

RETURNING INJURED WORKERS TO SUITABLE EMPLOYMENT

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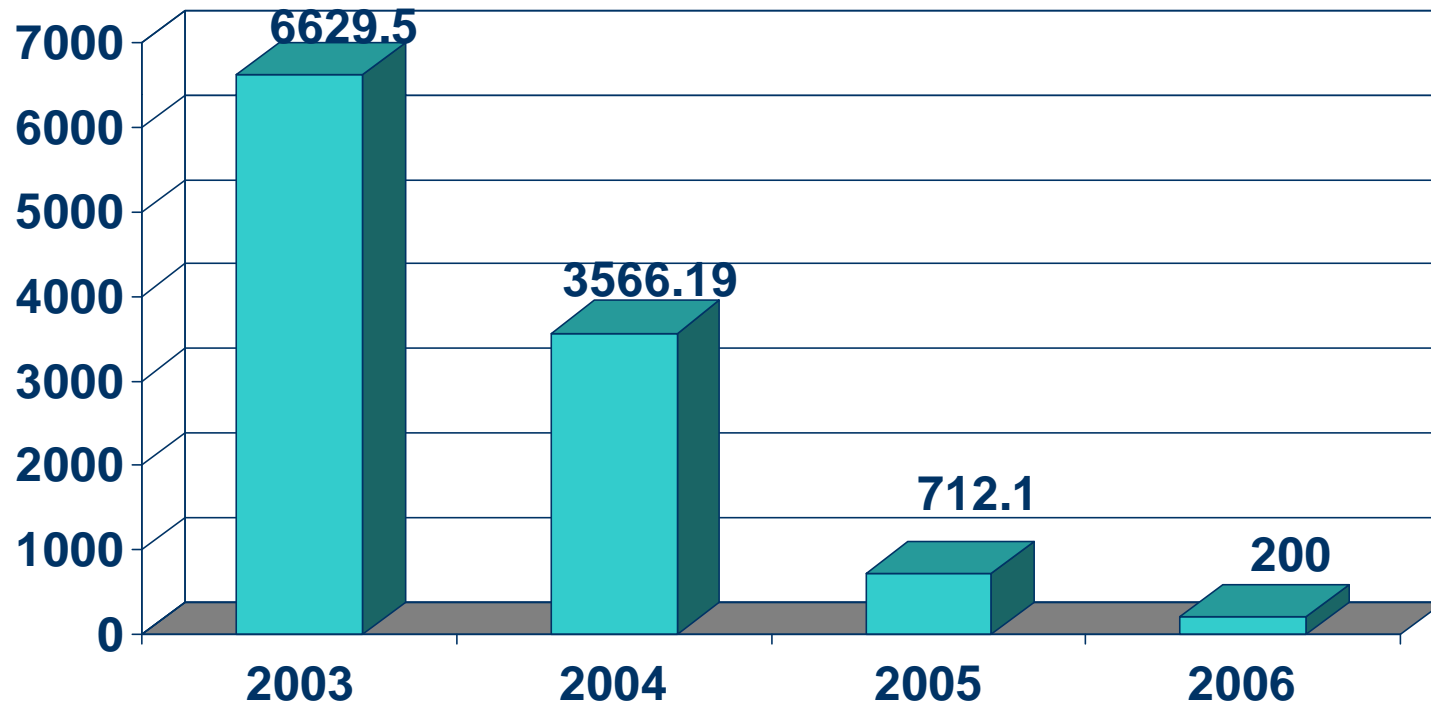
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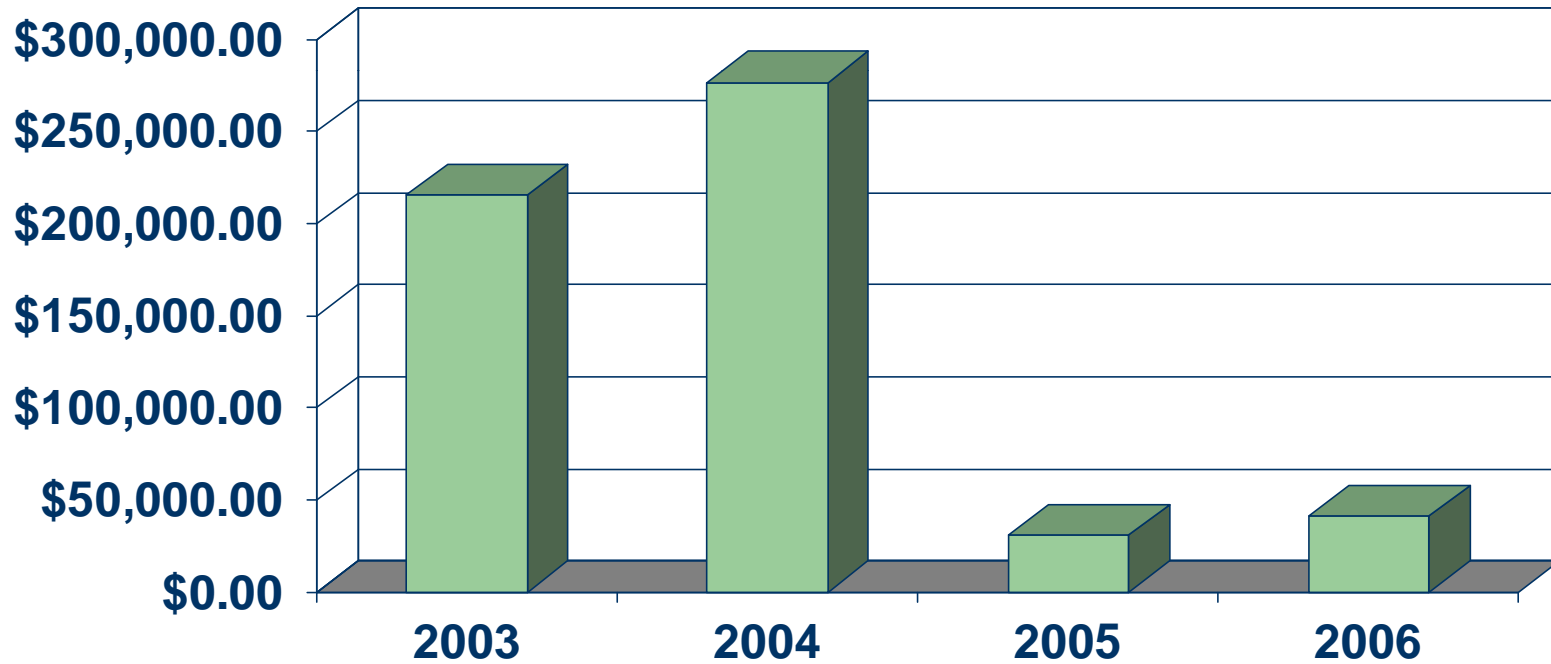
Why Develop a Return-to-Work Program?

- **50%** of injured workers who remain off work 6 months or more never *return to work*
- **75%** of injured workers who remain off work 12 months or more never *return to work*
- Only a fraction of the actual costs of medical only claims count when determining a company's EMOD.

Total Lost-Time Hours by Year



Total Direct Workers Compensation Costs by Year



The Satisfied Injured Worker

Profile of an Injured Worker Most Likely to Be Satisfied With Employer

- The employee had prior communications from employer about the workers compensation process and the return-to-work program
- Had enough information about workers compensation, medical condition, and how to speed recovery

The Satisfied Injured Worker

Profile of an Injured Worker Most Likely to Be Satisfied With Employer

- Received medical treatment on the same day as the injury.
- Company arranged for or escorted worker to a doctor.
- Doctor set expectations for recovery and explained how injury would affect worker's ability to perform job.

The Satisfied Injured Worker

Profile of an Injured Worker Most Likely to Be Satisfied With Employer

- Company and co-workers stayed in touch during the recovery period.
- Employer believed injury was genuine.
- Company had a return-to-work program.
- Had a modified job environment until fully recovered.

What is a Formalized Return-to-Work Process?

- A process designed to ensure prompt medical care is provided to an injured employee
- A process that returns an injured employee to productive work in the shortest possible time ***with the approval of the treating physician***
- A tool that lowers costs associated with workplace illness and injury

Direct Benefits of the Return-to-Work Process

- **Direct Benefits** can be directly measured in the reduction of costs associated with work related injury and illness
 - Maintenance of Productivity
 - Retain Experienced Workforce
 - Reduced Lost Time
 - Reduced Overtime
 - Reduced Hiring and Retraining costs

Other Benefits of the Return-to-Work Process

- Enhanced Company Image
- Increased Employee Morale and Loyalty
- Improved Employer/Employee Relationships
- Reestablish Routine of Injured Worker
- Prevent Deconditioning
- Social Network Maintained
- Shorten Recovery Time

Steps to Develop Your Return-to-Work Process

- Organize a Return-to-Work Team
- Develop a policy and procedures to accomplish it
- Develop productive transitional work assignments
- Educate everyone

Steps to Develop Your Return-to-Work Process

Communication is the key!

- Involve everyone in the process!
- For your return to work process to be effective, everyone must buy in to the program and understand their part in the process.

Steps to Develop Your Return-to-Work Process

The Return to Work Policy Must:

- Focus on employees' abilities, not disabilities
- Return injured employee as soon as medically possible
- Incorporate an active safety program
- Recognize a Return-to-Work program as a benefit to the employee

What is Transitional Duty?

- Designed to return a recovering employee to the workplace in a meaningful, safe, and productive job.
- Conforms to the physician's restrictions
- Accommodates the treatment needs of the injured employee

What is Transitional Duty?

- Identifies a beginning and an end date
- Requirements are reviewed regularly
- Modify requirements as appropriate
- Process continues until a full release is obtained from the treating physician
- **Treating physician must agree with any changes in the transitional duty!**

What is Transitional Duty?

- If possible, pay the employee full wage during the transitional duty
- If transitional duty pays less, worker is entitled to Temporary Partial Disability (computed at $\frac{2}{3}$ the difference between the full wage and the wage during transitional duty)

Developing a Job Offer

- Employer must consider the physical or emotional restrictions placed on an injured worker due to the work injury as well as any concurrent, non-injury-related ailments.
- Employers can request work restrictions directly from the physician.

Bona-Fide Job Offers

The primary goal is to return injured workers to suitable employment preferably within their own crew or with another crew that has suitable employment.

Bona-Fide Job Offers

- Employee must be released by doctor to transitional duty
- Employer provides a bona fide offer to the employee which:
 - Is Written
 - States Specific Information About Position
 - Is Signed By All Involved in the Process

Bona-Fide Job Offers

- If the injured employee rejects the bona fide offer, benefits may be stopped
- Speak with your workers compensation claims adjuster about the bona fide offer
- Remember, as an employer you need to stay in compliance with ADA. (“Reasonable Accommodation”)

Return to Work Plan

- Employers should have a plan to return injured workers to suitable employment.

The longer injured workers are out of work, the less likely they are to return.



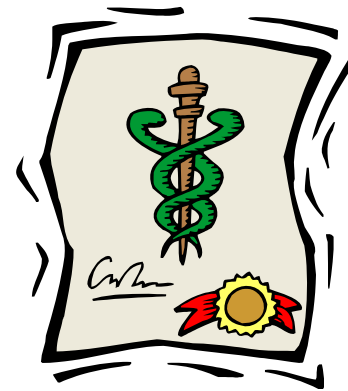
Injured Worker's Responsibilities

- Work together with the employer to seek and accept suitable employment.
- To resume regular employment if and when capable.
- To provide physician with information on the company's Return-to-Work program.
- To advise employer of workplace restrictions imposed by the attending physician.

Employer's Responsibilities

- Authorize medical care.
- Identify acceptable transitional duties
- Produce a return to work plan, including a Bona Fide Offer
- Support the injured employee during the entire healing process

HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPAA)



What Is HIPAA?

- HIPAA prohibits health providers from discussing or giving information to anyone without a patient release. This includes other physicians.



Does This Law Apply to Workers Compensation?

- No, it does not apply to Workers Compensation. Health providers are obligated to provide medical information about the workplace injury to the employer upon written request.



Developing a Job Offer

- Section 10.506 of the CFR allows an employing agency to monitor the injured worker's medical care.
- Employer may have to contact the physician in writing.
- Employer may contact the injured worker at reasonable intervals for updated medical information regarding the injury.

How Will This Law Affect the Employing Agency?

- This law may hinder the employing agencies from obtaining medical information directly from the injured worker's physician.
- If an injured worker does not sign a release, medical information regarding work tolerance limitations due to the employment injury may be obtained.

How Will This Law Affect the Injured Worker?

- It is the injured worker's responsibility to provide medical evidence to support injury related disability.
- If the injured worker does not provide supporting medical documentation (whether HIPAA is involved or not), the employer is not required to pay.

Making the Job Offer

- Description of specific job duties to be performed
- Specific physical requirements of the position and any special demands or unusual working conditions
- The work schedule
- Organizational location of the job
- Date on which the job will first be available
- Date by which a response to the job offer is required
- Provide pay information
- The job must be offered in writing and must be based on the medical restrictions.

Tips for a Successful Return-to-Work Program

- Train your supervisor to be effective supervisors
- The written program should be included in as a benefit in an Employee Handbook
- Discussed at new employee orientation
- Presented as a topic for safety meeting
- A responsibility of all supervisors and management

Tips for a Successful Return-to-Work Program

- Commitment and accountability of supervisors and management
- Designate a RTW Leader
- Establish a written policy and procedure
- Establish productive transitional work tasks
- Be flexible
- Follow-up

Tips for a Successful Return-to-Work Program

- Report the incident within 24 hours
- Hold RTW Meetings
- Work directly with your medical provider and insurance claims adjuster
- Maintain weekly contact with the injured employee