Return to Work Programs

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There are two ways to control Workers' Comp costs

- Avoid injuries
  - Loss Prevention
  - Safety Management Systems
- Manage claims
  - Working with claims management
  - Nurse case management
  - Attorneys
  - Return to Work programs

There are two ways to control Worker's Comp Costs

- Obviously it is better to be proactive and prevent injuries
- But people are people so injuries will most likely happen. …even the best laid plans…
- All of the administrative claims handling prowess won't be as effective without a proper RTW program

Return to Work W.I.I.F.M

- What's in it for employers?
- Maintain production by keeping experienced workers on the job.
  - Avoid paying overtime, finding & training temporary help or hiring someone new.
- Control workers' compensation claim costs.

Injured Worker W.I.I.F.M

- What's in it for injured workers?
  - Steer clear of the stress and depression that often come with being unable to work.
  - Retain their job skills, company benefits and seniority.
  - Maintain their pre-injury income.
    - Remember, workers' compensation benefits pay only a portion of the injured employee's salary.
  - Avoid the disability mindset: "I'm injured, therefore; I cannot work."

What are we talking about?

- After an injury the treating physician determines that an injured worker is able to go back to work, but only on a light duty basis for a period of time. A good example is someone with a back injury; the doctor determines they can work, but can only lift 10 or 15 pounds.

- The employee must inform the employer of the doctor's restrictions. The law says the employer must try to seek an accommodation of the injured worker's medical needs.

- If there is some type of work available at the place of employment, the physical requirements of which would comply with the restrictions, then the worker can go back to work at that job position This accommodated job is called “modified” or "light duty work."

What are we talking about?

- If there is modified/light duty work available the employer allows the IW to work on a limited basis only so long as they can accommodate the medical restrictions

- The injured worker may still be able to get some amount of benefits while on light duty to make up the difference in lost wages. That is called Temporary Partial Disability (TPD).

What are we talking about?

- If the employer does not have any light duty work available. The employee will likely be able to continue to receive Temporary Total Disability (TTD) payments for the time lost from work while under active treatment for the injury.

- This means, if the employer doesn't have a RTW program, the employee stays home until the doctor says they can return to work without medical restrictions.

- In the meantime, workers' compensation payments continue.

Why Return To Work?

- Significant reduction in cost of claim
- Employee reaches MMI on average 50% sooner
- Discourages disability lifestyle
- Reduces potential of re-injury
- Keeps employee productive
- Allows employer to monitor and observe progress of recovery

RETURN TO WORK

How to create program:

- Develop Transitional Duty (modified duty) procedures
- Communicate RTW Process to Employees & Supervisors
- Communicate RTW Capacity to Physicians
- RTW as soon as medically appropriate
- Develop job descriptions for potential transitional duty positions

Not a Punishment

- An aggressive Modified Duty program is a MUST
- This is not to pick on the legitimately injured and earnest employee

Not a Punishment

- An employee who returns to work will TRANSITION back to regular work much more quickly
  - Being in the workplace and contributing prevents feelings of emotional isolation and depression that occurs when people are not productive.

Not a Punishment

- Unfortunately there are those who wish to take advantage of the system

- Keep these facts in mind throughout this discussion

Claims Management

- In a perfect world every employee that was injured would rehabilitate as quickly as possible and return to full duty with a smile on their face
- Unfortunately this is not always the case, and that is why we need policies
  - If humans were perfect no policies and no supervision would be necessary
- There are ways to keep this process on track though

Claims Management

- Having a good relationship with the medical professionals will ensure they don't just take everyone off of work
  - If you have not met your Occupational Dr., invite them to tour your workplace, take them to lunch, get to know them.
  - Building a relationship builds trust;
  - Trust allows the Dr. to feel comfortable and prevents them from having an over abundance of caution in their orders because of the "unknowns"

Sample Letter to Treating Doctor

Dear Doctor:

This letter provides important information about employees who work for (company name).

We have a return-to-work process designed to return employees to work as soon as medically reasonable. We would like to work with you on these items:

Your recommendations

Please assist us by providing your recommendations for returning this employee to work. We have attached a job description and task analysis for this employee's regular duties or modified productive work, a medical release form, and a form for your recommendations. We would appreciate an update after each appointment.

Modified duties, if required. If the employee is unable to return to regular duties, we will arrange for alternative productive work. We will be diligent in ensuring that the employee works within the guidelines you specify.

Scheduling appointments

We can arrange work schedules around diagnostic or treatment appointments. Please call me at the number below if you have any questions. Thank you in advance for your assistance.

Sincerely,

(Company's representative)

(Title)

(Company name)

(Phone number)

Claims Management

- Consider implementing a Post Offer Pre Employment (P.O.P.E.) Job testing program
- These programs tailor a functional test based on job specific tasks taken from your facility.
  - Can keep you from placing an employee in a job they cannot physically perform
  - Perfectly legal if done properly
  - Helps to eliminate candidates who are at risk from other injuries.
  - Make a better hiring decision…

Have Good Job Descriptions (physical task descriptions)

- Not a requirement
- Best way for a doctor to know the physical aspects of the position.
- Compare their assessment of the injured worker against physical tasks of job.
- Need to be specific to be helpful
- If you implement POPE job testing you will need/have one.

Claims Management

- Insurance premiums are not like the light bill
  - They can be controlled
  - It takes diligent claims management
- Watch out for the so called “Red Flags”

Claims Management

- No specific incident
- Vague details
- Un-witnessed incident
- Late reporting
- Discipline problem
- Demotion/layoff
- Known pre-existing conditions
- Short time on the job
- Finds a lawyer immediately
- Frequent user — prior claims
- Day after/before a weekend, holiday or vacation

If there are more than a couple of these it could be a clue

Despite all our efforts

- Someone is injured and must seek medical treatment and has temporary physical limitations…

RTW –When the employee comes back to work…

- Now is when the real battle can sometimes begin.
- People who return to work quickly get well more quickly, but what do we do with them when they return?

RTW –When the employee comes back to work…

- As we said before in a perfect world everyone would want to be well and want to work, unfortunately 5-10% of your work force may fall into the allure of getting paid for not working.
  - Permanent way of thinking, or just temporarily

When the employee comes back to work…

- There are several reasons why someone may do this, but it all boils down to one thing:

- Being at home, or on modified duty is somehow more rewarding than doing their regular job.

This is where we can lose them

- We do not know what to do with a person on modified, transitional, or “light” Duty
- Often times supervisors just want them out of their hair
  - have parts to make, things to sell, customers to serve…
  - I’m not a babysitter…
  - I don’t have time to watch them…

When the employee comes back to work…

- Often times they are not supervised as much as other employees
- Often we do not hold these employees accountable to other policies and procedures
  - More about this later

When the employee comes back to work…

- Strangely enough some people prefer to be on the “disability lifestyle”
- Some people have a “get by” mentality
- Ironic thing is that they will work REALLY hard to beat the system

The Unfortunate truth:

- Humans are not perfect
  Different people have different expectations

When the employee comes back to work…

- There is a reason that injury lawyers advertise at 2 in the afternoon
- Their Clientele is home then…
- Many time the “settlement seeker” will work very diligently at stalling
- They come back to work and they may try several tactics

When the employee comes back to work…

- They are the first ones to say that the work doesn't meet their restrictions
- They may call in sick and say they are in too much pain to come to work

When the employee comes back to work…

- They come to work, but don't do what they are instructed to do
- You hear comments other employees say about "when so and so gets their settlement they said they were going to quit"
- These things give an indication that you have a malingerer

When the employee comes back to work…

- It is all about motivation and incentive
- A few do not want to transition because they perceive the modified duty job to be a good deal for the money, better than their regular job.
- What we have to do is create a work detail that balances the scales and makes their own job look more attractive again

When the employee comes back to work…

- LETS BE CLEAR:
  - This is not punishment
  - This is not mean to be taken cynically
  - This is not retaliation for being injured
  - Why should their modified duty be more rewarding than their regular job?
    - At the same time we do not want to punish someone for being injured (violating a rule yes, injured no); we should not reward them either.

When the employee comes back to work…

- ALWAYS follow Dr.'s restrictions
- That being said, do not follow more than a doctors restrictions
- Assign work that is as close to normal function as possible
- If their restrictions do not specify sit down, and their regular job is not a sit down job, then there is no reason for them to be sitting

When the employee comes back to work…

- If their restrictions do not specify air conditioning, and their normal job is not in A/C then there is no reason modified duty should be
- If a full duty employee disrupted work by wandering around and talking to others; they would be disciplined? why have a different for modified duty?
- Remember it is acceptable to have them perform their normal job duties (if within their restrictions) with lower production expectations.
  - Doing their job slower doesn't mean they cant do their job, and we should allow them to, it is in the employers' interest.

When the employee comes back to work…

- Be Creative
- If you have two
  - one can walk and carry but cannot stoop
  - The other must sit and not walk or carry
  - USE TEAMWORK to accomplish a task
- Some companies have even assigned employees “community service” – this is acceptable

When the employee comes back to work…

- Most of the time an organization has a lot of "Beautification" projects that it would like to complete, but no manpower to do them.

- These make excellent modified duty jobs if the injured worker cannot be accommodated in their regular job.
  - Painting, cleaning, straightening, sorting, wiping, standardizing, identifying, etc.
  - Legitimate work that needs done.

When the employee comes back to work…

- This is all done with the goal of getting the employee back to their regular job
- It is TRANSITIONAL duty after all…
- Make sure employee knows it is TRANSITIONAL and temporary

When the employee comes back to work…

- This means that rather than a supervisor spending <u>less</u> time with one of these employees they should spend much, much, more time with them
  - Supervisors need to be educated about this

When the employee comes back to work…

- Those few Employees who are not working toward MMI
- Or who do not have legitimate, or have overstated claims
- DO NOT WANT ATTENTION

When the employee comes back to work…

- But employees who do want to get well and want to return to work
- <u>WILL APPRECIATE YOUR SHOW OF CONCERN</u>
- <u>It is a WIN WIN for supervision</u>
  - On one hand you can begin to correct poor hiring decisions…on the other you can increase morale for those who are earnest.

When the employee comes back to work…

- The problem employee will not want to retell the tale over and over, does not want to be asked about how they are feeling or if they are improving
- They will give vague answers and try to change the subject
- They will act uncomfortable

When the employee comes back to work…

- The earnest employee will like the fact that you are concerned with their well being, that you care, that you want to make sure they get good treatment and that they can be productive

- They will more likely be positive about their recovery and will tell you that they are ready to get better.

Ok so there is the philosophy, how to we implement this?

- First it must become important to the supervisor, they must be motivated to follow the philosophy

- Upper management's directives may help

Ok so there is the philosophy, how to we implement this?

- Explaining the financial implications to the company may help
- Explaining that it is a proper role of supervision to control loss/waste may help

Ok so there is the philosophy, how to we implement this?

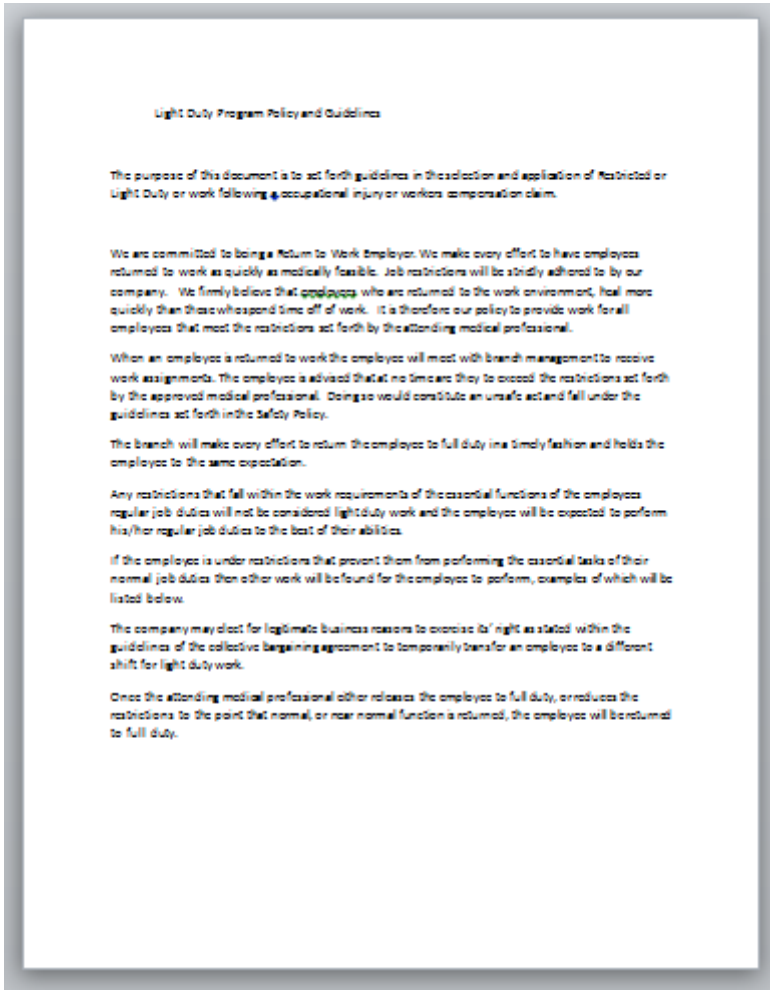
- THE BEST way to motivate a supervisor to do this is:
  - Make the program effective in managing WHERE a modified duty worker will be
  - Minimize the hassle of getting/finding/supplying them work

Ok so there is the philosophy, how to we implement this?

- Show Supervisors how a RTW program can solve some of their pet project goals
- Demonstrate this makes people transition back to regular work more smoothly

SAMPLE Modified Duty Program Policy and Guidelines

- One Page Document
- Communicate and post
- Employees and Supervisors



Light Duty Program Policy and Guidelines

The purpose of this document is to set forth guidelines in the selection and application of Restricted or Light Duty or work following a occupational injury or workers compensation claim.

We are committed to being a Return to Work Employer. We make every effort to have employees returned to work as quickly as medically feasible. Job restrictions will be strictly adhered to by our company. We firmly believe that employees who are returned to the work environment, heal more quickly than those who spend time off of work. It is therefore our policy to provide work for all employees that meet the restrictions set forth by the attending medical professional.

When an employee is returned to work the employee will meet with branch management to receive work assignments. The employee is advised that at no time are they to exceed the restrictions set forth by the approved medical professional. Doing so would constitute an unsafe act and fall under the guidelines set forth in the Safety Policy.

The branch will make every effort to return the employee to full duty in a timely fashion and holds the employee to the same expectation.

Any restrictions that fall within the work requirements of the essential functions of the employees regular job duties will not be considered light duty work and the employee will be expected to perform his/her regular job duties to the best of their abilities.

If the employee is under restrictions that prevent them from performing the essential tasks of their normal job duties then other work will be found for the employee to perform, examples of which will be listed below.

The company may elect for legitimate business reasons to exercise its' right as stated within the guidelines of the collective bargaining agreement to temporarily transfer an employee to a different shift for light duty work.

Once the attending medical professional either releases the employee to full duty, or reduces the restrictions to the point that normal, or near normal function is returned, the employee will be returned to full duty.

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Modified Duty Program Policy and Guidelines

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- Once the attending medical professional either releases the employee to full duty, or reduces the restrictions to the point that normal, or near normal function is returned, the employee will be returned to full duty.

Before an injury occurs

- 1. Identify possible tasks for modified duty work assignments. Ask employees and supervisors to help you brainstorm about everyday tasks, as well as new tasks that could be done by an injured employee. Suitable tasks usually are not physically demanding, and they should be safe, meaningful and productive. To get started, ask:
  - What tasks are not being performed now?
  - What tasks are performed occasionally?
  - What tasks could an injured employee do that would free other employees to do their jobs more efficiently?

Before an injury occurs

- 2. Organize information about these tasks. Do a task analysis to identify physical demands and other conditions. If possible, make a short videotape of the tasks. Keep the task analyses and videotapes in an accessible area.

- 3. Keep job descriptions up to date and accurate. Write a job description for every job at your company. If an employee is injured, you'll already have the information you need about the employee's original job assignment.

Before an Injury occurs

- Know that some injuries or restrictions are going to create a situation where we may have to get a bit creative.
- What if someone can't do even part of their regular job?

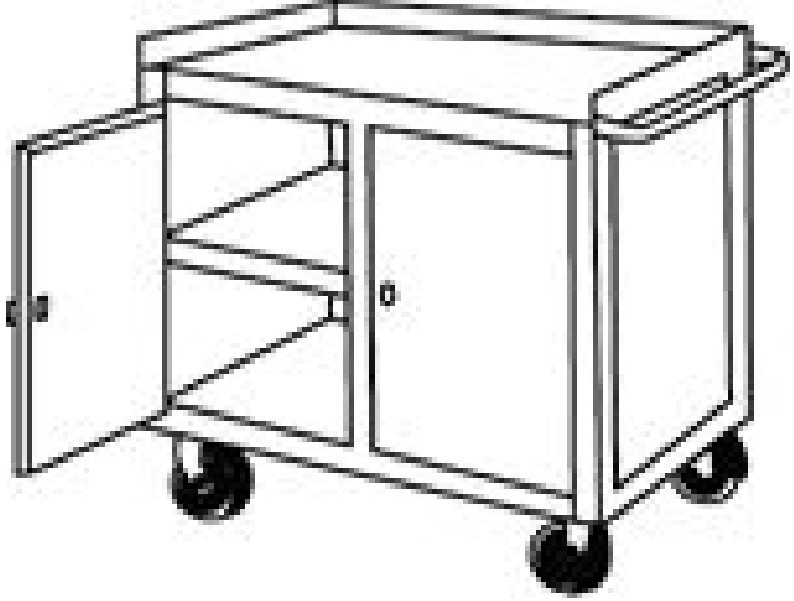
Make a task list and make it available to supervisors

- Then they don’t have to come up with tasks.

JOB	REPORT TO:	CURRENT PERSON WORKING
Lifting Restictions Less than 10 lbs		
Use magnet to pick up coil" around shop floor		
Clean windows in office area		
Wipe down vending machines		
clean fire extinguishers, eyewash stations		
hand out gloves at the beginning of shift		
clean MSDS binders, W.I. Books, Specification books, controlled document stands, Workstation id signs, etc		
Lifting Restirctions less than 20 lbs		
Paint poles, machines, guarding, etc.		
hose spray or powerwash front entrance		
Paint Walls in offices, breakrooms etc		
Sweep parking lot, sidewalks etc		
clean outside break area		
clean up trash around scrap hoppers, trailers, etc		
Use of one arm/hand/wrist		
Paint trashcans, hoppers, barrels, etc		
Clean Eyewash stations, drinking fountains etc.		
Update, organize, clean bulletin boards		
Clean parking lot- rags, trash, etc.		
Clean Quality stands, books, work instructions,etc.		
inspect and clean fire extinguishers		
Sit down only		
Sort and organize MSDS books		
Clean W.I. Books, Quality documents		
Sort time cards, filing, copies, paperwork.		
No bending/twisting		
Paint "footprints" where pallets,hoppers, barrels, etc. are supposed to be kept. Make sure they are in the correct location before painting.		
Clean Air compressor rooms		
Mop floors in all departments		
Inspect and clean fire extinguishers		
Use magnet to pick up "slugs" around shop floor		
Use floor scrubber		
Alternate Sitting and Standing		
Clean compressor rooms. Floors need swept, walls cleaned and painted, etc.		
paint forklifts		
Clean Restrooms, Breakrooms, Offices		
No Reaching above Shoulder Level		

Stage supplies for the tasks on the list

- Then assigning work and getting supplies is less burdensome on a supervisor



Equipment for Cart

- Paintbrushes
- Cleaner
- Rags
- Paint
- Rubber gloves
- Scraper
- Broom
- Mop
- Stencils
- Safety Stickers (machine warnings)
- Knockout Plugs
- Scraper
- Scrub brush
- Trash Bags
- Paper Towels
- Dustpan

Testimonial

The Modified Duty policy was implemented on 4/23. A meeting was held with the supervisors. The list of light duty jobs were placed in binders and given to each of them.

Employees on modified duty are instructed to report to their supervisor and to log each light duty task on their timecard. As I receive updated restrictions, I complete a new Restricted Duty form and copy the supervisors to keep them up to date on the current restrictions.

Since implementation of the policy, some of the injured workers have been able to do production jobs. The others have been assigned light duty tasks from the list. The 2nd shift employees learned that if they were on light duty they could be transferred to 1st shift.

We do have problems with a couple of employees not wanting to do the light duty assignments. We are faced with one right now and we are applying our disciplinary policy for those issues. **This week we've had one light duty employee that can walk, bringing work to the other light duty employee that has to be sitting down.**

All of the supervisors are working together to try to make this program work. I would like to see more monitoring of the light duty employees by the supervisors.
I get copies of the light duty employees' timecards each day so that I have a record of what their assignments are. The program does take time and I guess it would be much easier just to send them home, but why allow them to be off work drawing a check for nothing when you can have them doing something productive. I think the other non-injured employees like the program because they don't think it's fair for someone to sit at home and draw a check for nothing when they have to be here everyday to get paid.

Thank you!
Discussion Time!