



# Work Comp Associates, Inc.

*Florida's Premier Source for Workers' Compensation Coverage & Information*

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## **Return-to-Work Policy**

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### Instructions:

Please enter your company name in every blank.

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## RETURN TO WORK POLICY\*

(Transitional and Permanent Return to Work Program)

### I. Introduction

The goal of \_\_\_\_\_'s Return to Work Program is to establish transitional employment standards allowing for workers injured on the job to return to work following a disabling event and ultimately resume permanent employment within their restrictions and limitations. Emphasis is placed on early return to work in meaningful employment providing valuable and needed services to \_\_\_\_\_ based upon job descriptions developed in advance if possible and in conformance with the continuing needs of \_\_\_\_\_, giving due consideration to the abilities of the employee and providing reasonable employment accommodation. Transitional duty placement in identified job positions will be made at the discretion of \_\_\_\_\_. All departments of \_\_\_\_\_ are requested to participate in this program with the shared responsibility to assist injured employees in returning to employment within medically verified physical limitations.

### II. Purpose

- A. To provide meaningful employment to employees who, due to injury or illness, are temporarily unable to perform the essential functions of their job. Through this program, it is hoped that there will be an aid in the healing process of the affected employee.
- B. To reasonably accommodate employees to perform employment during periods of recuperation following an injury or illness with primary emphasis being placed on specifically tailoring the job to the employee's abilities and maximizing recovery from an injury or illness.
- C. To facilitate the timely placement of an employee from a temporary, time limited transitional job developed pursuant to this program into a permanent, non-time limited position with due consideration to medical restrictions, past industrial history, education, work ability, safety, any applicable collective bargaining agreements, the needs of \_\_\_\_\_ and the requirements of applicable law.
- D. To explain or otherwise make known to employees the purpose of this transitional return to work program with a complete detailing of the employee's duties and responsibilities, expectations, supervisory oversight, and temporary nature of the job assignments.
- E. To demonstrate to the employees \_\_\_\_\_'s interest and concern for the employee's well being and the efforts being made to get such injured employees back to

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\* Source: 2007 Workers' Compensation Desk Manual by James N. McConnaughy.

work as quickly as possible within the limitations as prescribed by the treating authorized physician.

### III. Duties and Responsibilities (Coordination Between Departments)

#### A. Personnel Department.

- (1) Advise all employees, preferably at the time of hire, of \_\_\_\_\_'s transitional work program, and obtain each employee's acquiescence to participate in such program should an accident occur on the job, it being understood that participation in the program shall be at the discretion of \_\_\_\_\_. It shall be further understood by the employee that the transitional duty position does not need to conform to established pre-injury job descriptions or department requirements. Depending on the job the employee is placed in, the personnel department and the risk manager will determine the rate of pay in coordination with the department head to which the injured worker is assigned. If the pay is not equal to pre-injury earnings, workers' compensation benefits will be paid in accordance with the Florida Workers' Compensation Law as determined by the claims adjuster as hereinafter provided.
- (2) In coordination with department heads and supervisory personnel of the various departments within \_\_\_\_\_ as well as the risk manager, develop a list of jobs or duties that would qualify for positions in the transitional work program, with general job duties that do not exceed sedentary or light duty physical demands. If special training is needed for such positions, such must be specifically stated. The jobs or portions identified must be actual positions providing a benefit to \_\_\_\_\_ and must be amenable to modification depending upon the needs of an employee who would perform the job. For example, jobs that an employee could perform intermittently or on a limited basis involving standing, sitting, changing positions, stooping, and so forth. Jobs identified should be limited as to the lifting requirements. Transitional periods identified must be performed for a period of time not to exceed \_\_\_\_\_ months from the date of the beginning of the transitional employment and shall not be intended as a permanent position.
- (3) In cooperation with department heads and supervisory personnel of the various departments as well as the risk manager, develop a list of permanent light duty, sedentary duty, or modified positions. Coordinate with the risk management department in establishing an ergonomics job analysis (if needed) for such positions which shall include but not be limited to designing a job title, job summary, degree of physical demands, description of tasks, and minimum educational/experience requirements.
- (4) Advise risk management at least on a \_\_\_\_\_ (bi-weekly, monthly, etc.) basis of jobs available in transitional and permanent light duty positions. Permanent or

transitional job positions can be developed at the time the employee is allowed to return to work by his/her authorized treating physician and need not be established in advance. However, every effort should be made to identify these jobs in advance.

- (5) Coordinate with accounting and/or the budgetary office to ensure that wages earned by employees in the transitional work program are properly allocated. Wages earned by the injured employee shall be allocated to the risk management department; however, such charge shall not exceed \_\_\_\_\_ months. Wages earned and expenses incurred after the said \_\_\_\_\_ months shall be charged to the employing department. During the period of the transitional work program, the employee will receive his/her normal benefits. Coordination with other employer provided benefits as allowed by law should be established, it being specifically understood that such benefits, including workers' compensation, should be offset by the amount of wages earned in the transitional work program as allowed by law. Wages earned by the employee in permanent light duty or modified jobs shall be charged to the employing department.
- (6) Provide written notification to injured employees of their rights under the Family and Medical Leave Act of 1993. Notification of entitlement to such benefits shall be made upon a determination that the employee has missed more than seven (7) days of employment and may be given concurrently with the payment of workers' compensation benefits, if any. Should the injuries or illness relate to non-work related activities or conditions, \_\_\_\_\_'s health benefits procedures will be followed.

#### B. Risk Management

- (1) Coordinate with and approve the workers' compensation managed care arrangement proposed by \_\_\_\_\_'s workers' compensation third party administrator or carrier (if such is in existence), including but not limited to the doctors within the arrangement's network of physicians (approved physicians) and grievance procedures. If no managed care arrangement is in place, authorized treating physicians will be as approved by the risk manager with due consideration being given to providing quality medical care at a reasonable cost to \_\_\_\_\_.
- (2) Ensure that approved physicians are aware of \_\_\_\_\_'s transitional return to work program with particular emphasis being placed on the approved physician's willingness to:
  - (a) Establish early appointment dates for employees injured in workplace accidents and to timely report treatment being provided.
  - (b) Allow injured workers to return to work in modified employment when medically permitted.

- (c) State with particularity the types of employment the employee is able to perform.
- (d) Approve specific jobs when medically permitted as described by risk management; if disapproved, state with particularity the reasons for such disapproval.
- (3) Ensure that \_\_\_\_\_'s workers' compensation third party administrator / insurance carrier / employer's internal claims department is aware in detail of the \_\_\_\_\_'s transitional return to work program and the objectives thereof. Emphasize \_\_\_\_\_'s objective that close coordination is required with the authorized physician to get an early return to work date even though maximum medical improvement might not have been met.
- (4) Upon receipt of information that the employee is able to return to work with restrictions, contact the department within which employee was working at the time of his accident to determine availability of employment within the employee's restrictions. If no such position can be identified, contact the department that has provided job descriptions described in paragraph III(a) above to determine job availability. (Provided, however, that if reassigning the employee to the department where he worked before an on the job accident would create personnel or morale problems, the employee shall be assigned to another department). Upon determination of job availability, advise workers' compensation third party administrator / insurance carrier / employer's internal claims department of the specifically identified job. Coordinate with adjuster that physician approval has been obtained for the identified job.
- (5) Upon receipt of information from the authorized physician that the employee can return to work in the identified job, offer the employee the job as approved by the authorized physician. Said offer shall be made via telephone (if applicable) and by written notification, with a copy being forwarded to workers' compensation third party administrator / insurance carrier / employer's internal claims department and the person to whom the employee has been assigned in the transitional work duty program. Notification is to include but not necessarily be limited to the job title, a brief description of the duties of the position and the department, supervisor, date, time, and location of the employee's return to work position. Coordinate with the employee's supervisor the employee's return to work and ensure that the supervisor is aware of the employee's limitations and abilities to otherwise perform the transitional work offered. Hours of employment should be adjusted to accommodate the injured worker's visits to his treating physician.
- (6) Notify workers' compensation third party administrator / insurance carrier / employer's internal claims department and personnel department as to whether the employee returned to work pursuant to the transitional work program offer of employment. IF employee returned to work, advise workers' compensation third party administrator / insurance carrier / employer's internal claims department the wages being paid. If the

employee did not return to work in the offered position, advise workers' compensation third party administrator / insurance carrier / employer's internal claims department the amount of wages the employee would have earned had the employee returned to work.

- (7) In conjunction with the authorized physicians, the employee's transitional work program supervisor, and the workers' compensation third party administrator / insurance carrier / employer's internal claims department, monitor the employee's work status. Monitoring shall include but not be limited to determining the employee's abilities (both temporary and permanent) and identifying permanent positions for which the employee would qualify. Monitoring may also include early identification of potential factors that might affect an injured or disabled person's ability to perform permanent positions identified in paragraph III(a)(3). Monitoring shall also require notification to the injured worker's supervisor the limitations for the employee's return to work and the employee's adherence to such limitations.
- (8) With the assistance of all departments, the treating physicians and workers' compensation third party administrator / insurance carrier / employer's internal claims department identify permanent positions as described in paragraph III(a)(3) that the injured or disabled employee could perform. If appropriate, offer such position to the employee in writing (certified mail, return receipt requested) with a copy being sent to carrier or claims department. Monitor the employee's continued employment status to ensure that: permanent restrictions, if any, are being followed; supervisors are aware of accommodations, if any, needed for the employee; and the employee is compliant with the requirements of the job, his/her limitations, and the rules and regulations of \_\_\_\_\_. Placement in the permanent modified duty program shall be within the complete discretion of \_\_\_\_\_ or its designee.
- (9) Make the employee aware of the fact that if he/she cannot return to his/her temporary or alternate duty transitional job or comparable full-time job not later than \_\_\_\_\_ month(s) from the beginning of the temporary alternate duty job, a management decision will be made based upon the needs of the company and available vacancies to either:
  - (a) Place the individual in a part-time job which would result in loss of full time benefits.
  - (b) Place the individual in a full-time job which has less physical demands.
  - (c) Terminate the individual because of the inability to provide reasonable accommodations for his/her return to work.
- (10) Establish a medical file that contains all medical records of the employee including, but not limited to, communications by the TPA, carrier, claims department, physicians or employer. Such file shall be separate from the employee's personnel file and shall be

considered confidential, not subject to release, except upon court order, as required by law, or upon written authorization by the employee.

#### C. Claims Adjuster

- (1) Review First Reports of Injuries and conference with injured workers as required pursuant to established claims handling procedures. Notify risk manager of potential temporary alternate duty candidates by determining if they will be off work for two weeks or more. Advise the injured worker of the transitional work program and \_\_\_\_\_'s efforts to be made to return him/her to work based upon the recommendations of the treating physician.
- (2) In coordination with the risk manager, educate treating physicians as to employer's transitional work program and permanent modified duty program and the fact that the employer is willing to provide modified employment for early return to work if medically advisable.
- (3) Obtain from treating physician or functional capacities evaluator restrictions or limitations if any as to the injured worker's ability to return to work. Upon receipt of such information, forward to risk manager and coordinate the identification of jobs within the transitional work program that the injured worker can perform. Forward to physician a job description of the proposed job position intended to be offered to the injured worker with an inquiry as to employee's ability to perform the proposed job.
- (4) Advise the risk manager of the physician's approval/non-approval of the proposed job to be offered to the injured worker.
- (5) Pay workers' compensation benefits if any before and after a job offer is made, based upon information received from the risk manager.
- (6) Obtain maximum medical improvement from the treating physician(s) with permanent impairment rating, if any. Pay applicable benefits and coordinate with risk manager in establishing permanent job positions for the injured worker.

#### IV. Conclusion

A. The success or failure of \_\_\_\_\_'s transitional and permanent return to work program is directly dependent upon frequent and ongoing communications between all departments of \_\_\_\_\_. Accordingly, at least quarterly, a representative from HR, risk management, and workers' compensation third party administrator / insurance carrier / employer's internal claims department shall meet to review:

- (1) Injured workers who are participating in the transitional or modified permanent duty program and the progress being made therein;

- (2) Injured workers who are receiving workers' compensation benefits or potentially may be entitled to such benefits to determine if such injured worker would qualify for the transitional or modified permanent return to work program, with or without reasonable accommodations.
  - (3) Treating physician compliance with standards as stated in paragraph III(b)(2) and whether such physicians should be authorized to provide continuing treatment to other injured workers. This review should include surveying injured workers to determine the effectiveness of medical treatment being provided.
- B. Management must specifically endorse the transitional and permanent modified jobs programs and consider such programs an integral part of employer provided benefits to its workforce. Accordingly, at least on a quarterly basis, and not later than ten (10) days following the meeting as referenced in paragraph IV(a), management shall be advised as to the effectiveness of such programs. Effectiveness reports of all persons involved in making these return to work programs successful and workers' compensation third party administrator / insurance carrier / employer's internal claims department shall be evaluated, including the reduction of workers' compensation benefits to injured workers who can, from a medical standpoint, return to a position with \_\_\_\_\_.