



## Modified Duty/Return-to-Work Implementation FAQs

### 1. What is a Modified Duty Return-to-Work program?

The intent of a Modified Duty Return-to-Work program is simply to return an employee to a modified version of gainful and productive employment, tailored to the needs of the individual and the station.

Studies have indicated that when an injured worker remains off the job more than 6 months, the likelihood of them returning to work diminishes significantly. Therefore, a Modified Duty Return-to-Work program should aim to begin as soon as feasible and provide appropriate physical, behavioral, and vocational functions until an employee can transition back to full duty.

The most important factors influencing the success of returning an employee to work are the availability of recover-at-work programs, employer/employee attitude and motivation, and the severity of the injury.

### 2. What sort of tasks do Modified Duty Return-to-Work employees perform?

Depending upon their individual restrictions, Modified Duty Return-to-Work employees are assigned modified tasks that are often seated work, one-handed work, or work with lifting restrictions. Contributions could involve, for example, supporting station office staff, performing station/equipment inspections or providing training leadership.

### 3. What team elements will need to be in place at the Fire Protection/EMS District to run a Modified Duty Return-to-Work program?

- Top management support is essential - employers and employees must work together
- Efforts between supervisors, the claims representative, employees and physicians must be clearly and properly coordinated and documented
- An employee to play the role of Modified Duty Return-to-Work Program Coordinator
  - Serves as team leader, reviewing cases and controlling the process
  - Should have medical expertise in order to communicate with physicians, perform a medical treatment plan assessment talk to employees about their injuries, etc.
  - This role is often filled by your TPA or insurance carrier's Claims Adjustor
  - If an outside facilitator is used, joint meetings with the Fire Protection/EMS District RTW team is important

### 4. How do we introduce a Modified Duty Return-to-Work program?

- Provide your employees with advance notice of your program
  - All employees should be advised in writing of your transitional return-to-work program. We recommend that the notice be included in your employee handbook, which the employee should be required to sign.



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- We recommend providing an injured employee a 2nd written notice at the time they report an accident and complete the reporting documents
- The document should outline your program, how it is implemented, and what is required of the injured employee; i.e. require them to advise you when they have been released to return-to-work in some capacity.
- Prompt offer of restricted duty
  - As soon as the injured employee is released to return to restricted duty, an offer of work within the injured employee's restrictions should be tendered in writing
  - At a minimum, the written offer of work should contain:
    - The date, time and location where the employee is to report to work
    - Identify the person to whom the employee should report
    - Notice that temporary total disability benefits will cease the date they begin work
- The medical treatment facility should be informed of your program for employees who are recovering from a work-related accident or illness

### **5. How can the station determine which employees are eligible for Modified Duty Return-to-Work?**

Discussions and communication with treating physicians address return-to-work options, seeking information at each office visit confirming the types of activities the injured worker can perform.

### **6. What are the procedural steps in providing an employee a Modified Duty Return-to-Work program?**

Your 7710 adjustor will often assign a nurse case worker who will coordinate with medical treatment personnel in determining modified duty positions/duties and monitoring progress and feedback on each individual case. Your Fire Protection/EMS District's Modified Duty Return-to-Work Program Coordinator will notify the employee of RTW expectations and acquire a signed job assignment agreement. Modified Duty work will be performed and assessed at regular intervals until the employee is cleared to return to regular duty.

As always and as soon as possible following an employee job-related accident or illness requiring medical treatment, the Fire Protection / EMS District safety manager will need to contact the 7710 Claims Examiner to report:

- Necessary details regarding the incident
- Information regarding the treatment practitioner
- Modified duty that is available
- If a medical release has been received
- When and if the employee has returned to modified or full duty

### **7. What forms and letters will be needed to run a Modified Duty Return-to-Work program?**

Below these FAQs you will find templates for creating:



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- A Modified Duty task list for RTW opportunities at your station, determined jointly by departmental supervisors and the safety manager
- Components that should be included in a Modified Duty job description
- A letter to medical personnel regarding an employee's Modified Duty plan and requesting the return of a medical release form
- A complete medical release form regarding proposed modified work to be signed by the treating physician
- A letter to the injured employee that describes a modified work plan as approved by an employee's physician, which also informs the employee that returning to work does not prevent follow-up medical treatment or return to full duty when these are authorized by the physician
- A Modified Duty job assignment agreement to be signed and returned by the employee

### **8. Can workers turn down a modified duty job assignment they don't like?**

Yes, but they will probably lose their time-loss benefits. If a medical professional has reviewed a temporary job assignment and released the employee for that work, and the worker fails to show up, this is justification for discontinuing time-loss benefits. Medical benefits may nevertheless continue until the medical professional says the patient is fully recovered or stabilized and the claim is closed. If a partial disability results from a work-related injury or illness, the claimant may qualify for a partial disability award before the claim is closed.

### **9. Does a worker on modified duty get regular wages?**

Not necessarily. Many employers pay full wages during the temporary modified duty period, to build loyalty and to avoid having time-loss payments charged against their industrial insurance experience. Others reduce the regular wages a small percentage if co-workers are assuming the claimant's heavier tasks. This helps prevent resentment if a claimant is getting "Modified Duty Return-to-Work" but drawing the same wages. In the event an employee on modified duty is paid reduced wages, the insurance company will typically supplement the difference between WC benefits and regular wages.

### **10. How long can a worker stay on modified duty?**

Each case is treated individually. The assumption is, however, that modified duty is temporary/transitional work, provided until such time as the employee is able to assume full duties. In order to keep this time period as short as possible, employers must have modified duty available and must communicate this information to providers.

### **11. How often does the worker have to see a medical professional?**

There is no specific requirement for this, however, claim adjustors generally require that the medical professional "re-certify" a claimant for modified duty, and for time-loss benefits, at



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least monthly. For minor incidents, sooner than this may be more appropriate; for major injuries, it may be longer. A Fire Protection/EMS District policy may require that the employee report his medical progress at least weekly.

### **12. Can an employer lay off a worker on Modified Duty Return-to-Work?**

This can be a tricky situation--particularly in union shops. If employee layoffs are taking place for downsizing or lack of work, employees on modified duty should be treated as any other employee in terms of seniority. There may be charges of broken contracts or discrimination if employees on modified duty are laid off without sound justification. If an employee on modified duty is laid off work, the insurance company will typically pay disability benefits.

### **13. Do temporary job assignments have to be “real” work positions?**

When an injured work receives wage compensation during recovery from an industrial injury, and is capable of doing tasks which the medical professional authorizes as safe for the individual to do, there is no limiting definition of those job tasks. Wise employers will find ways to occupy the employee during recovery that are “useful” to both the Fire Protection / EMS District and the worker. Demeaning work tends to create resentment on the part of the injured worker, undermine the RTW program, and can be counter-productive in the long run. When dealing with “system abusers,” however, distasteful or boring work assignments may be an appropriate tactic for preventing further abuse of the system.

### **14. Can someone on Modified Duty Return-to-Work do overtime work?**

No, not if the medical professional has limited the modified duty assignment to less than full time. The medical professional most likely assumed that the medical release was for a standard work shift, so it will be wise to get approval before overtime work is offered.

### **15. If a return-to-work was premature, can a person go back on time-loss?**

Yes. Whether or not modified duty is involved, if a worker appears to be fully recovered and returns to either regular or modified duty, then relapses in some way, the medical professional can re-certify the employee for time-loss benefits. Regular procedures for a return-to-work program will apply at an appropriate phase of recovery.

### **16. What resistance might an employee have to Modified Duty Return-to-Work assignments?**

- Workers may fear aggravation of their injuries
- Resentment and hostility can result if the recovering worker feels isolated at work
- Some employees might feel assignments lack legitimacy for their skill set
- Return-to-work programs can be viewed as punishment if not managed in a positive manner



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- Some “system abusers” will resist attempts to return them to work
- Emergency services workers often have second jobs. A modified return-to-work that occurs during “normal” business hours may prevent that employee from earning his or her second income.
- **Communication Strategies for Employee focus and assurances**
  - Tasks are temporary and reinstatement is the goal
  - Work (and the worker) are compliant with the restrictions and that no further complications to the injury are being experienced
  - Temporary placement that provides on-the-job work hardening with tasks that become increasingly difficult over time
  - Income supplementation, which can be cheaper than time-loss payments

### 17. What resistance might management have to Modified Duty Return-to-Work assignments?

- Budgetary concerns – affording work that was not anticipated
- The administrative burden of coordinating tasks, paperwork and supervision
- A lack of Modified Duty Return-to-Work work that would offer a return on the investment
- Supervisors may resent having to “deal” with injured employees if not trained and reinforced
- Anticipation of a shift in employee commitment to the hard work at a Fire Protection/EMS District, a lack of “100% workers”
- Special treatment might be misconstrued by other employees
- A fear that the program will create permanent jobs for the union
- Medical professionals might pull support if the employer does not honor work restrictions
- **Communication Strategies for assisting Supervisors**
  - Allow them to suggest important “wish list” tasks/projects that never get done
  - Remind them that having an employee back on modified duty will impact the current budget less, because it allows the department to stop paying indemnity, and also keeps costs from accruing in the long-term
  - What’s good for the department is good for the employees and modified duty is both!



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[\[MODIFIED DUTY POSITION WORKSHEET\]](#)

### MODIFIED DUTY POSITIONS

Through discussions with department heads and supervisors, establish work duties that could be useful to the Fire Protection / EMS District, while assisting an injured worker's physical rehabilitation and emotional outlook following an industrial injury. Often, tasks from various departments can be combined for this purpose.

Work Area & Supervisor	Temporary Jobs or Tasks	Time Involved per Task (hours/days/weeks)



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### [PHYSICIAN GUIDELINES FOR LIGHT DUTY JOB DESCRIPTIONS]

A job description should be as specific as possible and contain at least the following components:

1. Position Title
2. Reports to: (name of the supervisor)
3. Purpose (For example, if the position was for a receptionist, the purpose would be to greet all customers and clients in a friendly and professional manner.)
4. Duties and responsibilities
5. Placement Criteria/Qualifications
6. Physical Requirements:
  - Hours they will sit, stand, or walk at a given time
  - Weight and size of objects to be lifted and/or carried
  - How many repetitions of physical tasks required during the work shift
  - Whether these requirements can be tailored to the worker's discretion
  - Heat or cold conditions
7. Driver's/Operator's License Required (If so, what type of vehicle or machinery is involved?)
8. Indoor/Outdoor work?
9. Other Considerations: Will they be required to climb ladders, use their hands and/or feet for repetitive tasks, use any special tools or equipment, work unusual shifts, etc.?



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[PHYSICIAN LETTER REQUESTING MEDICAL RELEASE FORM FOR MODIFIED DUTY]

(YOUR LETTERHEAD)

Date:

To:

**RE: MODIFIED OR LIGHT DUTY EMPLOYMENT**

Dear Doctor \_\_\_\_\_:

Thank you for agreeing to examine our employee regarding his or her industrial injury. Attached please find a Light Duty Job Description for your review. If you believe that our employee cannot return to his or her regular job at the present time, we would appreciate your consideration in releasing them to the enclosed position, full time or part time.

Our Fire Protection / EMS District is committed to assisting our injured workers in obtaining a full and speedy recovery from their injuries. We will agree to maintain the injured worker in this light duty position until you release them to perform their regular job.

We have enclosed a Release Form for your completion. If you have any questions or require further information please feel free to contact us at any time.

On behalf of our injured employee, we thank you for your time and consideration.

Sincerely Yours,

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Phone: \_\_\_\_\_

Attachment: Doctor's Release Form



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[DOCTOR RELEASE FORM]

DOCTOR'S RELEASE FORM

RE: Claimant's Name: \_\_\_\_\_
Date of Injury: \_\_\_\_\_
Claim Number: \_\_\_\_\_
Employer: \_\_\_\_\_

As the attending physician for the above-referenced injured worker, I hereby release him or her to perform the modified duty position attached.

The claimant can begin this job on \_\_\_\_\_ (date)

The claimant may do this job \_\_\_\_\_ hours a day.

I expect the claimant to return to his or her regular job on: \_\_\_\_\_ (date)

The next scheduled examination is \_\_\_\_\_ (date)

Signed: \_\_\_\_\_ Date \_\_\_\_\_
Attending Physician

Please Print: Name: \_\_\_\_\_
Address: \_\_\_\_\_
Phone: \_\_\_\_\_

Attachment



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[EMPLOYEE LETTER DESCRIBING MODIFIED DUTY POSITION]

(YOUR LETTERHEAD)

Date

Name of Employee

Address

City, State

Claim Number \_\_\_\_\_

Date of Injury \_\_\_\_\_

Dear \_\_\_\_\_:

Your physician has released you for temporary, modified duty work. We have located a position which your doctor feels you will be able to do until you are able to return to your regular job on a full-time basis.

Your temporary position will be as follows:

(describe position, duties, hours to be worked, and limitations)

Your wages for this temporary position will be \_\_\_\_\_.

Please report for work on (day, time, and location) to (supervisor's name).

We look forward to seeing you back and wish you a full and speedy recovery.

\_\_\_\_\_ (Name, Title)

\_\_\_\_\_ (Department)

cc:



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[EMPLOYEE MODIFIED DUTY JOB ASSIGNMENT AGREEMENT]

**MODIFIED DUTY JOB ASSIGNMENT AGREEMENT**

*Early return-to-work policies and procedures attempt to assure that a recovering employee is not re-injured during temporary modified duty. Nevertheless, employees, co-workers and supervisors occasionally fail to fully understand the physical limitations involved. For this reason, a job assignment agreement may help clarify these work restrictions and more fully protect the employee during this transitional period.*

It is understood that Doctor \_\_\_\_\_ has released the employee named below to return to temporary, modified work, provided that the following physical limitations are not exceeded:\*

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The employee agrees to work within these restrictions. In the event that he/she is given an assignment which appears to fall outside the restrictions, this opinion should be immediately expressed to the appropriate supervisor, in order to solve the problem. Both employee and supervisor agree not to violate the restrictions described and will work cooperatively to prevent re-injury or aggravation of the existing temporary physical condition.

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Employee Signature

Supervisor Signature

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Effective Date

Review Date

Write in physical limitations established by the treating physician.