Re-employment of Employees Who Have Suffered Compensable Work-Related Injury

**Policy Statement:**
It is the policy of this University that any classified staff who have sustained an injury compensable under the Worker’s Compensation laws of the State of Oregon while working within the scope of their employment at the University shall be re-employed (when and where as provided below) if such persons notify the University of their fitness to return to their former jobs (or another job at the University for which the employees are physically and mentally fit), and are otherwise qualified. Such notice shall be in writing and shall be filed within five regular working days following receipt of a return-to-work clearance from the treating physician or a compensation carrier physician, which clearance (or a copy thereof) shall be attached to said notice.

When informed of an employee's absence under conditions described above, the University shall provide that employee with a letter of information about applicable policies and procedures. Implementation of this policy shall place such returning former employees in suitable jobs as soon as such positions are available by reason of attrition (not related to a job slot which will be eliminated pursuant to a budget reduction or a staff reduction plan adopted in advance by the University) or through vacancy or through growth. The placement of the returning person in a specific suitable and available position shall be subject to the terms and conditions of any applicable collective bargaining agreement or the rules and policies of the Personnel Division of the State Executive Department for classified and management service staff respectively. In this context, a suitable job shall mean a job with the same job description as the previous employment or a job of equal or less responsibility and salary for which the employee is occupationally qualified and which the employee is physically and mentally able to perform within the limits of the written determination by the treating physician (or the SAIF examining physician) regarding the employee’s fitness to return to work.

Nothing in this policy shall prevent the University from terminating an employee for disciplinary reasons, or for terminating an employee because of physical or mental inability to perform the work in question, providing always that these actions shall not be taken in retaliation for the employee’s receiving or applying to receive workers' compensation benefit.

2. The policy of re-employment as above stated shall apply even after the employee has been terminated by reason of physical or mental inability to perform the job, (resignations excepted), but it must be understood that the termination entitles the University to replace the former employee with a permanent employee and, if that job was a one-of-a-kind position at the University, that position would no longer be available so long as the replacement employee was on the job.

**Reason for Policy:**
To provide official statement of the University's policy in the subject area. This policy applies to classified employees.

**Reviewed and Approved By:**
President's Staff
Date:
05/21/1985
Hi Kathy,

Thank you for attempting to modify this policy but I think it is best that it be temporarily removed until a system wide reinstatement/reemployment policy can be implemented. Employees will, of course, continue to have coverage as provided in ORS 659A.043 through 659A.052 and OAR 836-006-0100 through 836-006-0150.

Michelle Gillette
Workers' Compensation Claims & Ergonomic Program Manager
Environmental Health & Safety, 72 Onyx Bridge
5224 University of Oregon, Eugene, OR 97403-5224
P: (541)346-2958
F: (541)346-7008
E: michgill@uoregon.edu