

THE RISK OBSERVER

FOUNDED 2006 — VOL. CLXI

PROFESSIONAL UNDERWRITERS

DAILY 5 CENTS, SUNDAY 15 CENTS

RETURN TO WORK PROGRAM CONSIDERATIONS

OVERVIEW OF PROGRAM BENEFITS

A transitional duty or return to work program is an important feature in controlling workers' compensation costs. An employer can effectively use a transitional duty program to permit an injured worker, who is still recuperating, to return to gainful employment in a productive manner before resuming full duty work. Benefits of returning the employee to work include:

- ◆ encouraging inclusion of the employee in the workforce
- ◆ reducing extended periods of idle time spent at home
- ◆ offering activity levels that strengthen and enhance the employees physical recovery
- ◆ reduction in the number of lost time days
- ◆ reducing the indemnity payments made under workers' compensation
- ◆ increasing the employee's total earning capacity

These physical, mental, and financial motivators should be designed so that an employee is more willing to return to work, and is capable of performing meaningful tasks which result in greater financial rewards for working.

A transitional duty program should be temporary in duration and transitional so that a worker "passes through" the program thereby opening positions for other injured workers.

EVALUATING ALL THE POSSIBILITIES

Evaluating potential transitional duty jobs to assist an injured employee coming back to work is a challenging task, but it can play an important role in the success of a return to work program. A thorough review of all of the possibilities is important in uncovering the real potential for formulating productive jobs for employees to assimilate them back into the workforce.

Supervisors usually have a list of tasks and activities that they would like to get done but never seem to have the time to accomplish. By reviewing the supervisor's list of needs, some meaningful modified duty jobs may be identified. Being able to assemble these unattended tasks into a job will benefit the supervisor, and enable the employee returning to work to feel that their contributions are valuable, and not just "busy work" assignments. Additionally, evaluate what tasks and services are currently subcontracted out to identify opportunities to reduce outsourcing expenses while still getting the job done in-house.



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RESPONSIBILITIES

In order to prepare for the likelihood of returning an injured employee to a job that best accommodates their restrictions, an employer should classify a number of jobs as “temporary modified duty” positions. If an employee has been out for an extended period of time, the policyholder can contact the employee’s health care provider and suggest various light-duty jobs the employee might be able to perform safely.

For musculoskeletal disorder claims (backs, wrists, shoulder, etc.) an ergonomist or other qualified person should analyze the physical procedures used in the performance of each job, including lifting requirements, postures, hand grips, and frequency of motion. The ergonomist should develop a list of jobs with the lowest ergonomic risk. For such jobs, the ergonomic risk should be described. This information will assist health care providers in recommending assignments to light or restricted duty jobs. The light duty job should therefore not increase ergonomic stress on the same muscle-tendon group.

Department managers should identify essential transitional duty job functions/positions within their respective departments. Multiple transitional duty functions can be combined to create a temporary transitional duty position. This can be achieved through the effective assistance of a vocational expert or occupational physical therapist. Once such job functions or transitional duty positions are identified, an accurate job description can be drafted and/or video taped. Next, the transitional duty job descriptions are distributed to the designated physicians that appear on the employer’s posted list for treatment of work injuries. These physicians, through the use of video tapes or medical provider tours, can be made familiar with the available transitional duty functions/positions within all of the employer’s departments.

TIMING AND DURATION OF THE TRANSITION

It is recommended that the transitional duty program be limited to 90 days or less in which a medically disabled/impaired individual may participate. Within the first 90 days, written confirmation of the injured employee’s ability to perform a transitional duty position should be obtained from the physician who is already familiar with the employer’s transitional duty program. A written job offer of transitional duties is then made to the injured worker with a return-to-work date given.

Prior to the employee returning to work, an evaluation of the work environment of the temporary position should be performed to ensure that the conditions support whatever restrictions the employee may have. The employer should allow an extended time period, such as three months, to allow employees to ease back into their normal job requirements, during which time a monthly safety follow-up should be conducted. If it is determined that the employee cannot



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perform their previous job tasks anymore, the employer should work with the employee to find another job within the company if possible.

Through close coordination between the medical provider the employer makes a determination whether to offer an injured worker transitional duty based on the type of injury sustained, i.e., soft tissue injuries. We recommend that the transitional duty positions be offered to those employees who sustain disabling injuries from which they would likely medically recover within 90 days. Because the program by definition is transitional and temporary, the employees who fall within the protected class of Americans with Disabilities Act would not seek participation.

The transitional duty program should continue for the maximum of 90 days or whenever the employee is medically released to return to regular duty, whichever is earlier. Presumably the employer's panel physician or other physician of the employer's choosing would evaluate the individual working in a transitional duty program shortly before the end of 90 days to update and define any medical restrictions.

When an injured worker refuses to return to transitional duty work, consideration can be given to re-evaluating the claim for continuation of compensation benefits. Individual state workers' compensation laws may restrict employer options and should be consulted prior to changing compensation decisions. However, should the injured worker return to transitional duty work that is offered to him the employer may continue to pay compensation. Successful denial of compensation claims depends on accurate and timely communication between the employer, claims adjuster, and any involved medical professionals.

