following MSU campuses and agencies:

MSU at Bozeman

MSU-Billings

Great Falls College MSU

MSU-Northern

Gallatin College MSU

City College MSU-Billings

MSU Extension

MT Agricultural Experiment Stations

Fire Services Training School

100.00 Introduction and Purpose

The affiliated campuses of Montana State University have developed the following policy and procedures to assure compliance with the Stay-at-Work/Return-to-Work (SAW/RTW) Assistance requirements listed in [MCA Section 39, Chapter 71 Part 10](#) and [ARM 24.29.1801-1821](#). This policy is based on current Montana statutes and rules, Policy 713.2 Board of Regents' policy and [Policy WC-03](#) of the Montana University System Self-Funded Workers' Compensation Program.

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.

200.00 University Responsibilities

- a. The University shall provide reasonable assistance to help employees stay at or return to meaningful, productive employment as soon as medically possible following an injury or illness.
- b. The University is responsible for administering Workers' Compensation programs. Each campus shall designate a specific individual to coordinate claims, as listed below. Additional information with regard to Workers' Compensation can be found in the [MSU Human Resources Policies, Benefits and Leaves, Workers' Compensation](#).
- c.

Bozeman	Billings	Great Falls	Havre
Campus Claims Coordinator, Safety & Risk Management	Campus Claims Coordinator, Director of Human Resources	Campus Claims Coordinator, Director of Operations	Campus Claims Coordinator, Director of Human Resources

300.00 Work Assignments

- a. If an injured employee is not capable of immediately returning to their regular position, the University may place the employee in a Temporary Transitional Employment (TTE) 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 rate of pay as was earned during their 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 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. TTE might not be available for every injured employee.
- c. Job modifications or TTE 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 may be considered on a case-by-case basis.

- 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.

400.00 Employee Responsibilities

- a. The employee must keep their 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. The employee will provide the supervisor with an updated Medical Status Form following each visit to the treating physician.
- b. Employees must follow their treating physician's orders and restrictions both at home and at work.
- c. Employees who are taken off work or given work restrictions must provide a written release (Medical Status Form) from their treating physician before returning to full duty at their time of injury position.
- d. Employees will keep all medical appointments. Not keeping or rescheduling medical appointments may result in termination of workers' compensation benefits and/or withdrawal of SAW/RTW modified or transitional employment.
- e. If the injured employee chooses to decline a modified or transitional employment assignment it may result in loss of workers' compensation benefits.

500.00 Eligibility

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 accommodations under the Americans with Disabilities Act (ADA) and should consult with Human Resources.

600.00 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, while staying in compliance with any labor agreements.
- b. If a department cannot provide any SAW/RTW opportunities, the employee may be assigned a TTE assignment in a host department; during which the home department continues to pay the employee's full salary and benefits. 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.
- c. The claims coordinator shall assist in management and resolution of any issues that may arise during 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 university (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.
- e. The claims coordinator shall provide a description of the SAW/RTW assistance being offered to the injured employee in writing, with a copy to the third party claims adjustor, the employee's home department and if applicable, the host department.

700.00 Limits

MSU endeavors to provide a safe and healthy working environment for all employees at all times. In the event of a work-related injury or occupational disease, the Program will facilitate return to work opportunities with the employing campus to the extent practical. SAW/RTW assistance and TTE opportunities are intended to be temporary. All employment decisions are made on a case-by-case basis and there is no guarantee that transitional employment will be available, offered, or continued.

Authority

[Title 39 Chapter 71 Part 10](#) – Montana Code Annotated

[24.29.1801-1821 Stay at Work/Return to Work](#) – Administrative Rules of the State of Montana

[Policy 713.2 – Montana Board of Regents of Higher Education](#)

[Policy WC-03](#) – MUS Self-Funded Workers' Compensation Program