University Policies and Procedures

07-07.41 - MODIFIED DUTY

I. **Purpose:**

Towson University has established implementing procedures pursuant to the USM Policy VII-7.41 Policy on Modified Duty [https://www.usmd.edu/regents/bylaws/SectionVII/VII741.pdf](https://www.usmd.edu/regents/bylaws/SectionVII/VII741.pdf) relating to the use of modified duty.

II. **Responsible Executive and Office:**

Responsible Executive: Associate Vice President of Human Resources

Responsible Office: Office of Human Resources

III. **General:**

A. It is the policy of Towson University to facilitate the prompt return of employees absent due to illness or injury. In an effort to ease the transition of recovering employees into a resumption of full duties without restrictions, modified duty is designed to provide for a temporary assignment.

B. Modified duty assignments shall not become permanent assignments. The total number of days that an employee can be assigned modified duties shall not exceed one hundred eighty (180) calendar days in any twelve (12) month _revolving_ period. Exceptions to the one hundred eighty (180) calendar day limitation may be approved by the Associate Vice President for Human Resources _after consultation with the appropriate Vice President._

IV. **Administration:**

A. In an instance where an employee is absent from work due to illness or injury, and is not expected to or does not return to work for a least ten (10) consecutive work days, the employee shall be required to provide an original certificate from a medical provider which authenticates the period of illness or injury and includes:

1. the date or dates the employee was seen by the medical provider

2. a diagnosis of the illness or injury
3. whether the medical provider recommends that the employee not report to work, the period of time involved, and the reason the illness or injury prevents the employee from working even with reasonable accommodation

4. a prognosis for recovery and the estimated date when the employee will be able to return to full duty

5. the medical restrictions that need to be considered when identifying a modified duty assignment

6. the authorized signature of a certified Christian Sciences Practitioner, or the following licensed or certified medical providers:
   a. Physician
   b. Physical Therapist
   c. Clinical Psychologist
   d. Dentist
   e. Optometrist
   f. Oral Surgeon
   g. Chiropractor
   h. Podiatrist
   i. Nurse Practitioner
   j. Nurse Midwife
   k. Physician’s Assistant

B. When an employee is required to provide a certificate as described above, the employee shall submit the certificate to his or her supervisor who, then, forwards it to the Office of Human Resources.

C. The employee may be required to provide additional original certificates at reasonable intervals based upon the nature of the illness or injury.

D. In the event that the medical restrictions listed on the original certificate prevent the employee from performing any available modified duty assignment, the University may arrange for a second medical opinion. This provision does not limit the University’s right under any other policy to require a second medical opinion.

V. Assignment:

A. Upon receipt of the original certificate, in coordination with the employee's Dean, Department Head, or Chairperson, the Associate Vice President of Human Resources will determine whether there exists an appropriate modified duty assignment consistent with reasonable accommodation for medical restrictions, the department's staffing needs, and relevant fiscal considerations. In the event an
appropriate assignment cannot be identified in the employee's department, the President's designee, after consultation with the appropriate Vice President, may assign the employee to another department that has an appropriate modified duty assignment during this period.

B. An employee on modified duty will not be assigned to perform duties of a level higher than the employee's regular classification.

C. Modified duty employees may experience some temporary changes from their regular assignments in the areas of daily work hours, scheduled shifts, regular days off, and holiday leave.

D. Modified duty assignments will not alter the employees' bi-weekly salary but may affect shift differential pay.

E. The assignment will be evaluated periodically and may be adjusted based upon the employee's medical progress.

F. The University may, at any time, arrange for a second medical opinion by a University named physician to verify the recovering employee's need to continue modified duties.

G. If the University determines that an appropriate modified duty assignment does not exist, the employee shall remain on paid leave or Leave of Absence Without Pay, as appropriate, until such time as the University can identify an appropriate placement or the employee's condition improves sufficiently to allow a return to work.

H. If the employee refuses a modified duty assignment, accident or sick leave may be terminated. The employee may be allowed to use other forms of paid leave, be terminated, or be placed on a Leave of Absence without Pay. Other administrative sanctions may also be applied.

I. Any employee who is injured in the line of duty and who refuses modified duty, shall be reported to the Injured Workers' Insurance Fund and a request shall be made for a suspension of lost time benefits.

Related Policies:

USM Policy VII-7.41, Policy on Modified Duty

TU Policy 07-07.12, Leave of Absence without Pay

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