


Volunteer Return to Work

Volunteer Modified Duty Handbook



Workers Compensation Fund
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Although preventing injuries is the best way to control workers compensation costs, you need a way to manage injuries if they do occur. Possibly one of the best ways to help is by providing a job that accommodates the injured employee's physical restrictions, also called a modified duty position. Many employers may want to provide modified duty, but do not have a position available. A volunteer program with charitable organizations for these employers has been established. This handbook will explain the benefits and cost savings of such a program.




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“We make a living by what we get,
we make a life by what we give.”

— Winston Churchill

OVERVIEW

The Program

The volunteer return to work program provides injured employees modified duties in temporary assignments at local charitable organizations. The positions are intended to help speed the employees' physical and mental recovery, while making a contribution to society. The length and type of assignment for each employee is determined by the restrictions given by the treating physician. Job duties may include answering telephones, filing, data entry, greeting guests, and sorting clothing, food and books.

Program Benefits

Return to work programs have numerous benefits for you and your injured employee, including more control over premiums, less likelihood of litigation and improved employee benefits. For more information, see page 2.

Program Requirements

A job must be available for your employee once they have completed the volunteer program. You must pay the employee at least minimum wage. We suggest you establish a return to work program, with a volunteer option. For more information, on this and on how to set up a return to work program, see pages 7 thru 10.

BENEFITS FOR EMPLOYERS

Benefits to Your Company

The volunteer return to work program can give you a way to manage your workplace injuries and costs.

It may not seem like a significant program if you do not have a lot of employees; however, it is useful to consider the consequences of losing an employee. For example, if you only have ten employees, losing one worker amounts to losing 10% of your workforce. Even in larger companies where work is usually done in smaller divisions, the same concept applies.

In addition, not getting an injured employee back on the job can become very expensive if the employee does not have many transferable work skills. This increases lost workdays and decreases overall productivity.



**direct and indirect costs of
absenteeism range from
12-18% of payroll**

A return to work program also provides less obvious benefits. According to a Feb. 24, 2003, article by Betsy Robinson in The National Underwriter, the direct and indirect costs of absenteeism range from 12-18% of payroll. Returning employees to work saves on costs related to recruiting, hiring and training replacement workers; paying for benefits for absent workers; and the continuing administrative tasks related to prolonged workers compensation claims.

— Source: The National Underwriter

The volunteer return to work program can help you:

- keep your workers compensation insurance costs as low as possible by minimizing accident costs;
- keep experienced employees, and reduce turnover, hiring and training costs;
- reduce litigation;
- decrease the chance of fraudulent claims;
- lower your taxes with a possible tax write off;
- improve employee relations; and
- promote good will and a positive company image.

One of the most compelling reasons for a program such as this is the potential cost savings. Claims, and particularly lost time claims, impact your experience modification factor (e-mod), which in turn, drives up your premiums.

What is an e-mod and what does it mean to an employer?

An e-mod is a statistical tool that is used by insurance companies to accomplish two goals: pricing and incentive.

Insurance companies use your e-mod to more accurately predict your future losses. This helps to tailor the price you pay for workers' compensation to the cost of providing the coverage. Since no two employers are the same, fairness requires that an employer with more claims pay more in premiums. Not only does this distribute the cost of insurance equitably, it also places the employer that is less safety conscious at a competitive disadvantage.

E-mods also provide a financial incentive to improve workplace safety, including return to work programs.

How does an e-mod affect an employer's cost of insurance?

An e-mod acts like a safe driver discount program by comparing the losses and safety results of an employer to other employers in the same industry in the state. If you have fewer accidents and losses than your industry's average in Utah, your e-mod will be lower than 1.00 and premiums will decrease. Conversely, you have more accidents and losses than your industry average in Utah, your e-mod will be higher than 1.00 and your premiums will increase.

Who determines e-mods?

Your e-mod is calculated by the National Council on Compensation Insurance (NCCI). Your e-mod stays with you even if you switch insurance carriers.

Benefit to the Employer

Medical Costs	\$3,000
Compensation Costs	\$0
Total Costs	\$3,000
NCCI Factor ¹	30%
Costs Reported	\$900

WITH

Medical Costs	\$3,000
Compensation Costs	\$2,400
Total Costs	\$5,400
NCCI Factor ¹	100%
Costs Reported	\$5,400

WITHOUT

¹ WCF reports 30% of medical costs and 100% of compensation costs to NCCI to be included in e-mod calculations.

BENEFITS FOR EMPLOYEES

It is important to get injured employees back to work as promptly as possible. The longer employees are off the job, the more difficult it is to return. In fact, 50% of injured workers who remain off work more than six months, and 75% who remain off work more than 12 months, never go back. The routine of going to work everyday is a habit. Not going to work can also become a habit.

Past experience has also shown that when injured employees can focus on being productive, not on their disabilities, the recovery process is expedited.

The volunteer return to work program can not only help with these issues, but it can also help your injured employees:

- maintain their income and financial stability;
- retain their in-house benefits package;
- resume their normal activities sooner with less uncertainty;
- maintain their job skills;
- learn new transferable skills;
- maintain their self-worth and reduce stress associated with injury;
- accelerate the healing process; and
- improve morale.

Compensation Example

As with most modified duty positions, employees may receive slightly more money than from a regular workers compensation check.

Benefit to the Injured Worker

Average Weekly Wage	\$600
Modified Duty Rate ¹	\$300
Compensation Paid By WCF ²	\$200 (TPD)
Employee Earns	\$500

WITH

Average Weekly Wage	\$600
Modified Duty Rate ¹	\$0
Compensation Paid By WCF ²	\$400 (TPD)
Employee Earns	\$400

WITHOUT

¹The modified duty rate is the amount the employer is paying the injured employee.

² An injured employee in a modified duty position is considered temporarily partially disabled, while an injured employee that can work, but a position does not exist is considered temporarily totally disabled. For the modified duty position, compensation paid by WCF is equal to the Average Weekly Wage less the modified duty wages with the difference multiplied by .6667 or $[(AWW - \text{modified duty earnings}) \times .6667]$. For the temporary total disability employee, compensation paid by WCF is an average weekly wage \$600 up to a weekly maximum determined by the Labor Commission.

PROGRAM REQUIREMENTS

If you already have a return to work program established.

To refer an employee to the volunteer program:

1. It is in your best interest to incorporate the volunteer program into your formal return to work policy. (See below if you do not have a return to work policy). A written policy is essential in order to prevent confusion and miscommunication and employees should be notified of your RTW plan before they are injured. Compensation benefits for employees who choose not to participate in the program can be reviewed for denial of these benefits.

To incorporate the program now, you can hold a meeting and notify your employees. During the meeting, it is suggested that you detail your return to work program as well as the implications to an employee who chooses not to participate. In addition, have employees sign a form stating that they understand what you have discussed and keep a copy in personnel files. When new employees are hired, they should receive and sign the same document. (See sample documents on page 12.)

2. A job must be available for him/her to come back to once released to return to work. The employee must remain on active employee status (the employee is still considered to be yours during this off-site assignment).

3. You must pay the employee a wage. The wage you pay is at your discretion, but it must be at least minimum wage. (According to the Independent Sector, the estimated dollar value of volunteer time was \$20.85 per hour in 2009.) You can maintain the employee's pay rate or reduce it. If the rate is reduced, then WCF will pay two-thirds of the difference between the wage you are paying and the wage the employee was making at the time of the injury.

If you do not already have a return to work program.

See How to Set up a Program on page 15.

Q

Who pays my injured employee if they participate in the volunteer return to work program?

A

Ideally, you would maintain the employee at their regular salary and benefits. Usually when an injured worker is treated like non-injured co-workers in all ways, including pay, he/she is motivated to begin regular tasks earlier. In addition, when an injured employee is receiving a regular salary, the overall claim costs are kept lower. If you cannot or do not want to maintain the injured worker's salary level during the volunteer work assignment, WCF will pay the employee two-thirds of the difference between his/her average weekly wage when the injury occurred and what you are paying him/her now. This usually amounts to slightly more money for the employee than just compensation benefits from WCF. If WCF pays an injured employee any compensation, 100% of the costs are reported to NCCI.

Q

What if the employee is re-injured while working in the volunteer program?

A

There is no guarantee that an employee will not be re-injured. It is imperative that the treating physician approves the work the employee will be doing. You are still the employer of injury while the injured employee is still working in the volunteer program. The volunteer organization needs to know the restrictions as well.

Q

Can an injured employee refuse to participate in the volunteer program?

A

Yes. However, if it is part of your return to work program and they have been made aware of it, WCF may stop compensation benefits if they refuse the offer.

HOW TO SET UP A RETURN TO WORK PROGRAM

Getting Started

Attend one of our Return to Work Strategies Seminars and develop a written program that includes:

1. A policy statement that confirms your commitment to the return to work process and explains your company's return to work philosophy.
2. Procedures that explain the steps that your employees, supervisors and return to work coordinator will take from the time an employee is injured until after the employee returns to work.
3. A statement that explains the responsibilities of the injured employee, the supervisor, the medical care provider, the return to work coordinator, and your insurance company.

Communicate the Program

To be effective, communicate your program so employees understand procedures and are willing to follow them. Here are ideas for communicating the process to employees:

1. Educate employees about your return to work process at new employee orientations and safety training sessions. Explain the purpose of alternative productive work assignments and their benefits.
2. Introduce a new or revised return to work process at safety meetings. Here is a sample agenda.
 - a. Invite a member of management to read your return to work policy statement.
 - b. Review and discuss your return to work procedures.
 - c. Review and discuss the employee and supervisor responsibilities shown on your statement of responsibilities.
 - d. Explain why supervisors are creating task assessments and identifying alternative productive work. Encourage suggestions from employees.
 - e. Conclude with a question and answer session.
3. Put up posters with your return to work policy statement. Make sure employees have access to return to work procedures and the statement of responsibilities.
4. Remind employees about the return to work process by offering information in company newsletters, payroll envelopes and your company's information center.

AFTER AN INJURY

1. Tell the treating doctor that your company has a return to work program. Give the doctor a job description, a task analysis of the employee's original job and information about possible alternative productive work. Ask the doctor the following questions:
 - Can the employee return to the original tasks with no changes?
 - Can the employee return to the original tasks under special conditions, such as working for reduced hours or using modified equipment?
 - Can the employee do alternative, productive work?
2. Have the doctor complete a return to work recommendation form (or prescription) that lists the employee's medical restrictions and current capabilities. The doctor must approve all assignments to alternative, productive work and any changes to the job duties. Have the doctor update this form each time the employee has an appointment.
3. Have the return to work coordinator, the employee and the employee's supervisor sign an alternative productive work agreement. This agreement describes the new work duties, start and end dates for the duties, and medical restrictions. The agreement states that the injured employee will not work or be asked to work outside of medical restrictions.
4. Continually monitor the employee's progress. Talk with the employee regularly and discuss any concerns. Make sure the doctor agrees to any changes in alternative productive work.
5. When the employee reaches the end date for the agreement, discuss the employee's medical status and the success of the assignment. If the doctor gives the employee a full release to work, the employee can go back to the original job. If the doctor continues the employee's medical restrictions, evaluate continuing alternative productive work or make permanent accommodations.

SAMPLE DOCUMENTS

Return to Work Policy Statement

(Company name) is committed to providing a safe and healthy workplace for our employees. Preventing injuries and illnesses is our primary objective.

If an employee is injured, we will use our return to work program to provide assistance. We will get immediate, appropriate medical attention for employees who are injured on the job and will attempt to create opportunities for them to return to safe, productive work as soon as medically possible.

Our ultimate goal is to return injured employees to their original jobs.

If an injured employee is unable to perform all the tasks of the original job, we will make every effort to provide transitional alternative productive work that meets the injured employee's capabilities.

The support and participation of management and all employees are essential for the success of our return to work program.

[Name]

President/CEO

Return to Work Procedures

Follow these procedures when an employee is injured on the job:

1 An employee who is injured must immediately report the injury or incident to a supervisor or an appropriate person in management.

The supervisor or return to work coordinator is responsible for:

- 2
- a. following Utah Labor Commission requirements for reporting injuries and illnesses.
 - b. completing an incident investigation record for every report of injury, whether or not medical attention is needed.
 - c. making a report to OSHA (when required for serious incidents) and keeping an OSHA log (if required).

3 If medical attention is needed, the supervisor should assure that the employee gets immediate medical attention.

4 Whenever possible, the employee or supervisor should provide the medical facility with the injured employee's job description, essential job elements, and an introductory letter explaining the return to work process.

5 If the employee is restricted from work, a contact person (the supervisor or return to work coordinator) should communicate regularly with the employee, treating doctor, and claims adjuster.

6 The contact person should talk with the employee on the day of injury and once a week until the employee returns to work. The contact person should check with the treating doctor whenever the employee has a follow-up visit.

7 When the treating doctor releases the employee to alternative productive work, the supervisor should attempt to develop an alternative assignment. Every assignment must meet the doctor's restrictions.

8 The supervisor should keep a copy of the doctor's work release.

9 The supervisor should follow up with the employee on a regular basis after the employee returns to work.

10 Communicate any restrictions, changes in work status or any concerns with the assigned claims adjuster.

Employee responsibilities:

- Make sure you understand [Company Name]'s procedure for reporting injuries. If you are injured, tell your doctor that alternative work is available to you. Your supervisor may ask you to take a Company letter to your doctor. The letter will explain the company's return to work process.
- If a doctor restricts you from working, call your supervisor once a week to discuss your progress.
- If a doctor releases you to work, inform your supervisor and return to work on your next scheduled shift.
- If a doctor gives you medical restrictions for an alternative productive work assignment, follow the doctor's orders. Do not exceed the physical restrictions recommended by your treating physician.
- Keep your claims adjuster updated on your medical condition and work status.

Supervisor responsibilities:

- Train employees on proper reporting of incidents and injuries and return to work procedures.
- Tell the doctor about the Company's return to work process and provide the doctor with an explanatory letter.
- Contact the injured employee once a week and make sure all necessary forms are completed and returned.
- Express concern for the employee's health and recovery.
- Provide information to your company's return to work coordinator.
- Help create productive work assignments.
- Make sure the injured employee is following the doctor's restrictions.
- Check the employee's condition regularly to help get the employee back to his or her original job.

Health care provider responsibilities:

- Provide immediate and appropriate medical care to the injured employee.
- Assess the abilities of the injured employee.
- Provide the employee with physical restrictions to follow when performing job functions.
- Provide information about the employee's work capabilities to the employer and return to work coordinator.
- Become familiar with operations at the employee's workplace.

Return to work coordinator responsibilities:

- Oversee return to work program and ensure policies and procedures are being followed.
- Act as the employer's representative.
- Maintain contact with the health care provider, WCF, the employee and the employee's supervisor.
- Develop and maintain recordkeeping and reporting systems for incidents and injuries.

WCF responsibilities:

- Assign a claims adjuster to make a "three point" contact with the injured employee, doctor and employer.
- Provide workers' compensation benefits to the injured employee.
- Provide information about the return to work process.

CONTACT US

For questions about the volunteer return to work program, call the claims manager assigned to your policy.

For questions about establishing a return to work program at your company, call the Vocational Rehabilitation Department at 385-351-8093, or 800-446-2667 ext. 8093.

If you or an injured worker needs assistance in Spanish, call our Spanish Hotline at 385-351-8511.

If you suspect fraud, tell your claims adjuster about your concerns. You may also call WCF's Special Investigations Department at 385-351-8140.

If you are preparing documents that may have legal implications, please consult with your company's legal counsel.

RETURN TO WORK STRATEGIES SEMINAR

A return to work program makes sense. This is a proactive approach to reducing costs associated with work related injuries and returning injured employees back to productive work. This is a “win-win” process for you and your employee.

To learn more, Workers Compensation Fund invites you to attend a FREE WORKSHOP on the return to work process.

LOCATION Sandy, Ogden, Logan, Vernal, Provo, Moab, St. George

REGISTRATION 8:00-8:15 am

CLASS TIME 8:30 am to 11:45 am

Space is limited. For more information, call (800) 446-COMP ext. 8381 or visit wcfgroup.com

Provided by WCF at no cost to our policyholders.

For further information, contact us:

Workers Compensation Fund
100 West Towne Ridge Pkwy
Sandy, Utah 84070
800-446-COMP(2667)

Ogden Branch
186 East 4600 South, Ste. 400
Ogden, Utah 84403
800-611-4550

St. George Branch
1453 South Dixie Drive, Ste. 100
St. George, Utah 84770
800-324-9470

Department Telephone Numbers

Accounting: 385-351-8030

Claims: 385-351-8010

Customer Service: 385-351-8000

Fraud Hotline: 385-351-8140

Human Resources: 385-351-8004

Legal: 385-351-8149

Marketing: 385-351-8215

Premium Specialists: 385-351-8243

Safety: 385-351-8105

Underwriting: 385-351-8020

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WORKERS COMPENSATION FUND

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WCF NEW CLAIMS REPORTING

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WCF FRAUD HOTLINE

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UTAH LABOR COMMISSION

801-530-6800 | 800-222-1238

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