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A Workers' Compensation Self Insurance Fund

Modified Duty and Return to Work Programs



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What is Modified Duty?

■ Modified Duty

- Temporary work assignment
- For an employee who is recovering from an injury or an illness
- Has been released to return to work from a physician to return to work under specific limitations
- Intended to allow employees to earn pay and perform work while recovering

■ Examples of these restrictions may include But are not limited to:

- Lifting restrictions (no more than 10 lbs., etc.)
- Restrictions based on sitting or standing for certain periods of time
- Restricted number of hours worked per day or per week

Modified Duty should be used as a temporary solution to keep the employee involved and in a routine, not at home on the couch!



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Steps To: Implement a successful Return to Work Program

- Step 1: Get the commitment and involvement of management
 - Step 2: Design a written policy for the Return to Work Program
 - Possible options to include:
 - Company's commitment encouraging employees to return back to work quickly after and injury
 - Negative consequences (ex: reduction or loss in wages, potential loss of medical coverage)
 - Communication between the injured employee and employer
 - Modified duty extends only for a specific number of weeks or when the employee reaches maximum medical improvement
 - Necessary paperwork (ex: return-to-work physician note with restrictions, physician work release note)
 - Step 3: Review previous on the job injuries and illness
 - Get a good understanding of the types of injuries that occur most frequently
- *NOTE -This review can also help you in determining normal functions of your operations that may need to be targeted for modification to reduce incidents.**
- Step 4: Perform job analysis on each function you have in your organization
 - Include supervisors and employees who perform the job on this task
 - Ensure the essential functions of each job duty are well defined



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Implementing a successful Return to Work Program Continued

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- Step 5: Develop a list of modified/alternate duties
 - Ask current employees what they would do if they had more time
 - Include managers and supervisors
 - Step 6: Establish a relationship with your designated medical provider
 - Discuss the return to work program
 - Have the medical staff tour your facility and watch employees perform their duty
 - Step 7: Provide the physician with a copy of the job duties
 - Make the physician aware that you can provide alternate duty (provide list if possible) and is in agreement with the return to work program
 - Step 8: Allow the physician to effectively communicate any restrictions
 - Have these restrictions documented for the supervisor/manager of injured employee
 - Have the injured worker provide a completed evaluation form at each visit

***NOTE – This form is helpful in determining if the modified duties are realistic for the injured employee**



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Implementing a successful Return to Work Program Continued

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- Step 9: Develop a form to provide to the injured employee
 - Defines that the assignment is temporary and when the employer expects light duty to end
 - Include in the form:
 - Start date of the position
 - Employee's hours of work
 - Name and Title of person to whom the employee will report
 - Deadline for injured employee to accept modified duty (7 days is customary)
 - Name and contact of person responsible for any questions
 - Space for employee's printed name, signature and date
 - Checked box for acceptance or refusal of modified duty
 - Statement informing injured worker if they decline the temporary position that they may become disqualified for workers' compensation benefits

***Note: Employer cannot mandate or require employee to accept modified Duty Position**

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Implementing a successful Return to Work Program Continued

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- Step 10: Designate a Return to Work Coordinator
 - Point of contact for all work-related and nonwork-related injured employees who may need modified duty
 - Step 11: Have the physician provide an updated assessment after each visit for the injured worker
 - This allows for you and the physician to understand if the modified duties are acceptable
 - Step 12: Communicate the Program
 - To have a successful Return to Work program communicating the program to all employees and members of management is key.
 - Once the program is in place good communication between the employer, employee, workers' compensation carrier, and the medical provider is not an option, but a must!
 - With no communication between the people necessary the program will provide will not succeed.

Making your Employees Aware of the Program

- Set up a date for training your employees
- Review the following:
 - Describe the program and how it will work
 - Effective date
 - Benefits for both the employee and employer
 - Who the designated medical provider and the company liaison to the medical provider
 - Written job duties of current job
 - Provide written list of modified job duties
 - Examples:
 - Administrative work: filing, handling mail answering phones
 - Safety-related task: safety inspection ex. checking fire extinguishers, updating safety data sheets
 - Ordering/stocking supplies
- Provide copies of the following:
 - Written program
 - Medical evaluation form
 - An additional forms used in the return to work program



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Length of Modified Duty Work

■ Modified Duty ends on the earliest:

1. Date the employee is released with no restrictions by the physician
2. Date the physician concludes the employee has permanent restrictions
3. Date the maximum assignment period ends
 - Full-Time Employees: cannot last more than a cumulative period exceeding 1,560 work hours (excluding any hours charged to over-time)
 - Part-Time benefited Employees: Cannot last more than a cumulative period equivalent to the hours normally scheduled in a 39 work week period
 - Part-Time non-benefit & temporary employees: cannot last for a cumulative period exceeding the lesser of (1) duration of the employees assignment or (2) 90 calendar days
4. Date the employee fails to take a required medical examination, with good reason
 - At the end of the modified Duty period, if an employee cannot return to work without restrictions the employee may be placed on appropriate leave

Modified Duty isn't set up to allow an employee to occupy that or any other position on a regular basis

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Implement the Program

Once an employee has been injured or suffered an on the job illness, and has been released by the medical provider to return to work with restrictions, it is time to put the program into action.

- Review the physicians evaluation
- Have a good understanding of the employees restrictions
- Review the employees normal job functions – see if they can be modified to keep them within the medical provider restrictions
- If they can be then do so and instruct the injured employee on this and continue with the return work program as implemented
- **IF NOT**, determine if there is alternate work for the injured worker that can be performed within the restrictions

What is Alternate Duty

- Other opportunities outside of the injured employees position that will continue to keep them working with there restrictions
- Alternate duty should not be meaningless, degrading work
- Alternate duty should serve a purpose and assist in an area that can support the company's overall productivity.
- Meaningful work, that does not feel like punishment to the injured employee will increase compliance among employees
 - You will want this to keep anger or resentment to a minimum.
- If the work is meaningful, this will give the injured employee a sense of accomplishment as well.



How to Determine What alternate Duty is available

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- Schedule a meeting with management to discuss ideas and viable options
 - In a small organization, you could possibly include some or all of your employees
 - Explain the purpose of the meeting and what you expect to accomplish
 - Also, have a person designated to take note of the suggestions and ideas
 - List the suggestions for everyone to see - this can help with the brainstorming process
 - Review and discuss what could work and why with each suggestion
 - List the alternate duties and share them with employees and your medical provider
 - If needed, group some of the duties together if needed to assist injured worker
 - Review the duties periodically and expand on or adjust them as needed

Benefits to the Employee

- Increases morale of the employees
- Assist with recovery of the injured employee
- Can help reduce financial impact on the injured worker
- Help with the self esteem of the injured employee as they continue to feel as if they are part of the “team”



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Benefits to the Employer

- Helps to prevent extended lost time
- Savings on the cost of re-training or replacing injured employee
- Reduction in the overall cost of the claim
- Some level of productivity for the wages paid
- Can help prevent malingerers and “bogus” claims
- Prevents loss of contact with the injured employee
- Sends the message that “injuries” will not always result in time off



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Review

- Set up the program before it is needed!
- Include management when setting up the program
- Encourage employee involvement to increase “buy-in”
- Discuss with and involve medical provider
- Maintain consistency with the program
- Review the program regularly and make changes as necessary



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AlaCOMP Safety LiBrary

Provides a variety of safety material to help with safety training, programs, recordkeeping, documents and form, plus much more

- **Why use the AlaCOMP Safety LiBrary:**

- Help prevent accidents and injuries
- Guidance on how to set up different safety programs
- Provides forms and documents for recording keeping
- Provides a safety manager tool program to track employees injuries, certifications, etc.

- **How to get a username and Password**

- Email Scott Hunter at scott@alacompins.com



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