



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 department.

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. Why does 7710 Insurance require a Modified Duty Return-to-Work program for all insureds?

The benefits of a Modified Duty Return-to-Work program - to both the team and the injured employee - far outweigh any negatives. There are cost savings that accompany the program (lower medical bills/claims expenses, reduced indemnity costs, less long term disability) and a lowered experience modifier which will ultimately keep your premiums lower. Additionally, this kind of program increases productivity and is a morale and skills booster, all of which benefit the injured worker and the team.

3. 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 department office staff, performing department/equipment inspections or providing training leadership.

4. What are the basic strategies of a Modified Duty Return-to-Work program?

- Established policies, procedures, forms and form letters
- Modified Duty Return-to-Work teamwork structures
 - Coordinated efforts between supervisors, the claims representative, employees and physicians
 - Top management support is essential - employers and employees must work together
 - A Team Coordinator Role
 - 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 Adjuster.
 - If an outside facilitator is used, joint meetings with the Fire Protection / EMS District /Municipality RTW team is important.
- 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
- Elements that make the program more attractive to supervisors
 - Allow them to suggest important "wish list" tasks/projects that never get done



Modified Duty/Return-to-Work Implementation FAQs

5. How can 7710 help us implement a Modified Duty Return-to-Work program at the department?

7710 can provide:

- Step-by step return-to-work procedures (notifying medical treatment facilities, determining modified duty positions/duties, etc.)
- Templates for creating
 - A Modified Duty task list for your department
 - A written description of a modified work position that can be supplied to treating physicians
 - 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 medical release form regarding modified work
 - A letter describing a modified work plan as approved by an employee's physician
 - A Modified Duty job assignment agreement
- In the case of permanent restriction
 - A Permanent Restriction job assignment agreement
 - Assessment of an injured worker's transferable skills will be performed to determine the injured worker's level of education, previous training, work history, hobbies and current physical abilities
 - Job placement service recommendations

6. How do we implement a Modified Duty Return-to-Work program?

Provide your employees with 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.
- 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

7. How can the department determine which employees are eligible for Modified Duty Return-to-Work work?

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

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.



Modified Duty/Return-to-Work Implementation FAQs

- 9. Does a worker on modified duty get regular wages?**
Not necessarily. Some insurance systems, will supplement part of the difference between WC benefits and regular wages. 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.
- 10. How long can a worker stay on modified duty?**
No time limit is specified for this. 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 time limit for this. Most claim adjudicators require that the medical professional "re-certify" a claimant for modified duty, and for time-loss benefits, at least monthly. For minor incidents, sooner than this may be more appropriate; for major injuries, it may be longer. A Fire Protection / EMS District /Municipality 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.
- 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 / Municipality 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.



Modified Duty/Return-to-Work Implementation FAQs

16. How does a Modified Duty Return-to-Work program benefit the department?

Generally, modified duty programs, when they are part of a more global loss management regime, are intended to save employers money and help them maintain a stable workforce. Close communication with the injured employee and cooperation from the medical provider are also key components. When administered properly - success will manifest as:

- **Cost savings**
 - Reduced medical costs
 - Reduced indemnity costs
 - Reduced chance of litigation
 - Larger retrospective rating/dividend returns
 - Lowered experience modifiers – future premiums
 - Reduces the probability of costly long-term disability
 - Reduces the size of disability awards once a claim is closed; awards tend to be larger as workers are off the job for longer periods of time
 - Lessens the time, effort and money required to screen, hire and train replacement employees
- **Increased productivity**
 - Less employee turnover
 - Claims become easier to resolve as the length of a claimant's time-loss period is reduced.
 - Workers return to their regular jobs sooner
 - Work hardening is less necessary for injured workers who have been provided with modified duty
- **Morale and skills booster**
 - Helps employers feel more in control of workers' compensation dollars
 - An early return to work program reinforces a strong work ethic among all employees
 - Modified work may provide new knowledge and skills and a broader understanding of the Fire Protection/ EMS District /Municipality
 - Meaningful work improves self-esteem and hastens recovery

17. How does a Modified Duty Return-to-Work program benefit the employee?

- **A healthy routine** - getting up and going to work provides positive physical activity, increases motivation to return to full-time work and continues a connection to the department culture
- **Increased morale** - overall workforce morale is improved when management shows willingness to make special provisions for injured workers. Morale is also higher when an employee feels like a contributing member of the department
- **Decreased healing time and decreased likelihood of long-term physical disability** – performing physical and mental tasks prevent loss of strength and stamina and the added benefit of the emotional lift of a peer group act to accelerate recovery
- **Learning new tasks** – experiencing new duties will broaden an employee's perspective about the Fire Protection/EMS District /Municipality and peer functions

18. How does having a Modified Duty Return-to-Work program keep workers compensation premiums lower?

The commitment to returning employees to work decreases the indemnity portion of the claim costs (lost wages), which reduces the total amount incurred. This mitigates adverse effects of claims in experience modifiers, keeping premiums lower.