

Recovery-at-Work: Strategies, Solutions & Benefits!



PO Box 5437 • Asheville, NC 28813 • (828) 274-0959
info@iwcpro.com • www.workcompprofessionals.com

THE INFORMATION CONTAINED IN THIS DOCUMENT IS INTENDED AS A RESOURCE ONLY. SAMPLE DOCUMENTS ARE INTENDED AS EXAMPLES ONLY. IT IS NOT MEANT TO SUBSTITUTE FOR LEGAL ADVICE.

EMPLOYERS MAY WANT TO CONSULT LEGAL COUNSEL, THEIR WORKERS' COMPENSATION INSURANCE CARRIER OR OTHER EXPERTS WHEN ESTABLISHING POLICIES AND PROCEDURES OR WHEN MAKING DECISIONS RELATED TO ANY INDIVIDUAL SITUATION. IT IS IMPORTANT TO NOTE THAT THERE MAY BE OTHER STATE AND FEDERAL LAWS THAT ALSO APPLY.

INCLUSION OF ANY SAMPLE IN THIS DOCUMENT DOES NOT CONSTITUTE RECOMMENDATION FOR USE.

This page intentionally left blank.

TABLE OF CONTENTS

I. About This Guide	5
II. Benefits Of An Early-Return-To-Work Program	7
III. Issues That Can Delay Return To Work	9
IV. Elements Of A Successful Early Return To Work Program	11
V. Planning an ERTW Program	13
VI. Program Documentation	15
VII. Developing Transitional Work Assignments	19
VIII. Education: Getting Everyone On Board	21
IX. Communication: The Key To Success	23
X. Supporting the ADA and FMLA	25
XI. Forms, Tools & Documents	28
XII. Appendix	55

This page intentionally left blank.

I. ABOUT THIS GUIDE

According to Insurance Services Office, Inc., 80-90% of workers injured on the job would rather be working than convalescing at home, but the desire to return to work decreases with each passing day. Studies by the US Bureau of Labor Statistics show that after six months of missing work, only half of all employees will return. Only one in four will return if they've been out of work for more than a year. If employee and employer want to regain their pre-injury productivity, there is a narrow window of opportunity. A key to re-establishing a healthy working relationship is an aggressive Early-Return-To-Work (ERTW) program.

A proactive Early-Return-To-Work program can help control costs due to on-the-job injury and create a more productive working environment.

With employers now paying among the highest workers' compensation medical costs on record, an ERTW program is no longer a luxury but a necessity. A successful ERTW programs can reduce workers' compensation costs by as much as 30% to 60%.

Not surprisingly, a 1993 report by industry analyst, Towers Perrin, showed 78% of the companies surveyed used an ERTW program to help control workers' compensation costs. 85% reported that their ERTW program was one of the most effective initiatives in controlling workers' compensation costs.

A proactive ERTW program coordinates the efforts of employer, employee and health care provider. It takes into consideration many key factors, including:

- The non-medical factors that affect an employee's willingness to return.
- The policies and procedures needed to guide the program.
- An understanding of the roles and responsibilities of everyone involved.
- The education needed to create a corporate culture of health and safety.
- A solid communication strategy to solicit input throughout the process.

This guide is designed to provide the basic structure for creating and managing a successful ERTW program. It outlines the key concepts and components to a productive program. In addition, it includes sample documents, forms and checklists that can be easily adapted to meet the specific needs of your workplace, regardless of the number of employees.

In conjunction with the Institute of Work Comp Professionals, we are pleased to offer this guide free of charge to our clients. It reflects our combined experience in the field of employee/employer relations.

***Note:** All information contained in this document is intended as a resource only and should not be taken as legal advice. Please consult your legal counsel, workers' compensation insurance carrier or other experts before establishing specific policies and procedures.*

This page intentionally left blank.

II. BENEFITS OF EARLY RETURN TO WORK

Of all on-the-job injuries, those resulting in lost time are the most expensive. Figures from BWC, the state-funded worker's compensation program of Ohio, show the average cost for a medical-only injury is \$800. However, a lost-time injury (including medical, indemnity and reserves) cost employers an average of \$44,000!

But the effects of a lost-time injury aren't measured in dollars alone. The emotional impact on the worker and the decrease of morale among fellow employees can have devastating effects that aren't readily apparent on a balance sheet.

According to the American Occupational Medical Association's Committee on Practice, early return to work enhances both psychological and physical recovery. As a result, the American Medical Assn encourages its members to release employees to work as soon as they are medically able.

A solid and supportive ERTW program minimizes the effects of a lost-time injury. Repeated studies show that injured workers who are encouraged to return to work as early as possible heal faster and more completely than those who remain out.

For the employee, resuming work is an important part of the physical and emotional rehabilitation process. It allows the injured worker to take an active role in his or her recovery. For the employer, a well-managed ERTW program is an effective way to control costs and reduce the adverse impact of the injury. In addition, it can also help lower the risk of litigation and create stronger employee-employer relationships. Above all, it creates a corporate culture of health and safety that is a win-win for employee and employer.

Employer Benefits	Employee Benefits
Reduced workers' compensation premiums. Minimized payments of temporary income benefits (TIBs). Lower medical and disability costs. Decreased loss ratios and experience modifiers. Maintains workforce productivity. Reduced expenses associated with hiring and training temporary employees. Lower overtime cost. Stronger employee morale. Maintains customer relationships. Healthier employer – employee communication.	Shorter recovery time. Ability to remain active and productive. Reduced risk of permanent disability. Lower anxiety regarding job security. Minimized wage losses. Reduced effects of stress, boredom and depression. Less impact on family life and routine. Promotes physical fitness, muscle tone, and job skills. Helps maintain company benefits and seniority. Retains beneficial contact with co-workers and friends. Fosters stronger relations with employer.

This page intentionally left blank.

III. ISSUES THAT CAN DELAY RETURN TO WORK

Injuries that cause an employee to miss work range from the slight to the serious. According to the U.S. Bureau of Labor Statistics, more than 40% of all lost-time injuries involve back sprains and strains. Next most common injury involved sprains and strains to the arm and legs.

Age is a factor as well. Insurance Services Office, Inc. reports that 10% of workers age 45 – 54 will suffer a work disability, while the percentage rises to 22% percent for those who are 55 - 64. Not surprisingly, the older a worker is, the less likely it is they will return to work.

The physical effects of a lost-time injury are obvious. Less obvious, but no less damaging are the non-medical consequences of such an injury. In fact, a 1995 study by Butler, Johnson, and Baldwin found that, except for severe cases, the physical effects of an injury have less to do in an employee's return than the non-medical factors.

Out-of-work employees often face personal fear, anxiety, self-doubt, and family pressure. Ironically, these are not only consequences of a lost-time injury, they also can be the reason employees are hesitant to return to work. A proactive ERTW program must be sensitive to these issues and help the worker to adequately address them.

Financial Stress

A study by Insurance Services Office, Inc. indicated that after just 14 days off the job, 60% of workers begin to experience financial hardship. Most benefits plans cover only a portion of the employee's medical and rehabilitation cost, leaving the out-of-work employee to make up the difference. At the same time, the employee can't help thinking about the effects on his or her long-term job security. Helping the employee ease back into work quickly, even in a modified position, can go a long way toward easing the financial strain.

Emotional Strain

Emotional fallout from the financial stress can also be compounded by feelings of depression and boredom

Low Self-Esteem

As noted previously, the vast majority of employees would rather be at work than convalescing at home. The need to be productive and feel useful is basic to our emotional health. As a result, employees who are forced to miss work due to injury are self-motivated to return as quickly as possible. But the longer they remain out of work, the lower their self-esteem drops, and the less motivated they are to return.

Helping Employees Overcome These Issues

Unfortunately, lost time has become routine, even for relatively minor injuries. A side affect is that some workers become “treatment dependent”. Providing a smooth and rapid transition back to work doesn’t allow this dependency to form. Unless lost time is medically indicated, the employer should make every reasonable effort to keep an injured worker on the job.

Once back at work, employers should closely monitor the injured worker’s progress. This can ensure the work assignments are appropriate, and the work load is in accord with any medical restrictions. The goal is a quick and complete transition back to full employment.

Management should also pay strict attention to how the worker is adjusting socially as well. Common problems can include negative relationships with co-workers, problems with supervisors or other disciplinary issues. Supervisors should be equipped to identify and resolve issues such as these. If an employee has a problem before an injury, the problem is likely to be greater and more costly to resolve after an injury.

Finally, communication between employee and employer (discussed further in Section VII) is critical. In many cases, supervisors and managers can reduce the amount of unnecessary lost time by simply communicating with sensitivity and respect.

IV. ELEMENTS OF SUCCESSFUL ERTW PROGRAM

Regardless of a company's size, industry, or geographic location, there are certain benchmarks that most successful ERTW programs have in common. Incorporating these basic elements maximizes the effectiveness of your program.

- ☐ Managers and supervisors demonstrate a strong commitment to the program
- ☐ The program is administered consistently, applied fairly, and monitored regularly.
- ☐ The program cultivates a corporate culture of safety and prevention.
- ☐ There is a defined process for prompt medical care following any injury.
- ☐ Employer is in regular communication with injured worker while off work.
- ☐ Supervisors monitor a worker's progress throughout the transition to regular work.
- ☐ Employees are encouraged to provide input during program development.
- ☐ Injured workers help create their individual return-to-work plan.
- ☐ There is clear and consistent education from the program's inception.
- ☐ A formalized review of the company's accident and injury history.
- ☐ Job descriptions clearly explain all required job functions and tasks.
- ☐ Medical providers understand the employee's regular job, the company's ERTW program, and any available alternative assignments.
- ☐ ERTW program is coordinated and managed by a single qualified person.
- ☐ Complies with ADA and FMLA, the state Workers' Compensation Act, plus any other applicable state or federal laws.

This page intentionally left blank.

V. PLANNING YOUR ERTW PROGRAM

Sharing Ownership of the Program

Developing an ERTW program should be viewed as a joint effort by management, supervisors, and workers. Additionally, it should also include input from the company's medical provider(s) and insurance carrier. Allowing everyone a voice during the development phase encourages a feeling of ownership. As a result, involved employees are more likely to actively support the ERTW program, not only for their own benefit but for that of their co-workers and the company.

Involving everyone in the planning and administration of a proactive ERTW Program is the first step in creating a corporate culture of safety and health.

In a successful program, everyone agrees that health and safety are a company-wide concern. Additionally, the input of experienced and knowledgeable workers helps create a more effective program, not to mention a better safety record for the company.

Issues to address

- Clearly defined policy statement
- Written policies and procedures that address each aspect of the program
- Pre-defined roles and responsibilities for each action
- Temporary modified tasks available during the transition period
- Creation of sample forms and letters
- Strategy for educating everyone involved
- Methods for conducting on-going communication and training

This page intentionally left blank.

VI. PROGRAM DOCUMENTATION

Your ERTW program should be clear, realistic, manageable and relevant to your specific needs. The strengths and weaknesses of your program are not evident until you document the policies and procedures.

A sound ERTW program should contain a **Policy Statement**, **Procedures Guide**, and **Description Roles of Responsibilities**. These documents form the foundation of a proactive ERTW program. They demonstrate the value the company places on the welfare of each of its employees.

Moreover, written documents provide continuity and consistency. The program is clearly outlined and readily available for new employees, health care providers and insurance carriers. In short, everyone has the same information and the same expectations.

The exercise of clearly documenting your ERTW Program can be one of the best ways to ensure that all details of the program have been considered and accounted for. It also cultivates the collective discussion that leads to a more thorough and thoughtful program.

Create a Policy Statement

A written policy statement reinforces the company's commitment to the program and helps make the expectation of early return to work an integrated part of the company culture.

Your policy statement should be brief but broad, so not to require frequent revisions. A good policy statement should do the following:

- ☐ Confirm the company's commitment to the Early Return-to-Work program;
- ☐ Explain the company's return to work philosophy;
- ☐ Stress the importance of safe operations and injury prevention. Once drafted and adopted by management, it should be posted in an easily accessible place such as a break room or lunch room.

Develop Clear and Concrete Procedures

A Procedures Guide explains, the company's protocols and policies for helping the injured employee get back to work. It outlines a step-by-step process from the moment a lost-time injury occurs until the injured worker is back to his or her normal work routine.

In creating your Procedures Guide, make sure to include clearly stated and detailed instructions that identify specific roles and responsibilities. Areas to be considered include: how will you communicate with the medical provider and how often, who is eligible to participate, suitable alternative positions available during the transition period, time limits on transitional assignments. For each step in the process, be sure to identify the primary contact person and their contact information.

Describe Specific Roles and Responsibilities

Roles, responsibilities, and procedures may vary depending on the program and on other company policies and specific expectations. Provide information such as:

- ☐ Who an injured worker should notify in the event of an injury;
- ☐ What are the procedures for the injured worker to follow;
- ☐ Who is responsible for completing the Employers First Report;
- ☐ Who is responsible for maintaining contact with the injured worker;
- ☐ What an injured worker can expect from the insurance carrier, treating doctor, and others;
- ☐ How and who determines the availability of medically appropriate work assignments; and
- ☐ How the incident is investigated.

Develop Supplemental Information

Once the program is outlined, employers should work to develop an information packet to be given to the injured worker and medical provider immediately following an injury. The prepared packet could include information such as the following:

- ☐ Letter to the treating doctor explaining the return to work program, providing carrier information and identifying an employer contact.
- ☐ Signed release of medical information.
- ☐ Return to Work Authorization Form.
- ☐ Information about the workers' compensation system and benefits.

Having this information as soon as possible can help alleviate the employee's anxiety and can make the difference between a medical-only claim and a lost-time claim.

Additionally, it helps ensure that correct information is communicated consistently and in a timely manner.

Offer of Employment

An employer or insurance carrier should request the treating doctor provide a Work Status Report. Then, an employer should offer an employee temporary transitional work that has restricted duties within the employee's work abilities as determined by the employee's treating doctor.

An employer's offer of modified duty should be made to the employee in writing. A copy of the Work Status Report on which the offer is being based should be included with the offer as well as the following information:

- ☐ the location at which the employee will be working;
- ☐ the schedule the employee will be working;
- ☐ the wages that the employee will be paid;
- ☐ a description of the physical and time requirements that the position will entail; and
- ☐ a statement that the employer will only assign tasks consistent with the employee's physical abilities, knowledge, and skills and will provide training if necessary.

A carrier may deem the wages offered by an employer through a bona fide offer of employment to be Post-Injury Earnings.

Sample Documents

For your convenience, we have included examples of each of the above documents. You will find them in the Appendix toward the back of this guide.

Please note that these sample documents are for reference only and are not intended as legal advice. Before drafting and adopting any such documents, consult with your legal advisors and your insurance carrier.

This page intentionally left blank.

VII. Developing Transitional Work Assignments

The goal of an ERTW program is to return an injured worker to his or her original job as soon as possible. Temporary transitional work assignments enable the employee to remain involved while continuing to recover.

Perhaps most importantly, encourage and enable the injured work to take an active role in determine the appropriate assignments. Employees who participate in the management of their own recovery are more likely to have a successful return to work.

The alternative assignments that are most productive are those that are both meaningful and aide in the employee's recovery. Developing enough of these assignments to round out an ERTW program can be a valuable exercise for employer and employees. It requires new thinking and forces everyone involved to consider different perceptions of work assignments. In the end, it is worth it. As we've seen, it is more profitable to have an employee working under modified circumstances than not working at all.

Here are some possibilities to consider.

Modified Regular Duty

Many times, this can be accomplished by simply modifying the employee's regular job until he or she is ready to resume it full time. Modified assignments can take many forms, such as:

- Abbreviated work week.
- Shorter shifts.
- Lower productivity demands.
- Job sharing.

Alternate Assignments

If an injured worker cannot perform regular duties, temporary alternate assignments can be the bridge back to regular employment. A temporary alternate assignment is also an opportunity for the employer to accomplish individual tasks that need to be done but haven't been due to lack of time or resources.

When considering appropriate alternate assignments, here are a few things to keep in mind:

- Alternate assignments must be meaningful and productive. Demeaning or “make-work” assignments will defeat the purpose and could be seen as punishment.
- Assignments must be within the injured worker’s capabilities. Work closely with the medical provider to ensure the assignment is physically appropriate.
- Consider the injured worker’s past work experience, skills and interest.

Alternate work assignments are generally short-term in nature. Temporary transfer to another regular position that meets the injured worker’s medical restrictions is another choice.

Developing alternative transitional work assignments is also a good opportunity to solicit input from employees during the planning phase of the program. Ask employees to identify everyday or new tasks that could be done by injured workers as temporary assignments. Develop and keep on hand a list of tasks that are not being performed now that would be helpful. Identify tasks that are only performed occasionally or that no one seems to have time to do. Tasks that could be performed by an injured worker that would help other employees to perform their jobs more efficiently are also a source of alternate assignments. This information is to be prepared prior to injury will expedite the determination of appropriate assignments and facilitate return to work in a timely manner.

Perhaps most importantly, encourage and enable the injured work to take an active role in determine the appropriate assignments. Employees who participate in the management of their own recovery are more likely to have a successful return to work.

Duration of Assignments

Most alternate assignments are temporary. After receiving medical clearance, the employee normally resumes his or her original job. In some cases, however, the medical provider’s concerns may persist. If this happens, employers and employees may want to reevaluate the alternate work assignments to ensure they meet the needs of both parties.

VIII. Education: Getting Everyone On Board.

In a 1991 study, researchers Habeck, Leahy, Hunt Chan, and Welch identified the most important factors for a successful disability management program. Number two on their list was the “education and involvement of employees at all levels... from the outset.”

An on-going education program that reaches management, supervisors and workers is critical to the success of an ERTW program. It can also help lay the foundation for creating a corporate culture of safety and health.

Stress the Value of the ERTW Program

As with any training, communicating the “why” of an ERTW program is as important as explaining the “how”. The first step is getting all employees to understand and acknowledge the program’s value. One way to do this is to emphasize the emotional and financial costs of workplace injuries and the benefits of a quick return to work. As we’ve seen, a proactive ERTW program is a win-win scenario for management and workers.

Relieve Initial Anxiety

In explaining the details of the ERTW program, it is important to remember that even the thought of a lost-time injury can produce anxiety for an employee. One educational goal, then, might be to alleviate those concerns by providing as much information as possible. Reassure employees that, if they are injured on the job, returning to work does not impact their eligibility for benefits.

Other program details that should be covered include the amount and disbursement of Temporary Income Benefits, and the employee’s eligibility for medical benefits from a compensable injury.

Focus on the Supervisor-Employee Relationship

A frequent area of tension is in the Supervisor-Employee relationship, where insensitivities can create problems. As employees are introduced to the details of the program, key points to stress are fairness and consistency. While the return of an injured worker might require what is perceived as “special treatment,” everyone receives similar consideration as needed.

At the same time, if the injured employee senses mistrust or resentment because of a workers’ compensation claim, he or she is less likely to return in a timely manner. Sensitive issues may include questioning the cause or severity of an injury, or perceived jealousy over an alternative work assignment.

The bottom line is that employers and supervisors must learn to identify these potential inter-personal powder kegs and understand how to diffuse them quickly.

Everyone Has a Job to Do

Another key is making sure all employees understand their individual roles and responsibilities. Supervisors and managers must realize that they are accountable for supporting the program. Workers meanwhile must accept their roles as willing partners, working to get back on the job as soon as possible.

Continue the Lesson

It is important that the education process be on-going. A “once-and-done” approach will only serve to undermine the program’s effectiveness. Some ideas for continuing the educational process include:

- ☐ Setting aside several minutes during routine safety to discuss participation and effectiveness of the ERTW program.
- ☐ Covering the program benefits and details during new hire orientations.
- ☐ Featuring successful ERTW transitions in company newsletters.
- ☐ Using break room posters or payroll stuffers to support the underlying principles of the program.

Relationships that are adversarial between supervisors and employees can also interfere with or delay an employee’s return to work. Provide training for your supervisors to help them acquire or develop these skills.

IX. Communication: The Key to Success

In a healthy ERTW program, the lines of communication are open and receptive. Employers, workers, and health care providers listen to each other and offer feedback. The information runs both ways. Of course, establishing the lines of communication and keeping them free-flowing takes some work. Here are some things to keep in mind.

Keep the Employee Engaged

It is easy for an injured worker who cannot immediately return to work to feel disconnected from the employer. The longer an injured worker remains out, the wider the distance between employer and employee will grow. Maintaining regular communication during this time is key to keeping the employee psychologically engaged and connected.

Designating a contact person to reach out to the convalescing employee on a regular basis is critical. This responsibility should be assigned while considering specific roles and responsibilities of the program. This person should know precisely what is expected of them and the tools that are available.

Expressing sincere regard for an injured worker can do more than make the employee feel valued and missed. A study by the California Workers' Compensation Institute showed that the chances of litigation by an employee are reduced by 50% if the employer contacts the injured worker within one week after the injury occurs and positively reinforces the worker's self-image and value to the company.

Regular communication can include notices about company events, mailing company newsletters, and having co-workers send get well cards. Telephone calls provide an opportunity to show concern, ensure the worker is following the medical instructions, and to answer any questions the employee may have.

Include Your Medical Provider as a Partner

The most successful ERTW programs view the medical provider as a true partner. Enabling the medical provider to be part of the overall solution helps keep them engaged and proactive.

Partnering with the company's medical provider means getting them involved from the beginning. Solicit their input when developing the program's processes and procedures, arm them with general information about each employee's work environment, and provide them with a detailed description of the injured worker's regular job. The medical

A study by the California Workers' Compensation Institute showed that the chances of litigation by an employee are reduced by 50% if the employer contacts the injured worker within one week after the injury occurs and positively reinforces the worker's self-image and value to the company.

provider's ability to help get the injured worker back on the job quickly depends largely on their understanding of the employee's job.

Communicating Throughout the Process

The medical provider's involvement in a case begins immediately after the injury, with an initial examination. Once the initial exam is complete, the medical provider must complete a Work Status Report. This report states the worker's physical capabilities as they relate to the injury and job responsibilities. It is sent to the employer and the insurance carrier.

As soon as the medical provider and employer agree that the employee can return to work, even in a modified position, the employer makes a bona fide job offer. A bona fide job offer takes into consideration the employee's physical limitations and the employer's available work alternatives. If the employee does not believe that the available work is within restrictions, the injured worker can ask the treating doctor for clarification.

The medical provider continues to examine the employee at regular intervals throughout the recovery and transition process. The Work Status Report becomes a running record of the employee's progress. As the employee's condition changes, the employer and insurance carrier are kept updated until the injured worker is fully released to return to work. Throughout the process, the medical provider does not make any employment decision, only recommendations regarding the worker's ability and prognosis.

Although it is not required, some employers find it helpful to obtain a medical release at the time of a work-related injury pertinent only to the injury. With a signed release, the doctor may be more inclined to discuss medical information with the employer.

This entire recovery and transition process is effective so long as all three parties – employer, employee, and medical provider – are able to communicate honestly and freely. Providing all parties with as much information as possible up front can help establish the lines of communication from the outset.

Keep Your Insurance Carrier in the Loop

The insurance carrier can play an important part in bringing the employee back to work. It is important that the carrier understands their role in the ERTW process. This means the employer must outline the carrier's specific roles and responsibilities as well as communicating the program's policies and procedures.

Once a lost-time injury has occurred, the employer should make sure the carrier is copied on correspondence such as medical status reports and alternative work requests. Including the carrier in the exchange of information between medical provider, employer and employee, helps streamline the program and can significantly reduce confusion.

X. Supporting the ADA and FMLA

The Americans with Disabilities Act (ADA) was enacted to protect people from discrimination on the basis of disability. The Family Medical Leave Act (FMLA) was enacted to provide job security to employees who have serious medical conditions or who must meet personal and family obligations or tend to vital needs at home.

These laws serve distinctly different purposes but are connected by a unifying theme. They both were designed to eliminate workplace discrimination against individuals who are unable to perform to their full capacity, for a variety of reasons. As a result, an ERTW program not only helps employers contain worker's compensation costs, it helps company's fulfill their requirements as set forth in the ADA and/or the FMLA.

Employers should seek expert advice when making decisions related to any particular situation and obtain legal advice regarding the coordination of return-to-work programs, the ADA, and/or the FMLA. Consistent application of the return-to-work program can alleviate concerns of disparate or discriminatory treatment of employees.

This page intentionally left blank

XI. Forms, Tools & Documents

- Sample Policy Statement
- Sample Policies and Procedures
- Sample Roles and Responsibilities
- Implementation Checklist
- Employee Responsibilities
- Follow up checklist(s)
- Letter to treating doctor;
- Return to Work Authorization Form
- Release of Medical Information;
- Letter making Bona Fide Offer of Employment
- Offer of Employment Agreement

This page intentionally left blank.

SAMPLE: POLICY STATEMENT #1

(Company name) is committed to providing a safe workplace for our employees. Preventing work related illness and injury is our primary goal.

Our early-return-to-work program provides opportunities for an employee who is injured on the job to return to work at full-duty. If the injured worker is not physically capable of returning to full-duty, the program provides opportunities to perform his or her regular job with modifications or, when available, to perform alternate temporary work that meets the injured worker's physical capabilities.

Signature of President/CEO/Manager

Date

SAMPLE: POLICY STATEMENT #2

(Name of company) will make every reasonable effort to provide suitable return-to-work opportunities for every employee who is unable to perform his/her regular duties following a work-related injury. This may include modifying the employee's regular job or, if available, providing temporary alternate work depending on the employee's physical abilities.

Only work that is considered productive and meaningful to the business shall be considered. Injured workers who are participating in the Early-Return-to-Work program are expected to provide feedback in order to improve the program's future development.

Signature of President/CEO/Manager

Date

This page intentionally left blank.

SAMPLE: POLICIES AND PROCEDURES

1. An employee who is injured at work must immediately report the incident to their supervisor.
2. The supervisor is required to:
 - Obtain immediate medical attention for the injured worker;
 - Follow company requirements for reporting job-related injuries and illnesses;
 - Complete an incident investigation report.
3. The supervisor and injured worker review information received from the doctor and jointly determine if appropriate work is available.
4. The injured worker is responsible for following medical instructions on and off the job.
5. Following an injured work's return to work, the supervisor or the Return-to-Work Coordinator monitors the injured worker's progress to assure that restrictions are carefully followed and assist to resolve any difficulties.
6. The injured worker must immediately report any difficulties with performing assigned work. Supervisor and injured worker work to address the problem.

This page intentionally left blank.

SAMPLE: ROLES AND RESPONSIBILITIES

EMPLOYER RESPONSIBILITIES

- Provide a safe work environment;
- Develop written Early-Return-to-Work policies and procedures;
- Educate all employees about the program;
- Train employees on proper reporting of incidents and incident investigation;
- Promptly report job-related injuries to the insurance carrier;
- Provide information to employees about the workers' compensation system and benefits;
- Regularly communicate with the injured worker during the time away from work and monitor progress upon the injured worker's return;
- Make every effort to develop and provide meaningful early-return-to-work opportunities;
- Communicate with the treating doctor and insurance carrier to encourage recovery and early-return-to-work;
- Develop functional job descriptions and identify physical requirements that clearly identify physical activities required to do the work.

EMPLOYEE RESPONSIBILITIES

- Know and follow safety policies and procedures;
- Report any injury immediately;
- If medical attention is necessary, inform your treating doctor that early-return-to-work opportunities are available to accommodate your physical abilities;
- Provide your doctor with a Early-Return-to-Work Information Packet as provided by your supervisor;
- Notify your supervisor immediately if your work status changes;
- When your doctor releases you to return to work, report on the next regular shift; and
- Follow your doctor's orders and restrictions at home and at work.

INSURANCE CARRIER RESPONSIBILITIES

- Ensure proper administration of all workers' compensation claims;
- Maintain communication with the injured employee, health care providers, and the employer;
- Encourage and actively assist injured workers in the successful early-return-to-work.

HEALTH CARE PROVIDER RESPONSIBILITIES

- Provide appropriate, effective medical treatment that facilitates recovery and expedites return to productive work; and
- Set reasonable early-return-to-work and recovery goals from the beginning of treatment.
- Work with employer to encourage appropriate early-return-to-work opportunities.

IMPLEMENTATION CHECKLIST:

Factors employers should consider in adopting an *Early-Return-to-Work Program*:

- ☐ Appoint a program coordinator
- ☐ Train managers and supervisors
- ☐ Communicate the program to employees
- ☐ Educate employees on early-return-to-work
- ☐ Require incident report within 24 hours
- ☐ Hold early-return-to-work team meetings
- ☐ Designate jobs for modified, transitional, and alternative duty
- ☐ Modify work schedules
- ☐ Use vocational, rehabilitation, and/or medical professionals
- ☐ Standardize job descriptions
- ☐ Place returning employees in other departments or locations
- ☐ Invite care providers to visit operations
- ☐ Train care providers on the Early-Return-to-Work Program
- ☐ Document, track, and manage program cases
- ☐ Allocate program expenses and savings to work units

This page intentionally left blank.

EMPLOYEE RESPONSIBILITIES WHEN INJURED ON-THE-JOB

1. Report all accidents or illnesses, no matter how minor, to _____
2. If you need to see a physician, please contact your supervisor immediately.
3. Written or verbal information regarding the availability of temporary transitional work should be given to the physician at the time of the first visit. In any case, the information will be provided to your attending physician in accordance with _____ Early-Return-to-Work Program.
4. Immediately report to _____ the results of each physician visit. This should be done in person unless other arrangements have been made.
5. Contact should be made with _____ each _____ for updates on your condition and your ability/needs to return to work. Any information from the company will be provided to you at this time.
6. All work releases must be reported to _____ immediately so your return to work can be scheduled.
7. If _____ is unavailable, you should contact _____.
8. If you have any questions or have concerns about the temporary transitional job, it is your responsibility to consult _____ or _____ immediately to discuss them. If they have any questions or concerns they will discuss them with you.
9. Doctor or physical therapy appointments should be scheduled outside working hours if possible. If not possible, arrangements need to be made with _____.

I have read the above responsibilities information. I have been given the opportunity to ask questions about my responsibilities. I understand that failure to follow them may result in disciplinary action and/or adversely affect my workers' compensation benefits. I have received a copy of this document.

Employee Signature

Date

This page intentionally left blank.

FOLLOW-UP CHECKLIST FOR JOB RELATED INCIDENTS:

**Name of
Employee**_____

**Date of
Incident**_____

Instructions: *The Early-Return-to-Work Coordinator **must complete this for every job-related employee injury or illness***

- ☐ Send the employee to the proper medical facility.
- ☐ Send the following material with the employee:
 - ☐ Introductory Letter
 - ☐ Drug test authorization (if applicable)
 - ☐ Back – On – The – Job Authorization
 - ☐ Release of Medical Information Form

IN CASE OF EMERGENCY:

***DO NOT DELAY TREATMENT WHILE THESE FORMS ARE GATHERED.
FAX FORMS TO DOCTOR WITHIN 24 HOURS OF THE INCIDENT.***

**Name of
Doctor/Clinic/Hospital**_____

Disposition:

- ☐ Unrestricted work
- ☐ Modified work
- ☐ Not back to work

Fax or call in First Report of Injury to Insurance Carrier and to us, your insurance agent.

- ☐ Fax letter to Claims adjuster.
- ☐ Copy of employee's normal job description.
- ☐ Additional comments on a separate sheet.
- ☐ Complete an accident investigation report.

If employee comes back to work:

- ☐ Meet with the employee to review workers' compensation benefits and answer questions.

If employee comes back for modified work:

- ☐ Meet with the employee to review workers' compensation benefits and answer questions.
- ☐ Explain the modified work limitations to the employee and explain how to get help with tasks that exceed these limitations.
- ☐ Diary your file weekly from the date of injury to review status.
- ☐ Continue to get feedback from the employee as to "how things are going."

If employee did not come back to work:

- ☐ Continue to the Follow-Up Checklist for Disabling Injuries.

FOLLOW-UP CHECKLIST FOR WHEN EMPLOYEE DOES NOT COME BACK TO WORK:

Name of Employee: _____

Date of Incident: _____

Instructions:

Complete the Checklist for job-related incidents first.

The Early-Return-to-Work Coordinator must complete this checklist for every job-related employee injury or illness that involves time lost from work.

You have 5 working days from the date of the incident to complete this checklist.

- ☐ Mail the explanatory letter on workers' compensation benefits to the employee at home.
- ☐ Telephone the injured employee.
- ☐ Briefly explain workers' compensation benefits.
- ☐ Ask about satisfaction with medical care.
- ☐ Ask when the next doctor's appointment is scheduled.
 - ☐ Date:_____ Time:_____ Doctor:_____
- ☐ Ask if transportation is needed.
- ☐ Tell the employee you are anxious to have him/her back to work as soon as possible.
- ☐ Explain that temporary transitional work will be made available as soon as the doctor approves it.
- ☐ Explain that you expect the employee and his/her doctor to cooperate with the Early-Return-to-Work Program.
- ☐ Telephone the treating physician.
- ☐ Make sure the doctor received the normal and temporary transitional work job descriptions.
- ☐ Discuss the employee's normal job duties.
- ☐ Discuss any temporary transitional work that is available.

☐ Ask when the employee can be cleared for temporary transitional work:
Date: _____

☐ Prepare a get-well card for management to sign and mail to employee.

If the Employee does not come back to work within *one week* of the incident:

☐ Notify management that the employee is still off work.

☐ Establish a plan to maintain weekly contact with the employee, the treating physician, the insurance company claim adjuster, and management.

If the Employee does not come back to work within *one month* of the incident:

☐ Notify management that the employee is still off work.

☐ Develop a custom-tailored return-to-work plan in cooperation with appropriate personnel inside and outside the company.

SAMPLE: LETTER TO TREATING DOCTOR

(Company letterhead)

(Date of letter)

(Doctor's name and address)

Subject: *(Employee's name and date of injury)*

Dear Dr. _____:

Our Company has implemented an Early-Return-to-Work Program designed to return any injured employee to medically appropriate work as soon as possible.

We will modify the employee's job, if possible, to meet medical restrictions that may be assigned. If our employee is unable to return to his or her regular job, we will attempt to find an appropriate temporary transitional work assignment. We will ensure that any assignment meets all medical requirements as they appear on your Work Status Report. We will consider re-arranging work schedules around medical appointments if necessary.

If you need additional information about a possible work assignment or about our Early-Return-to-Work Program, please call (company contact name and number). Our insurance carrier is (name and address of insurance carrier).

Thank you for your participation in our efforts to return our employees to a safe and productive workplace.

Sincerely,

(Signature of company representative or owner)

(Title)

(Name of Company)

Encls:

Signed authorization
Work Status Report

This page intentionally left blank.

RETURN TO WORK AUTHORIZATION FORM

Our company has a light duty and transitional work program that provides temporary jobs that injured employees should be able to safely perform during their recovery periods. Completion of this form will allow us to identify an appropriate assignment for this employee. Thank you for your cooperation and prompt response.

Date: _____ **Employee:** _____

Employer: _____

Employer Contact Person: _____

Phone: _____

Diagnosis: _____

☐ Work-Related; Submit Claim to: _____

☐ Non-Work-Related; Submit Claim to: _____

Treatment: _____

Disposition:

☐ Return to work date (no limitations for current job)

☐ Return to work date (with limitations for modified duty)

☐ Unable to work From _____ To _____

☐ Return to Clinic on _____

Prognosis:

Referral:

☐ Doctor _____

☐ Physical therapy _____

Please fax to: _____
(fax number)

or e-mail to: _____
(e-mail address)

this form to _____ so our employee may return to work.
(name of Early-Return-to-Work Coordinator)

WORK RESTRICTIONS

Restrictions apply to: ☐ Work ☐ Home ☐ Leisure

During the applicable workday, this employee can: ☐ Sit _____ hours
☐ Stand _____ hours
☐ Walk _____ hours

In terms of an applicable work day, “occasionally” equals 1-33%. “frequently” equals 34-66%, and “continuously” equals 67-100

Employee Can	Never	Occasionally	Frequently	Continuously
Lift and carry				
Up to 10 pounds				
11- 25 pounds				
26- 35 pounds				
36- 50 pounds				
51- 75 pounds				
76-100 pounds				
Reach above shoulder level				
Push/Pull				
Climb				
Squat/Kneel				
Bend/Stoop/Crouch				
Balance				
Twist upper body				
Use hands dexterously				
Physician's Comments:				

Physician: _____ **Date** _____

This page intentionally left blank.

SAMPLE: RELEASE OF MEDICAL INFORMATION

AUTHORITY TO RELEASE MEDICAL INFORMATION

Employee Name: _____

Employee Address: _____

Date of Birth: _____

I authorize (*name of treating doctor*) to release medical information to my employer, (*name and address of employer*), regarding my on-the-job injury that occurred on

Date of injury: _____.

This information may facilitate my return to medically appropriate productive work.

(*Print employee name*)

Date

(*Employee signature*)

Date

This page intentionally left blank.

SAMPLE: LETTER MAKING A BONA FIDE OFFER OF EMPLOYMENT

All letters making a bona fide job offer should be coordinated with the insurance carrier to ensure that all current requirements are met prior to mailing.

(CERTIFIED MAIL-RETURN RECEIPT)

(Date)

(Employee name and mailing address)

Re: Bona Fide Offer of Employment

Dear *(Employee name)*:

After reviewing information provided by your doctor, we are pleased to offer you the following temporary work assignment.

We believe this assignment is within your capabilities as described by your doctor on the attached, Work Status Report. You will only be assigned tasks consistent with your physical abilities, skills and knowledge.

If any training is required to do this assignment, it will be provided.

Job title: _____

Description of physical requirements this for position _____

Location: _____

Duration of assignment: From: _____ To: _____

Work Hours: From: _____ To: _____ Wages: _____ (*Hour, Week, Month*)

Department: _____ Supervisor _____

This job offer will remain open for five (5) work days from your receipt of this letter. If we do not hear from you within five (5) work days, we will assume that you have refused this offer, which may impact your Temporary Income Benefit payments.

We look forward to your return. If you have any questions, please do not hesitate to contact me.

Sincerely,

(Signature and title)

This page intentionally left blank.

OFFER OF EMPLOYMENT AGREEMENT:

Employer: _____

Employee: _____

We agree that the following represents the restrictions under which you are able and have agreed to return to work as of _____.

Those restrictions are: _____

We will not require you to perform any tasks beyond those restrictions. **If you are asked to perform such a task by any of our employees, please decline.** They may not be aware of your restrictions.

By signing below, you agree and verify that you will not do anything beyond the noted restrictions either here at work, beyond the work site, home, or at recreation until the doctor has released the restrictions and we have been notified to that effect.

Signature of Employer

Date

Signature of Employee

Date

This page intentionally left blank.

XII. Appendix

Program Components & Characteristics

	Basic	Intermediate	Advanced
ERTW PHILOSOPHY	Selective ERTW Model	Supportive Svcs Model	Collaborative Svcs Model
What is the organizational commitment level to ERTW?	Pick & Choose	Case by Case	Systematic RTW Decision
ERTW PROGRAM STRUCTURE	Informal	Formal	Systematic
Written Policy & Procedures	No	Yes	Yes
Written ERTW Agreements	No	Sometimes	Always
Targeted Communications to Stakeholders	No	Partial	Yes
Pre-identified Modified Duty Options	No	Sometimes	Yes
Essential Job Function Descriptions/Job Analysis	Sometimes	Yes	Yes
Management/Supervisory Training	No	Initial	Ongoing
Union Orientation	No	Supportive	Collaborative
ERTW CASE MANAGEMENT	Informal	Formal	Systematic
Employer Staffed-Individual assigned to manage ERTW and coordinate activities among stakeholders.	Collateral duty if at all	Collateral duty or dedicated staff	Dedicated Staff
Vendor Assigned by TPA/Insurer: Nurse or vocational case manager, external to organization.	Very Selectively	Case by Case, or all cases	Rarely Needs or uses
Case Management Information System/Database	None	Vendor-based selective access	Employer-based system, owns data
Integrated Human Resources Interface for ADA, FFD	No	Partially Integrated	Fully Integrated
“CRITICAL POINTS” FOCUS			
1. Day of Injury Reporting: Examples: Paperwork, Web based	Compliance focus	Early intervention focus	Immediate intervention focus
Single Point Contact: call center, 800#, company internal	Multiple points of data collection, not always timely	Single or multiple points of data collection	Uses single, standardized data collection
Single Point Contact: “First Call” R.N., External or Internal			

2. Early Intervention Response: ERTW Coordination: Progress Monitoring	None Minimal Minimal	Not Always Yes Initially	Yes Yes, on-site Defined protocols
3. Medical Appointment Tracking/Intervention	No tracking	Partial	All tracked
Claims/Case Management joint strategy	Not present	Sometimes	Always
4. Problem Case Staffing (Claims, Human Resources, Legal, RTW Coordinator. & Dept/Supervisor)	No	Rarely used	Yes, situational protocol-driven
MEDICAL PROVIDER RELATIONSHIP			
Employer Channeled to: HCO, MCO, PPO, On-site	Minimal outreach by employer providers	Supportive relationship, employer recognizes importance	Collaborative ongoing relationship, frequent dialogue, meetings
Vendor Performance Review			
Frequent face-to-face meetings. Staff changes			
CLAIMS MGMT RELATIONSHIP			
Closure Rate	Often adversarial No focus on closure/litigation, overall little effect	Improved closure rate	High closure rate
Litigation Rate		Decreased litigation	Low litigation
OVERALL LOCUS OF CONTROL			
Who directs and controls outcomes? What characterizes the interaction between employer, claims management, broker and other supportive services?	Shared role, often with power struggles	Shared role, more cooperation amongst stakeholders, fewer power struggles	Employer fully empowered, usually directs entire process
OVERALL EMPLOYEE SATISFACTION LEVELS			
	Negative-Low	Medium	High-Very High
PROGRAM RESULTS			
Initial Program Success, High ROI, 1-3 years	Limited	Medium	High
Ongoing Program Success	Shelfware program	Results fade over time	Continued success
Established Benchmarks	None	Sometimes	Always
Comprehensive Program Evaluation	None	Not Usually	Always
Annual Goal Setting	None	Not Usually	Always