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DEVELOPING AN EFFECTIVE RETURN-TO-WORK PROGRAM

NJUA SAFETY MEETING
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DEVELOPING AN EFFECTIVE RETURN-TO-WORK PROGRAM

Why Develop a Return-to-Work Program?

For most employers, the complexities of dealing with Workers' Compensation claims in today's healthcare environment have become the ultimate challenge. Federal and state labor laws, civil rights laws, health and safety regulations and current Workers' Compensation issues make resolution of these claims difficult and trying for everyone. Finding a method to resolve a case quickly, effectively and fairly with consideration to both the employer and the employee's needs is critical. Studies show that Return-to-Work Programs which include physical demand job descriptions, as they relate to functional capacity evaluations, are the critical link in managing and resolving many Workers' Compensation claims.

Today it has become very important to promote an active process of minimizing the impact of a physical impairment (resulting from injury, illness or disease) on the individual's capacity to participate competitively in the workplace. This must be a proactive process that enables management and staff to assume joint responsibility for safely returning employees to work.

The most important goal in establishing effective Return-to-Work Programs is to restore the occupational relationship between employer and employee. The occupational relationship involves the physical, psychological, social and environmental aspects of work. Ergonomics is the relationship between the worker, the work tasks and the work environment. As such, ergonomics becomes the critical link in restoring the occupational relationship between the employee and the employer. Therefore, the physical job demand description with respect to ergonomics provides essential information for the key players to make sound return-to-work decisions in managing the worker's case and forming a disability management plan.

DEVELOPING AN EFFECTIVE RETURN-TO-WORK PROGRAM

SIX STEPS TO A SUCCESSFUL RTW PROGRAM

Step 1 - Create a policy reflecting your company's dedication to Return-to-Work Program.

- Develop a policy announcing your Return-to-Work Program and management's commitment to the process.
- Position the new policy as an employee benefit.
- Sponsor an event to announce and communicate the policy to employees.
- Conduct separate training sessions for supervisors.
- Include the policy in personnel manuals and new employee orientation material.

Step 2 - Designate one person to manage the program.

- When return to work is left to chance, staff may perceive a lack of appropriate duty for the injured employee and safety personnel.
- Appoint an Injury Coordinator with appropriate authority to drive the program and coordinate the collection of physical demand job descriptions.
- The process will run more smoothly with one person in charge of establishing transitional duty, communicating expectations and ensuring a win-win situation for everyone - including the injured employee and the employer.

Step 3 - Adopt an Empathy Program.

- Studies show frequent contact with injured workers increase early return to work and decrease claimant's likelihood of seeking legal assistance.
- The immediate supervisor should contact the injured employee within 24 hours of the accident and at least once a week until the employee returns to work.
- Injury Coordinator and/or HR representative should also make regular calls to injured workers.
- Assure employees they are missed and explain workers' compensation benefits so employees know they will be taken care of.
- These courtesies promote a rapid return to work and can counter negative messages or feelings the employee may experience.

DEVELOPING AN EFFECTIVE RETURN-TO-WORK PROGRAM

Step 4 - Establish a guaranteed transitional duty period.

- Guarantee transitional duty for a set period of time. Although 60 days is average, some employers use 120 days or more.
- The length of time may be altered to conform to average diagnostic recovery time frames.
- If an employee is unable to resume regular duties after transitional duty ends, enlist your personnel department's help to ensure compliance with the Americans with Disabilities Act (ADA).

Step 5 - Stipulate the goals of the transitional duty.

- Transitional duty should have agreed-upon therapeutic goals.
- Your medical panel physician can help outline the employee's abilities to ensure tasks are meaningful and promote recovery.
- The employer and the employee must both adhere to any physical restrictions.
- Your Return-to-Work Program is an employee benefit, a privilege. In return, expect employees to be productive during the process.

Step 6 - Evaluate and improve the program.

- When the employee achieves full-duty status, take the time to hold a brief discussion with him, his supervisor, physician and anyone else key to the program's success.
- Find out how well your program worked?
- Are there areas that could be improved?
- Address actual and potential problems to make the next scenario even better.

DEVELOPING AN EFFECTIVE RETURN-TO-WORK PROGRAM

The Methodology behind the Six Steps

MANAGEMENT COMMITMENT

The success of a Return-to-Work Program that includes a transitional duty provision for injured employees depends on the support and direction from management. A written policy statement, publicized throughout the organization is an effective means of providing guidance and demonstrating support. A sample policy statement is shown below.

Sample Temporary Transitional Duty Statement

To All Employees:

It is the policy of _____ (name of insured) to maintain and support a Return-to-Work Program which includes a temporary transitional duty provision. It is our primary goal to maintain a safe workplace for our employees. When an injury does occur, our program helps make the process of returning to work as smooth and efficient as possible. This program is designed to minimize the disruption and uncertainly that can accompany a work-related injury or illness for both _____ (name of insured) and each of our employees.

The success of this program is the responsibility of every employee. Only by working together can we provide a safe and secure workplace. We ask that all employees be alert to potential accidents and strive to eliminate them. If we work together to minimize the effects of work related accidents; these efforts will benefit us all. Thank you for your cooperation and assistance.

_____
Signature

_____
Title

_____
Date

DEVELOPING AN EFFECTIVE RETURN-TO-WORK PROGRAM

ROLES AND RESPONSIBILITIES

An effective Return-to-Work Program involves you, your employees, medical provider(s), as well as the claims team that includes the claim adjuster, the loss control professional and the case manager. Each group must know their specific roles and responsibilities and work together to get an injured employee back to work as soon as possible. The following outlines define the roles and responsibilities of the program participants before an injury occurs (pre-injury).

PRE-INJURY ROLES AND RESPONSIBILITIES

EMPLOYER	▪ Implement the RTW Program ▪ Prepare and distribute Policy Statement ▪ Identify Injury Coordinator ▪ Approve Medical Panel ▪ Establish a First Aid Program ▪ Prepare physical demand job descriptions ▪ Identify modified work tasks ▪ Implement RTW procedures ▪ Communicate RTW Program to supervisors and employees ▪ Maintain a safe workplace
EMPLOYEE	▪ Know to whom to report an injury ▪ Know where to obtain medical treatment ▪ Be familiar with RTW Program ▪ Follow all job safety procedures and use required protective material ▪ Assist in preparation of physical demand job descriptions ▪ Report unsafe conditions
MEDICAL PROVIDER	▪ Determine and communicate accurate job demand restrictions for injured workers
CLAIMS TEAM	▪ Assist as needed in RTW Program development ▪ Review physical demand job descriptions in coordination with safety programs ▪ Provide accident investigation training/recommendations ▪ Communicate claim reporting procedures

DEVELOPING AN EFFECTIVE RETURN-TO-WORK PROGRAM

Once a work related injury or illness does occur, the roles and responsibilities are expanded to apply the procedures developed pre-injury. Communication among all parties is the key to getting the employee into a traditional duty program as soon as the physician agrees that the employee can return to work.

POST-INJURY ROLES AND RESPONSIBLITIES

EMPLOYER	▪ Provide First Aid ▪ Report injuries on a timely basis ▪ Refer to preferred medical provider ▪ Communicate with Claim Team ▪ Communicate with injured worker ▪ Accommodate work restrictions in transitional duty position ▪ Monitor disability status until employee is returned to full duty
EMPLOYEE	▪ Report injury promptly ▪ Follow prescribed medical treatment plan ▪ Comply with duty restrictions ▪ Communicate medical/disability status to employer
MEDICAL PROVIDER	▪ Provide appropriate medical treatment ▪ Develop a treatment plan ▪ Evaluate employee's ability to return to work (immediate) ▪ Determine and communicate duty restrictions ▪ Establish target date for full return to work
CLAIMS TEAM	▪ Consult with medical provider on treatment plan and duration of disability ▪ Assist insured to facilitate RTW in matching of injured employee's capabilities to physical demands of modified jobs ▪ Provide ongoing communication of changes in disability status ▪ Monitor disability status until employee is returned to full duty

DEVELOPING AN EFFECTIVE RETURN-TO-WORK PROGRAM

INJURY COORDINATOR

To effectively manage the Return-to-Work process, it is important to have a single point of contact. The injury coordinator's responsibilities include reporting claims to the Medical Management Team (either the TPA or the MCO, depending on individual programs), recording the injured employee's disability status, communicating disability and Return-to-Work Program information internally, facilitating assignments within the Return-to-Work Program, and monitoring progress on all disability cases in the Return-to-Work program. The Injury Coordinator should be an individual who has a good understanding of the Workers' Compensation system, your organization, and has the skills and authority to act as a liaison among the members of the Return-to-Work Team, including management, employees, medical providers and the claims team.

Typically, this individual would be someone in an administrative role:

- Member of the Human Resources Department
- Department Supervisor
- Other Administrative Staff Employee
- Head of Safety Committee

APPROVED MEDICAL PROVIDER PANEL

Your medical panel for evaluation and treatment of injured employees has been selected for a number of reasons, one of which is their proximity to the employer's location. More important is the panel provider's ability to provide prompt, expert medical care with a philosophy which includes returning injured employees to work as soon as medically possible. We recommend that your panel listing be posted in an area where all employees have access to the list. Employees should also be provided with instructions on how and when to report a claim, according to each insured's internal structure.

DEVELOPING AN EFFECTIVE RETURN-TO-WORK PROGRAM

PHYSICAL DEMAND JOB DESCRIPTIONS

Active Jobs or Positions

The physical demands of each job in the insured's business should be determined in the initial stages of setting up a Return-to-Work Program. For this purpose, a job description defining those physical demands should be developed and filed for availability when needed. A major benefit of using a physical job demand description is that it provides an accurate basis to "match" with an injured worker's functional capacity assessment. These tools allow the key players to match the workers' current work capacity with the required work capacity to perform the job in question. In addition, the job analysis allows for accommodation and modifications to be made in the work environment as well as facilitate early return-to-work program development. This helps to protect the employability of the injured worker and complies with the ADA in the employment of the qualified disabled workers through reasonable accommodation and worksite modifications.

"Back Burner" Projects

In addition to the current listing of jobs, physical demand job descriptions should be completed for each "back burner" projects that an insured might have available. "Back burner" projects include jobs that require completion on a periodic basis and are not currently assigned to an individual employee. Tracking information for a variety of management objectives or converting hard copy data to computer records are just two examples of "back burner" projects. Consideration should also be given to providing "support" to a department with a temporary increase in responsibilities. Another excellent example of a "back burner" job would be having the injured worker assist the Injury Coordinator in the initial completion or update of physical demand job descriptions.

Each job description whether for Current Jobs or "Back Burner" Projects, should address the following:

- **What essential physical tasks or activities are involved?**
  Examples: Standing, Carrying, Grasp/pinching, Crouching, Sitting, Reaching, Bending, Crawling, Walking, Pushing, Reaching, Kneeling, Lifting, Pulling, Twisting, Stooping, forceful exertions, awkward postures, localized contact stresses, vibration, temperature extremes, repetitive motions and prolonged activities.

DEVELOPING AN EFFECTIVE RETURN-TO-WORK PROGRAM

- **What marginal physical tasks or activities are involved?**
  Examples: As above
- **How frequently is each task completed in the course of the workday?**
- **What physical demands are required?**
  Examples: Lifting = 10 – 25 lb., Standing = 2 hours periods
- **What equipment and tools are required?**
- **What skills (knowledge or training) are required?**
  Examples: Typing ability, knowledge of a particular machine or tool, knowledge of a particular computer program.

It is important that the written physical demand job descriptions accurately reflect the actual job requirements. These descriptions must be developed with input from the employees doing the jobs, from the supervisors, and from actual job observations. Once the physical demand job descriptions are established, bringing the employee into the Return-to-Work Program is finding a "match" that is acceptable to the medical provider and the claims team.

COMMUNICATIONS/TRAINING

Communication and training are two essential factors in making a Return-to-Work program successful. Your supervisors and employees need to be made aware of your commitment to the Return-to-Work Program and what their roles and responsibilities are once an accident occurs. This can be accomplished by:

- Providing each supervisor/employee with a copy of the policy statement;
- Posting the policy statement throughout your facility;
- If a new program, scheduling a "kick-off"
- Training supervisors on the key points of a Return-to-Work Program and what procedures to follow when an injury occurs.

Communication of the physical demand job descriptions to the claim team and/or medical provider is also essential. The claim adjuster and case manager can work with the medical provider to find the best "match" for the transitional duty position available. Based on the injury/illness and the prognosis, a beginning and end of the transitional will be agreed upon, setting the parameters of the assignment. Plans for absence from the Return-to-Work program can also be arranged based on any physical therapy or treatment appointments necessary in the course of the recovery.

DEVELOPING AN EFFECTIVE RETURN-TO-WORK PROGRAM

PROGRAM MONITORING AND EVALUATION

During and after the completion of each employee's transition from transitional duty to full duty, it is important that the injury coordinator review the program with the employee, the supervisor and the claim team. Each party's input is important so the program can be tailored to the specific needs of the injured employee and the employer. It is helpful to chart progress on the effectiveness of the program for the specific employee and department, as well as receive suggestions on how the program can be improved. The results of the evaluation should be used to make modifications to the program as necessary.

DEVELOPING AN EFFECTIVE RETURN-TO-WORK PROGRAM

SAMPLE JOB DESCRIPTION

JOB DESCRIPTION

Job Title:	
Job Description:	
Typical Work Conditions:	
Equipment Used:	
Knowledge/Training Required:	
Essential Tasks:	

PHYSICAL DEMANDS SUMMARY

ACTIVITY	FREQUENCY				ACTIVITY	FREQUENCY			
	N	O	F	C		N	O	F	C
Lift or Carry:					Bend				
10 lb. or less					Kneel/Squat				
11 – 20 lb.					Twist/Turn				
21 – 50 lb.					Climb				
51 – 100 lb.					Crawl				
101+ lb.					Reach ÷ Shoulder				
Push /Pull:					Reach Outward				
12 lb. or less					Handling				
13 –2 5 lb.					Stand				
26 – 40 lb.					Walk				
41 – 100 lb.					Sit				
101+ lb.					Type/Keyboard				
Drive (automatic)					Drive (manual)				

KEY:
N = NEVER
O = OCCASIONAL (up to 33% of the time)
F = FREQUENT (from 34 – 66% of the time)
C = CONTSTANT (from 67 – 100% of time)

DEVELOPING AN EFFECTIVE RETURN-TO-WORK PROGRAM

SAMPLE JOB DESCRIPTION - COMPLETED

JOB DESCRIPTION

Job Title:	Loader
Job Description:	Using a forklift, retrieves pallet loads from staging area, wraps as needed and transfers the load to delivery trucks
Typical Work Conditions:	Works inside warehouse, climate control to 67 degrees.
Equipment Used:	Forklift, shrink wrap machine Protective equipment: gloves
Knowledge/Training Required:	Forklift certification
Essential Tasks:	Operate forklift – retrieve/load pallets Operate shrink wrap machine

PHYSICAL DEMANDS SUMMARY

ACTIVITY	FREQUENCY				ACTIVITY	FREQUENCY			
	N	O	F	C		N	O	F	C
Lift or Carry:					Bend		X		
10 lb. or less		X			Kneel/Squat		X		
11 – 20 lb.		X			Twist/Turn		X		
21 – 50 lb.		X			Climb		X		
51 – 100 lb.	X				Crawl	X			
101+ lb.	X				Reach ÷ Shoulder		X		
Push /Pull:					Reach Outward			X	
12 lb. or less		X			Handling			X	
13 –2 5 lb.			X		Stand			X	
26 – 40 lb.		X			Walk		X		
41 – 100 lb.		X			Sit			X	
101+ lb.					Type/Keyboard	X			
Drive (automatic)	X				Drive (manual)			X	

KEY:
N = NEVER
O = OCCASIONAL (up to 33% of the time)
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A Return-to-Work Program is a powerful tool in claims management that benefits both the employer and the injured worker. Return-to-Work Programs help ensure smooth, expedient transitions from injury and illness to productivity, and they are one of the best ways to keep Workers' Compensation costs under control. Providing transitional work that meets the individual medical restrictions allows the employee to be and feel productive more quickly, and gives the employer the services of a valued employee.

12 Benefits of Maintaining a Return-to- Work Program

1. Gain control and increase chances for a positive resolution of all claims
2. Retain the services of your valuable, trained employee
3. Maintain a productive employee for the wages you pay
4. Avoid replacement and training costs of hiring a new employee
5. Experience faster recoveries, both psychologically and physically
6. Reduce the chance for permanent disability
7. Discourage fraudulent claims
8. Increase morale among all employees
9. Increase awareness of safe work practices and injury prevention
10. Comply with the "Americans With Disabilities Act" (ADA) by accommodating disabilities, and avoid costly lawsuits
11. Identify cross-training opportunities that enhance employees' abilities in their regular jobs
12. Overall reduction of claim frequency and associated Workers' Compensation costs