

Sample Program Implementation Guide

PMA Stay at Work



IMPORTANT NOTICE: The following is intended only as general information for employers wanting to develop a Stay-at-Work program and not for purpose of providing legal advice. Before utilizing any information in any of these documents, including sample programs and example forms, employers should verify its reliance for their purpose and should obtain any appropriate professional advice. The following information is intended only as a guide and does not release employers from their responsibilities under the Workers' Compensation Act and regulations, or under any federal or state law. Employers are encouraged to discuss the development of a Stay-at-Work program and the impact of federal and state law on it with their legal counsel.

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Introduction

The implementation of the PMA Stay-at-Work Program has the potential to save you money. This guide is designed to provide step-by-step instructions and sample tools to help you develop a successful Stay-at-Work program. Whatever the program is called: “modified duty,” “light duty,” “transitional duty,” the goal remains the same – to assist employees to safely remain at work or return to work as soon as possible and contribute in a meaningful way to the workplace.

Even the most proactive injury-prevention program cannot entirely eliminate illness and injury. Thus, the establishment of a Stay-at-Work program is the next phase in successfully managing your workers’ compensation costs. Stay-at-Work programs utilizing transitional work (whether modified or alternative duty) have saved money through the reduction of health care costs, lost-time wage payments, and reduced litigation and attorney involvement.

Did You Know?

A 1998 report by Business Insurance revealed that employers who use transitional duty as part of their workers’ compensation networks save between 10 to 40 percent on workers’ compensation medical costs and between 14 to 25 percent on wage replacement or disability income replacement costs. Business Insurance also estimated that lost-time claims average out at approximately \$19,000 in combined medical and indemnity costs per claim.

Interestingly, a 1997 American College of Occupational and Environmental Medicine-sponsored survey of occupational health physicians showed that most felt that only 5 to 10 percent of injured workers actually need more than a couple of days off from work. However, statistics from a 1998 National Council of Compensation Insurers survey indicate that 24 percent of workers are out more than a couple of days after an injury. This suggests 60 to 80 percent of lost-time claims involve medically unnecessary time off from work, which may directly impact your bottom line.

By applying the concepts outlined in this guide, you will be able to customize the PMA Stay-at-Work Program to fit your company’s needs and manage your lost-time cases more effectively. Remember, the sooner you implement a successful program, the sooner you can more effectively manage your workers’ compensation costs and potentially reap the cost benefits.

Benefits of Implementing This Program

Stay-at-Work programs utilizing transitional work reduced loss cost through the reduction of health care costs and lost-time wage payments; they benefited employees, not just the employer. Below are just some of the benefits of an effectively implemented Stay-at-Work program:

Employer Benefits	Employee Benefits
<ul style="list-style-type: none">• Reduces severity of employees lost-time claims by decreasing the time off work	<ul style="list-style-type: none">• Returns employee to normal wages as soon as possible.
<ul style="list-style-type: none">• Provides the company with a cost effective pre-injury game plan (you’ll know what to do when the time comes)	<ul style="list-style-type: none">• Employees will know up front what to expect from the company

<ul style="list-style-type: none"> Enhances communication among the employee, employer and physicians, thus reducing the time needed to return the injured person to work 	<ul style="list-style-type: none"> Enhanced communication will give a sense of belonging to an employee making them feel “a part of the family”
<ul style="list-style-type: none"> Gradually re-acclimates the worker back into the job 	<ul style="list-style-type: none"> Employee gently re-introduced to the workplace after an injury thus reducing potential of re-injury
<ul style="list-style-type: none"> Provides timely and appropriate medical care through a network of selected providers to help control expenses and monitor treatment 	<ul style="list-style-type: none"> Employee’s medical needs addressed by qualified and appropriate medical providers.
<ul style="list-style-type: none"> Encourages prompt notice of incidents and allows for a more accurate diagnosis 	<ul style="list-style-type: none"> Employee’s needs addressed quickly and accurately
<ul style="list-style-type: none"> Helps to avoid legal complications by showing prompt attention, regular follow up and sincere concern 	<ul style="list-style-type: none"> Employees encouraged to return to work as soon as possible, enabling them to maintain their self-esteem
<ul style="list-style-type: none"> Helps to reduce repeaters and malingerers 	<ul style="list-style-type: none"> Reduces costs to employees by reducing the time employees need to find and obtain medical assistance on their own and discover how and when their workers’ compensation payments will begin
<ul style="list-style-type: none"> Reduces indirect costs such as other benefits paid to the injured employee, cost of hiring temporary help and paperwork time to name a few 	<ul style="list-style-type: none"> Allows employees to continue working during recovery as well as after recovery
<ul style="list-style-type: none"> Maintains an experienced work force 	<ul style="list-style-type: none"> Decreases the potential of re-injury upon return to work
<ul style="list-style-type: none"> Decreases the chances of re-injury upon returning to work 	<ul style="list-style-type: none"> Reduces employee stress. The employee will know what to do when an injury occurs, when payments will be received, how his/her family will be affected and a potential date when he or she can return to full duty
<ul style="list-style-type: none"> Promotes employee morale and security 	

Common Questions and Concerns Relating to This Program

1. We don't have any light duty here. What will the injured employee do?

A Stay-at-Work program focuses on an injured employee's abilities and provides "transitional employment" tailored to those abilities maximizing recovery. As an employer, concentrate on modifying existing jobs and not try to create something different.

2. Won't other employees' morale suffer in seeing others on modified duty?

The Stay-at-Work program is a temporary program of restricted responsibility that the recovering employee can handle while he/she is recovering. Co-workers need to understand the nature of the program, as well as the fact that a workers' compensation injury is difficult. In fact, co-workers need to be educated to provide moral support to any injured employee who returns to work on a restricted basis and realize the situation could just as easily be their own. The safety committee and any union representative should communicate the benefits of a Stay-at-Work program to all concerned. With effective communication, a Stay-at-Work program can be a positive contributor to both employee morale and employee retention.

3. We tried light duty before, but a few employees took advantage of it and the other workers were getting upset having to do all the work.

Of course, employee participation is always a concern. However, a Stay-at-Work program that is properly developed, communicated and implemented will help identify employees taking advantage of the system. These employees are more readily identifiable since they tend to slow down the process. A good Stay-at-Work program will actively manage the injury, medical assistance and the employee, making it more difficult for an employee to abuse the system. The employer, physician and PMA will continue to encourage the person to return to work by providing positive measures to do so. We do encourage employers to report any potential abuses of the system.

4. What if we do not have the staff or time to monitor such a program?

Once in place, a Stay-at-Work program actually requires a minimal amount of review and coordination. The Human Resource Department, Safety Director or the individual responsible for workers' compensation reporting is often the ideal contact to coordinate the program. A modified and regular job description bank could be created up front to save time when someone is injured.

5. We can't find a full-time light duty job for someone who is injured.

The belief that an injured employee must be 100% recovered before he/she can return to work not only delays the Stay-at-Work process, but also delays the recovery process. Activity and exercise at work can be therapeutic and an important part of the recovery process. Start with the regular job that the injured worker performs. Identify those elements they cannot do on a temporary basis, eliminate those, and allow them to perform the other elements of their regular jobs. Many small tasks can be created to equal a part-time or a full-time position. Even an hour or two a day will help motivate the employee to come back to work as soon as possible.

6. The budget doesn't allow for "extra" employees.

If the employer can modify the injured worker's job and only a couple of elements of the job are done by others, there are no extra employees. Another option is to consider establishing a separate cost center for transitional duty.

7. The union will never agree to this.

Communication is the key to addressing union concerns regarding a Stay-at-Work program. Inform the union of benefits a Stay-at-Work program offers to employees. Request the union assist in creating transitional-duty positions.

8. Our organization is too small for a Stay-at-Work Program to be cost effective.

Consider the expense of replacing the employee or paying someone overtime to complete the duties of the injured worker. Consider this person could be paid for sitting at home or paid for working. If modified-duty jobs are not readily apparent, consider new tasks or combining elements of several jobs to create modified-duty jobs. Some employers have assigned restricted-duty employees to local nonprofit agencies where they work in a volunteer capacity. These employees continue to be paid wages from their employer who essentially donates their labor to the nonprofits during their recovery. The message this sends is that any restrictions will be accommodated, either in the workplace, or as a fallback, as a volunteer.

9. Returning an employee to work who has been on short term or long-term disability could create a workers' compensation claim.

Consider the chance of this occurring versus the benefits of returning an employee to work. By ensuring the job duties are consistent with the employee's restrictions, an increased risk of injury should not occur.

Steps for Implementing This Program

Step 1 - Self Assessment

Take a minute and complete this self assessment. It will help determine where your company should start. Please refer to the appropriate section for help developing the appropriate portion of your program.

Self Assessment Questionnaire			
Program Element	Yes	No	Implementation Guide Reference for "NO" Response
1. Have you designated a Stay-at-Work Coordinator?			Step Two
2. Do you have a written policy regarding Stay-at-Work?			Step Three
3. Have medical providers been identified (where permitted by state law)?			Step Four
4. Have physical job demand descriptions been developed?			Step Five
5. Have transitional duty tasks been identified?			Step Five
6. Have communication and training about this program been provided to: - Employees (including union) - Management			Step Six
7. Has a first aid program been developed?			Step Seven
8. Has a Physician's Packet that includes the following been developed: Letter to Physician, Job Demands/Functional Demands, and Stay-at-Work Form? If allowed, has the provider to whom you will be referring employees been contacted?			Step Seven/Attachments
9. Have follow-up procedures been established for injured employees?			Step Seven

Now that you have completed the self assessment, you can begin developing an effective program.

Step 2 - Organize Your Stay-at-Work Team

An effective Stay-at-Work program involves management, employees, medical provider(s), and PMA's team (Risk Control, Claims and possibly a Case Manager). Each group must know their specific roles and responsibilities and work together to return the injured employee to work as soon as is medically safe.

Selecting a Stay-at-Work Coordinator

To manage a Stay-at-Work program effectively, it is important to have a single point of contact within your organization. This person is typically a company owner, office staff employee, facility occupational health nurse or other administrative staff employee. They should have a good understanding of the workers' compensation system, claims reporting, internal structure of the organization and the skills and authority to act as a liaison among the members of management, the PMA Team, the medical provider and the injured employee.

The Coordinator's role encompasses the following:

- Reporting of accidents
- Assisting PMA claims representatives
- Informing PMA of work related injury status
- Communicating work related injury and Stay-at-Work information within the organization
- Monitoring employee's progress
- Posting panels of physicians next to other required postings (i.e., OSHA poster)

The following pages define the roles and responsibilities of the Stay-at-Work participants both before an injury (pre-injury) and after an injury (post-injury).

PARTICIPANT'S ROLES AND RESPONSIBILITIES

PRE-INJURY/WORK RELATED INJURY	
Employer	<ul style="list-style-type: none"> • Implement the Stay-at-Work Program <ol style="list-style-type: none"> 1. Prepare/distribute policy statement 2. Identify Stay-at-Work Coordinator 3. Select medical panel where permitted by state law 4. Understand the regulation regarding the right to direct to designated providers 5. Prepare physical job demand descriptions 6. Identify how regular jobs could be modified temporarily 7. Implement Stay-at-Work procedures • Communicate Stay-at-Work Program to supervisors, employees and medical providers • Maintain a safe workplace
Employee	<ul style="list-style-type: none"> • Know to whom to report a work related injury to and report immediately • Know where to obtain medical treatment • Be familiar with the Stay-at-Work Program • Follow all job safety procedures and use required protective material • Report unsafe conditions
Medical Provider	<p>In states where direction of medical treatment is allowed:</p> <ul style="list-style-type: none"> • Meet with management • Be familiar with facility • Understand employer's Modified-Duty/Stay-at-Work commitment
PMA	<ul style="list-style-type: none"> • Assist in: <ol style="list-style-type: none"> 1. Stay-at-Work Program development 2. Safety and health programs 3. Injury review process 4. Communication of claim reporting procedures 5. Development of a medical panel. 6. Stay-at-Work Program development or enhancement, as requested

Note: Some states have mandated that a company's safety committee be actively involved in the company's Stay-at-Work Program. Examine the specific state laws for the state(s) in which you operate. PMA Risk Control Representatives can help with this.

PARTICIPANT'S ROLES AND RESPONSIBILITIES

POST-INJURY/WORK RELATED INJURY	
Employer	<ul style="list-style-type: none"> • Provide first aid/contact Emergency Medical Services as needed • Refer to preferred medical provider where allowed by law • Report injuries in a timely manner • Actively communicate with: <ol style="list-style-type: none"> 1. Treating physician 2. Employee 3. PMA • Accommodate work restrictions • Monitor work related injury status until full-duty Stay-at-Work
Employee	<ul style="list-style-type: none"> • Report work related injury immediately • Follow prescribed medical treatment plan • Comply with work restrictions • Communicate medical/work related injury status to employer/PMA Claims Professional
Medical Provider	<ul style="list-style-type: none"> • Provide appropriate medical treatment • Evaluate whether employee can return to work • Establish target Stay-at-Work date (Modified/Full Duty) • Provide timely, detailed and complete Stay-at-Work Form • Communicate with: <ol style="list-style-type: none"> 1. Employee 2. Employer 3. PMA
PMA	<ul style="list-style-type: none"> • Assist in job modification • Investigate promptly to determine compensability • Pay medical benefits promptly • Actively manage claim disposition • Communicate expectation regarding return to work with employee, employer and physician • Consult with provider regarding treatment plan and duration of work related injury, and obtain physical capacity • Discuss medical treatment plan and work related injury status with injured employee • Facilitate early return to work by matching employees' functional capabilities with physical demands of modified/regular jobs • Assist employer in developing modified job duties for employees • Coordinate medical and work related injury information • Bring claim to conclusion

Step 3 - Develop a Written Company Policy

As with any Risk Control or Safety Program, strong commitment and support from senior management are the keys to success. Develop a written policy or statement emphasizing the importance of employees. Preferably, this statement should originate from and be signed by the president or CEO. Sample policy statements are included at the end of this guide.

Your policy or philosophy should convey a "We Care" attitude that treats employees fairly, in a caring way, and reinforces their importance to the company. Many studies have concluded that the employee's perception of the workplace can significantly impact how quickly he/she returns to work after any injury.

Step 4 - Develop a List of Preferred Providers or Facilities for Referral of Injured Employees

Workers' compensation laws vary from state to state. Understand the laws in your state and exercise the controls allowable. Even in states in which the injured employee has a right to visit his/her own physician, with proper communication, injured employees are oftentimes willing to consider referrals to a preferred provider or facility. Having a provider or facility that specializes in occupational injuries and rehabilitation is ideal. Individual physicians should be familiar with workers' compensation and support the concept of conservative management with continued work whenever practical. Your PMA Representative can review the procedures regarding physician referral for your state, as well as identify appropriate medical providers.

Where a preferred provider is authorized, develop a written policy stating that employees with occupational injuries will be directed to that facility for assessment and treatment whenever possible. The preferred provider should become familiar with the company's business, job requirements and the company's specific Stay-at-Work program.

The provider or facility should be given copies of all job descriptions with detailed job task requirements. Job descriptions should include the materials, methods, machinery and physical demands. Additional sources of educating physicians might include videotaping jobs and scheduling plant tours. The knowledge gained by the medical provider from job descriptions, videos and plant tours is valuable in managing medical costs, obtaining accurate work related evaluations and conducting an effective Stay-at-Work program. The provider or facility is part of the joint efforts of the Stay-at-Work team.

It is important to respect the confidentiality of employees' personal medical information. As a rule, confidential medical information should only be accessed as necessary to administer your workers' compensation program and limited to individuals who have a need to know this information for a legitimate purpose. Employer access to medical information is regulated by state and federal law. You should familiarize yourself with confidentiality requirements that apply to your operation and abide by them to avoid legal liability.

(Remember, additional savings for your Stay-at-Work program can be realized if the PMA network of preferred provider physicians is used.)

Step 5 - Review Your Jobs

Planning is another important step to accomplish pre-injury. Proper planning requires that you determine the physical requirements of each job, so the physician can assess the employee's ability to perform the job. This can be accomplished by developing job descriptions that address the following questions:

- What key tasks/activities are involved?
- How frequently are tasks performed?
- What physical demands are required?
- What equipment and tools are required?
- What skills are required?

It is important that the written physical job demand description accurately reflects the actual job requirements. These descriptions should be reviewed periodically and revised as necessary. These descriptions must be developed with due consideration from the employees doing the jobs, their supervisors and from actual job observations from interested third parties. A sample completed physical job demand description is provided for your reference on page 13. It is designed to be simple to use.

JOB DEMAND/FUNCTIONAL DEMANDS

TITLE	Loader
JOB DESCRIPTION	Uses a forklift; retrieves pallet loads from staging area; wraps as needed and transfers the load to delivery trucks
TYPICAL WORK CONDITIONS	Works inside warehouse – temperature controlled
EQUIPMENT USED	Forklift; shrink wrap machine; protective equipment--gloves
KNOWLEDGE/TRAINING	Forklift certifications
ESSENTIAL TASKS	Operates forklift to retrieve/load pallets; operates shrink-wrap machine

PHYSICAL DEMANDS SUMMARY

ACTIVITY	FREQUENCY *				ACTIVITY	FREQUENCY *			
	N	O	F	C		N	O	F	C
Lift/Carry:					Body Movement				
10 Lbs. or less		X			Twist/Turn				X
11-20 Lbs.		X			Climb		X		
21-50 Lbs.		X			Crawl	X			
51-100 Lbs.	X				Reach Above Shoulder		X		
100 + Lbs.	X				Reach Outward			X	
					Handling/Fingering			X	
Push/Pull:					Stand		X		
12 Lbs. or less		X			Walk			X	
13-25 Lbs.			X		Sit		X		X
26-40 Lbs.		X			Bend			X	
41-100 Lbs.		X			Sit				
					Type/ Keyboard	X			
Drive									
Automatic	X				Other	X			
Standard			X						

* Frequency

N = NEVER; O = OCCASIONALLY (1-33% of time); F = FREQUENTLY (34-66% of time); C = CONSTANTLY (67-100% of time)

Another option in proper planning requires that you look at specific tasks requirements of each job so the physician can assess the employee's ability to perform the task. This can be accomplished by developing job descriptions that address the following questions:

- What key tasks/activities are involved?
- What equipment and tools are required?
- What skills are required?

It is important that the written physical job description accurately reflects the actual job requirements. These descriptions should be reviewed periodically and revised as necessary. These descriptions must be developed with due consideration from the employees doing the jobs, their supervisors and from actual job observations from interested third parties. A sample completed physical job demand description is provided for your reference on page 16. It is designed to be simple to use.

Transitional Duty Form for Dietary Services

Name: _____ Unit: _____

___ **Sedentary Work:** Exerting 10 lbs. of force occasionally with frequent lifting, carrying, pushing, pulling or otherwise moving objects such as dockets, ledgers, charts and small tools. Work is primarily sitting, with intermittent walking and standing.

___ **Light Work:** Exerting 20 lbs. of force occasionally and/or up to 10 lbs. of force frequently, and/or a negligible amount of force constantly. Work involves sitting with standing and walking to a significant degree.

___ **Medium Work:** Exerting 20 to 50 lbs. of force occasionally, and/or 10-25 lbs. of force frequently, and/or negligible to 10 lbs. of force constantly to move objects. Work involves standing and walking without restrictions.

___ **Other Work Restrictions:**

___ **Return to Work with no restrictions:**

Besides the work restrictions noted above, the employee may perform the following duties below. Please check off all duties the employee can perform.

- | | | |
|------------------------------------------------------------|-----------------------------------------------------------------|-------------------------------------------------------------------|
| <input type="checkbox"/> Distribute menus | <input type="checkbox"/> Make sandwiches | <input type="checkbox"/> Answer telephones |
| <input type="checkbox"/> Conduct inspections in department | <input type="checkbox"/> Review policies and procedures | <input type="checkbox"/> Contact vendors for bids |
| <input type="checkbox"/> Carry food trays (filled) | <input type="checkbox"/> Mop floors | <input type="checkbox"/> File Reports |
| <input type="checkbox"/> Carry empty food trays | <input type="checkbox"/> Order supplies and equipment | <input type="checkbox"/> Stack dishes/trays |
| <input type="checkbox"/> Dispense food onto trays/dishes | <input type="checkbox"/> File reports | <input type="checkbox"/> Deliver snacks/food to floors |
| <input type="checkbox"/> Run errands | <input type="checkbox"/> Stock shelves | <input type="checkbox"/> Inspect/ stock floors with food supplies |
| <input type="checkbox"/> Wash dishes/pots/pans | <input type="checkbox"/> Organize supply rooms | <input type="checkbox"/> Conduct resident surveys on satisfaction |
| <input type="checkbox"/> Fill food carts | <input type="checkbox"/> Photocopy/assist with clerical duties | <input type="checkbox"/> Wipe down counters |
| <input type="checkbox"/> Slice lunchmeats | <input type="checkbox"/> Cook food | <input type="checkbox"/> Clean refrigerator/freezer |
| <input type="checkbox"/> Empty/load dishwashers | <input type="checkbox"/> Put away cleaned utensils, pots, trays | <input type="checkbox"/> Update MSDS binder |
| <input type="checkbox"/> Other duties/comments: | | |

The above requirements were reviewed with the employee and are in effect until

Employee Signature:	Date:
Physician Signature:	Date:

OSHA BOX: ___ First Aid Rendered ___ Medical Treatment has been rendered

After the essential functions of the job have been analyzed, supervisors can use the job analysis form to begin identifying jobs that may be performed by an employee with limited physical ability.

To accommodate an injured worker, consider dividing the job into parts that can be performed by individuals with various restrictions (as defined by the medical provider). Strategies can include reducing work hours; scheduling frequent rest breaks; replacing normal equipment with special equipment that would enable the injured worker to do the job; moving the work to a more convenient location; modifying the workstation; providing assistance to the employee; having the employee perform only a part of the job and making accommodations for an employee to attend physical therapy sessions, if needed.

These transitional (modified current duties or alternative light duty) job lists should be kept with the related job description to aid in making decisions to accommodate an employee's temporary limitations.

Input from a representative of the supervising staff and the line is essential in identifying tasks that may be isolated or combined for a transitional position.

Step 6 - Communicate The New Program to Employees and Management

Once your Stay-at-Work program has been designed and developed, medical providers have been selected, jobs have been reviewed and light-duty jobs identified, it is important to secure commitment for the program from both management and employees.

Management should understand workers' compensation laws and the direct as well as hidden costs of a continued claim. Management support is key! Actions speak louder than words—a management member who exhibits a negative attitude can severely hinder your program's success. Management needs to have the skills to perform accident investigations and job analysis as well as understand the importance for positive contacts with injured employees and the necessity of a Stay-at-Work program. Encourage a positive attitude toward an injured employee on modified or restricted work. Convey that the company's Stay-at-Work program is a temporary alternative aimed at controlling workers' compensation costs which benefits everyone. Management training should include at a minimum:

- A review of the workers' compensation program
- A review of the Stay-at-Work policy
- Specifics on how the Stay-at-Work program operates
- The benefits to the company and employees
- Management's role in the program
- Actions and responsibilities expected from the managers at the time of injury and illness
- The need to maintain confidentiality of medical records

Emphasize to management that an employee does not need a full medical "release" and can still be under treatment when returned to a transitional job; a job that accommodates the employee's physical restrictions is needed. Even if an attorney is involved, the injured employee can return to work via transitional job duties.

Employees need to understand when the program is established, and its use whenever a work related injury occurs which results in absence from work. Inform employees about the program's benefits and the company's commitment to the program.

A copy of the written policy should be given to each employee, if possible. Include training in the employee orientation program regarding the company's Stay-at-Work policy. At a minimum, employee training should include:

- A description of the workers' compensation program
- A description of the Stay-at-Work program
- A review of the Stay-at-Work policy
- An explanation of program benefits

It is a good idea to write a letter/memo or create an employee contest such as a safety poster campaign that will promote the program. Posting the benefits of the new program on employee bulletin boards is another idea. Ensure everyone in the company knows about the Stay-at-Work Program.

Step 7 - Execute Stay-at-Work Program Procedures

From the time an accident occurs to when the injured employee returns to work, six key steps should be executed.

1. Employer/Employee Communication
2. First Aid Treatment
3. Claims Reporting
4. Referral to Physician
5. Identify Stay-at-Work Jobs and Follow Up
6. Return Employee to Work

These procedures are outlined below.

1. Employee/Employer Communication

Employer/employee communication is crucial. The communication needs to be compassionate and understanding. Remember, an employee who feels taken care of, knows the company wants him/her to return and knows what to expect is more likely to return to work as a productive employee. Communication with the employee also provides an opportunity for you to ensure the employee is following the program and reduces the potential of an employee staying out of work longer than needed. An injured worker/employee may feel isolated and concerned about their future. Periodic contact by a company representative with whom the employee is familiar can help allay these concerns and prevent small irritations from growing into a litigious and protracted confrontation.

Initial contact should occur within 24-48 hours after the work related injury. Send a "get well" card or gift shortly after the incident. Follow-up contact should occur weekly for the first four weeks after the injury and then biweekly or after each significant physician's appointment. If the employee returns to work, the supervisor should periodically check on how they are doing during the first and second work week.

Pointers on Contacting The Employee after The Initial Injury (communicate through his/her counsel if represented):

- Inquire as to how the employee is doing.

Listen to the injured employee. Display genuine concern, they may reveal some minor stresses that you can help with.
- Ask if they have any questions regarding benefits, Stay-at-Work program, etc.

Rather than answering benefit questions, the supervisor should assure the employee that they will be contacted and their questions answered. Refer any questions to your Stay-at-Work Coordinator.
- State that their presence will be missed, as they are a valuable part of the workforce team. Express your wishes for a speedy recovery.
- Provide news about the company, department, or co-workers to reinforce your belief that the employee is still part of the team.
- Send a "Get Well" card or gift.

After initial contact, here are some pointers for contacting the employee after the first week of lost-time.

- Inquire as to how the person is doing and the time plan the physician has for returning the person to work.
- Ask if they have any questions regarding their benefits or Stay-at-Work program.
- If they do, have the Stay-at-Work Coordinator or Human Resource Professional call them.
- State they are missed and that they remain a valuable part of the workforce team.
- Provide news about the company, department, or co-workers to reinforce your belief that the employee is still part of the team.
- Inquire as to the date of their next doctor's appointment and ask them to let you know the results.

Note: It is very helpful to maintain a log of employee contacts. This can help track the employee's progress and serve as a reminder to maintain continual contact.

2. First Aid Treatment

Management, in consultation with a licensed physician, needs to establish these basic procedures and policies to provide proper first aid.

- A written program of first aid policies and procedures.
- A posting of emergency numbers for qualified first aid providers, occupational health nurse or selected physicians. If 911 is not available in your area, the numbers of the fire and police departments and the ambulance service should be provided.
- The assignment of responsibility to first aid providers and/or the occupational health nurse.

- The type and amount of medical supplies and equipment needed.
- A mechanism for the periodic inventory of first aid/medical supplies.
- A first aid record system with instructions for maintaining records, and
- Instructions for the employee to bring information to the physician.

3. Claims Reporting

The Stay-at-Work Coordinator should immediately report all claims to PMA either on-line, by phone or by fax. Prompt notification to PMA achieves the following goals:

- Enables prompt employee contact and investigation by PMA;
- Provides for prompt determination of entitlement to medical and indemnity benefits due the injured worker and medical providers;
- Provides prompt management of medical and indemnity costs;
- Reduces the frequency and costs of litigation, and
- Provides for a satisfied employee.

Studies have indicated that claims reported more than three days after the occurrence have an increased potential for litigation. This can be due to employee frustration with the system such as their pay being unnecessarily interrupted and they may not be receiving the necessary medical attention. Therefore, they are more apt to hire an attorney to help meet their needs thus escalating claim costs.

4. Referral to Physician

Whenever possible, to control workers' compensation costs, your company should use a PMA preferred provider. Your claims professional can help you with this endeavor. When your injured employee visits a medical provider, the employee will need to bring the Physician's Packet, which includes the following documents:

- Letter of Introduction to the Physician
- Physician's Work Status Form
- Employee's Job Description and
- Analysis of Employee's Job

The Letter of Introduction to the Physician indicates that you have a Stay-at-Work program and will attempt to accommodate any work restrictions that may be necessary.

The Employee's Job Demand/Functional Demand and an analysis of worker's job are essential for the physician to determine if the injured employee can return to work. Without them, the physician cannot properly assess if the injured employee will be able to perform the job with the physical restrictions.

The Physician's work status form will indicate whether the employee is able to return to work at full

capacity or with physical restrictions. The physician must complete it at the initial office visit. The employee should be responsible for returning it to the company if they are capable. This will allow you to speak directly with the employee. The employer should fax the work stay form to The PMA Insurance Group promptly.

5. Identify Stay-at-Work Jobs and Follow Up

The goals of Stay-at-Work are to avoid lost time from work, or at least to return your injured employee as soon as medically feasible to:

- The same job if medically capable (full-duty work);
- The employee's current job with reasonable accommodations (modified-duty work);
- Another job until he/she is physically able to return to the employee's regular job*, (transitional duty work) or
 - Depending on the jurisdiction, it may be prudent to establish a maximum time limit for transitional duty work. It is recommended that the transitional employment plan be evaluated when an employee becomes medically stationary. However, depending on the jurisdiction, it may be prudent for the transitional employment team to thoroughly evaluate any transitional employment plan that extends beyond 90 days for continuing suitability. (Consider legal input for timeframes and setting precedent for ADA accommodations.)
 - A new job if the employee will most likely never be able to return to the employee's regular job* (alternate duty work).

**If there is a union at your facility, it may be necessary to review the language of the union contract before assigning an employee to another job or a new job. You should consult your legal counsel in this regard.*

Modified duty is an excellent way to provide a smooth and gradual return to work and transition the injured employee into his/her regular job. It also allows you to monitor the injured employee's recovery.

Modified-duty work can be full or part-time, one-time or on going, but should not be "make" work or menial tasks. Possibilities include:

- tasks not being done by anyone now;
- jobs being done only occasionally, or
- tasks now being done which, if assigned to someone else, would free other employees to do other work.

6. Return Employee to Work

The following procedures should be followed to return an injured employee to work as soon as possible. A sample checklist is provided to assist you with tracking the Stay-at-Work process.

1. Attend to the injured employee and obtain medical help. Send the Physician's Packet with the employee to the physician.
2. Follow up with the employee after the medical examination to determine the injured employee's work status. It should be mandatory that the employee bring the completed Physician's work status form to the Stay-at-Work Coordinator. Follow up with the employee or the physician if the form has not been returned after initial treatment.
3. While the employee is on workers' compensation, a PMA Claims Professional will monitor and follow up with the physician and the employee. If the employee is not represented by legal counsel, then the supervisor should also contact the injured employee regularly while the employee is on workers' compensation. Should you become aware that the employee is deviating from the treatment plan, notify PMA.
4. The PMA Claims Professional will determine whether a Case Manager will be assigned to the case. If assigned, the PMA Case Manager will keep the injury coordinator and the PMA Claims Professional informed of the injured employee's medical and work status.
5. If the injured employee has been released for return to work with restrictions, and a modified duty job within those restrictions is identified, the Stay-at-Work Coordinator will notify the supervisor of the employee's restrictions.
6. Before the worker starts the modified or transitional job, the Case Manger will call the supervisor and employee to review the job, including all job duties and limitations set by the treating physician. When the employee reports to the supervisor, the supervisor should emphasize the need for the worker to remain within these limitations. Workers should report any physical difficulties immediately to their supervisor and stop performing the work causing such difficulties. Attached is a sample Transitional Duty Agreement between the employee and employer.
7. If the employee refuses the job or has physical difficulties, the Stay-at-Work Coordinator should be notified immediately. The Stay-at-Work Coordinator should contact the PMA Claims Professional to discuss how to proceed. The PMA Claims Professional and a PMA Case Manager, if one is assigned to the case, will work with the physician and employer to attempt a resolution.
8. If necessary, the PMA Case Manager will continue to monitor the modified or transitional duty.
9. Once the physician has determined that the injured employee is physically capable of returning to full capacity, a signed Physician's Stay-at-Work form should be received by the Stay-at-Work Coordinator prior to the employee returning to their regular job.

Step 8 - Hold All Parties Accountable

This can be accomplished by including Stay-at-Work responsibilities in performance reviews.

Employees could be evaluated on:

- Timeliness of accident reporting
- Active participation in transitional employment
- Active participation in the reasonable accommodation process
- Active support of co-workers involved in transitional employment and reasonable accommodation.

Managers and supervisors could be evaluated on:

- Maintaining a safe work environment within their area/department
- Timeliness of accident reporting
- Frequency and severity trends within their department
- Involvement in implementation of transitional employment program
- Speed with which employees return to transitional employment and/or regular job
- Involvement in and support of reasonable accommodation process

Step 9 – Evaluate Program

Identify who should evaluate the program and assign continuous, periodic target dates for improvement and/or re-evaluation. Determine what will be monitored and the performance measures. Communicate positive results and encourage improvements on negative results.

Possible sources of input of program effectiveness:

- Managers/Supervisors
- Employee's medical providers
- Injured employees
- Outside resources (physical therapists, occupational therapists, field operations)
- Lost-time report (request from your claims specialist)
- Summarize and analyze key trends and outcomes from data collection
- Recommend changes to increase the effectiveness of the Stay-at-Work program

Sample Forms

Important Notice: The following is intended only as general information for employers wanting to develop a Stay-at-Work program and not for the purpose of providing legal advice. Before utilizing any information in any of these documents, including sample programs and example forms, employers should verify its reliance for their purpose and should obtain any appropriate professional advice. The following information is intended only as a guide and does not release employers from their responsibilities under the Workers' Compensation Act and regulations, or under any federal or state law. Employers are encouraged to discuss the development of a Stay-at-Work program as it is impacted by federal and state law with their legal counsel.

Sample Policy Statement

ADMINISTRATIVE POLICY AND PROCEDURE

TITLE: STAY-AT-WORK PROGRAM

EFFECTIVE DATE: JANUARY 1, 200X

Approved By: _____ Date: _____
Signature/Title

Approved By: _____ Date: _____
Signature/Title

Approved By: _____ Date: _____

ATTACHMENTS:
N/A

PURPOSE:

To define the terms and conditions of employee participation in the Stay-at-Work Program.

POLICY:

We recognize the need to return injured/ill employees to work as soon as possible. Therefore, a Stay-at-Work Program has been established to provide employees who are temporarily unable to perform the essential duties of their regular job, with the opportunity to perform a job within the scope of their medical restrictions.

ADMINISTRATIVE POLICY AND PROCEDURE

ELIGIBILITY:

- A. All regular full-time and part-time employees who have had an occupational injury or illness and who are temporarily unable to perform the essential functions of their regular job.
 - 1. Employees classified as temporary are not eligible to participate in the Stay-at-Work Program.
- B. In order to be considered for the Stay-at-Work Program, an eligible employee must:
 - 1. Have an occupational injury/illness that prevents performance of one or more of the essential functions of his/her regular position.
 - 2. Receive clearance on return to a Stay-at-Work position by the designated licensed healthcare provider.
 - 3. Be capable of performing the duties of an available Stay-at-Work position.

PROCEDURE:

A. Stay-at-Work Positions

- 1. Stay-at-Work positions will fall into one of the following categories:
 - a. Temporary modification of the current position to meet restrictions;
 - b. Temporary alteration in the number of hours or the schedule in the employee's regular position (For example, a four-hour shift instead of an eight-hour shift; working every other day.);
 - c. Placement in a Stay-at-Work position in the same department.
- 2. Eligible employees may remain in a Stay-at-Work position until cleared to return to full duty not to exceed a time determined by management. The period of restricted activity will be continually reviewed by the management team. Interim review by the workers' compensation healthcare provider may be conducted at any time as requested by site/facility management.
 - a. Exceptions may be granted by the Administrator and Human Resources in consultation department management if such exception would benefit the facility;

Continued

ADMINISTRATIVE POLICY AND PROCEDURE (*continued*)

- B. At the time an eligible employee is cleared to return on a limited basis by the licensed workers' compensation healthcare provider, the following procedure must be followed:
1. The employee must present the healthcare provider release to the Administrator. The note must specify the extent of the employee's restrictions. It should not list the diagnosis or discuss any confidential health information;
 2. A copy of the release will be forwarded to the employee's Department Manager and the Human Resources Department;
 3. In conjunction with the Department Manager and the designated workers' compensation healthcare provider, the Administrator will determine if a suitable Stay-at-Work position is available. Consideration will be given to placing the employee primarily in the same department and shift where practical. However, the employee may be offered a Stay-at-Work position in any unit and on any shift:
 - a. We reserve the right to determine how best to accommodate the restrictions established by the physician;
 4. The Stay-at-Work Coordinator will work with the Administrator and the employee's Department Manager to place the employee in the position. The Department Manager will be responsible for monitoring the employee's progress in the position;
 5. Employees placed in a Stay-at-Work position will receive their current hourly rate plus shift differential, if applicable, for all hours worked and benefits;
 6. Employees in a Stay-at-Work position will be held to the same standards of performance as any other employee;
 7. If an employee's performance evaluation is due while he/she is on a Stay-at-Work assignment, his/her regular supervisor will do the evaluation based on the employee's regular position. Any salary adjustments due will be processed;
 8. The employee will periodically be evaluated for any changes in restrictions and/or ability to perform by the workers' compensation healthcare provider.

The Stay-at-Work Coordinator will be responsible for coordinating the evaluations and for maintaining appropriate records.

The Stay-at-Work Coordinator will be responsible for notifying the workers' compensation carrier when an employee is assigned to a Stay-at-Work position and when the employee returns to work.

Continued

ADMINISTRATIVE POLICY AND PROCEDURE

TERMINATION

- A. If at the end of a three-month period restrictions are still in place and the employee is unable to perform the essential functions of his/her regular position, one of the following actions will be taken:
1. In conjunction with the Human Resources Department, the workers' compensation healthcare provider, the employee, and the Department Manager will determine if a reasonable accommodation can be made to enable the employee to perform the essential functions of his/her regular position;
 2. If a reasonable accommodation cannot be made, the employee will be considered for any other available position for which he/she is qualified and is able to perform. Pay and benefits will be appropriate to the new position;
 3. If no position is available, the employee will be terminated and placed on a priority rehire list for a period of 90 days.

EMPLOYEE REFUSAL TO PARTICIPATE

- A. An employee who refuses a Stay-at-Work position will be subject to the following:
1. If he/she is entitled to additional Family Medical Leave Act (FMLA) leave, then the employee continues on leave until the full 12-week entitlement is exhausted. However, eligibility for the Workers' Compensation benefits may be impacted;
 2. If the employee is not eligible for FMLA or has exhausted his/her entitlement, then refusal of a suitable Stay-at-Work position may result in the employee's ineligibility for leave extensions resulting in termination of employment. Workers' compensation benefits may cease.
- B. Although we will make every effort to place eligible employees in a Stay-at-Work position, such placements are subject to availability and the employee's ability to perform.
- C. We reserve the right to amend, modify, or terminate this program at any time with or without prior notice to employees.

Sample Job Demands/Functional Demands Form

JOB DEMANDS/FUNCTIONAL DEMANDS

TITLE	
JOB DESCRIPTION	
TYPICAL WORK CONDITIONS	
EQUIPMENT USED	
KNOWLEDGE/TRAINING	
ESSENTIAL TASKS	

PHYSICAL DEMANDS SUMMARY

ACTIVITY	FREQUENCY *				ACTIVITY	FREQUENCY *			
	N	O	F	C		N	O	F	C
Lift/Carry:					Body Movement				
10 Lbs. or less					Twist/Turn				
11-20 Lbs.					Climb				
21-50 Lbs.					Crawl				
51-100 Lbs.					Reach Above Shoulder				
100 + Lbs.					Reach Outward				
					Handling/Fingering				
Push/Pull:					Stand				
12 Lbs. or less					Walk				
13-25 Lbs.					Sit				
26-40 Lbs.					Bend				
41-100 Lbs.					Sit				
					Type/ Keyboard				
Drive									
Automatic					Other				
Standard									

* Frequency

N = NEVER O = OCCASIONALLY (1-33% of time) F = FREQUENTLY (34-66% of time) C = CONSTANTLY (67-100% of time)

Job offered by: _____ Date: _____



Sample Injured Employee Contact Log

_____ <i>Employee Name</i>	_____ <i>Date of Injury</i>
_____ <i>Address</i>	
_____ <i>Address</i>	_____ <i>Telephone #</i>
_____ <i>Department</i>	_____ <i>Immediate Supervisor:</i>
_____ <i>Company Contact Person</i>	_____ <i>Contact Date</i>

Comments:

Follow-up Needed:

Date Get Well Card Sent

Next Contact Date

Sample Tracking Log

ACTION TO TAKE	COMPLETED	NOT COMPLETED/COMMENTS
IMMEDIATELY		
1. Attend to injured employees		
2. Send employee to medical treatment with Physician's Packet		
Within First 24-48 Hours:		
3. Report claim to PMA		
4. Follow up with employee after treatment		
5. Check Physician's Packet and determine if employee can return to work on full duty, modified duty or transitional duty (if Yes, go to Step 6, if No, go to Step 10)		
6. Stay-at-Work Coordinator and Supervisor meet to identify modified or transitional work that accommodates employee		
7. Obtain Stay-at-Work Release from Physician		
8. Contact employee to explain Stay-at-Work benefits and light duty position		
9. Have employee sign Transitional Duty Agreement		
If Light Duty is not an option at this time:		
10. Follow up with employee a minimum of once a week or after significant medical treatment		
11. Contact Case Manager if one is provided		
12. Determine when employee will be available for light duty		
13. When medical approval is received, Stay-at-Work Coordinator and Supervisor meet to identify modified or transitional work that accommodates employee		
14. Obtain Stay-at-Work Release		
15. Contact employee to explain Stay-at-Work benefits and light-duty position		
16. Request employee sign Transitional Duty Agreement		
17. Follow up with employee within first week of return		

Physician's Packet – Includes four items:

- 1. Letter of Introduction to the Physicians (sample provided)***
- 2. Physician's Work Status Form (sample provided)***
- 3. Employee's Job Demands/Functional Demands***
- 4. Analysis of Employee's Job***

Letter of Introduction to the Physicians

Date

Employer Name

Employer Address

Employer Telephone Number

Employer Contact Person

Workers' Compensation Claim Number

Dear Doctor _____:

_____ is seeking treatment for a reported occupational injury. You are treating a valuable employee of _____, which offers a Stay-at-Work Program to assist your patient in the transition to full-duty employment. We are able to accommodate many restrictions you may believe necessary to ensure full recovery of this patient. This includes modified hours, duties and availability to continue medical treatment. Attached is a job description and job analysis for your review outlining the functions of the job they perform as well as a Physician's Stay-at-Work Form outlining what restrictions, if any, you assign to the patient. Your expeditious return of the requested information is an important component to the success of this program.

Understand that the objective remains to return this individual to Full-Duty Employment. Please keep this in mind when establishing your treatment plan.

Our workers' compensation carrier is The PMA Insurance Group, whose Case Managers are registered nurses who assist with case management when it is deemed appropriate. This is done with telephonic or in-person case management. In this capacity, they act as a liaison to the employer, medical provider, claims representative and injured employee to assure safe and early claim management.

Please communicate your diagnosis and treatment plan to the PMA Insurance Group. Please also immediately contact the Claims Professional (or Case Manager if one is assigned) if one of the following occurs:

1. Prior injury or disability, by history, of the same body part
2. Fracture of a major bone/non-union fracture
3. Anticipated permanent injury or disability
4. Referral to another physician or specialist
5. Hospitalization
6. Anticipated surgery
7. Treatment Plan
8. Physical Therapy Recommended

Physician's Work Status Form

After treating this employee, please complete this form and give it to the employee to return to their employer. Thank you.

Company			
Name		Title	
Employee		Date	
Time Arrived		Time Dismissed	

MODIFIED DUTY IS AVAILABLE FOR OUR INJURED EMPLOYEES

PHYSICAL ABILITIES SUMMARY

Mark the appropriate box for each of the following items to describe the extent to which the specific activity can be performed:

ACTIVITY	FREQUENCY *				ACTIVITY	FREQUENCY *			
	N	O	F	C		N	O	F	C
Lift/Carry:									
10 Lbs. or less					Twist/Turn				
11-20 Lbs.					Climb				
21-50 Lbs.					Crawl				
51-100 Lbs.					Reach Above Shoulder				
100 + Lbs.					Reach Outward				
					Handling/Fingering				
Push/Pull:					Stand				
12 Lbs. or less					Walk				
13-25 Lbs.					Sit				
26-40 Lbs.									
41-100 Lbs.					Drive:				
					Automatic				
					Standard				
Bend									
Squat/Kneel					Type/Keyboard				

* Frequency

N = NEVER

O = OCCASIONALLY(1-33% of time)

F = FREQUENTLY (34-66% of time)

C = CONSTANT (67-100% of time)

Physician Name _____

Physician

Signature _____

Telephone _____

Date _____

Continued



Physician's Work Status Form

Regarding Employee: _____

Conclusions:

Based upon this examination [history, physical evaluation and ancillary tests (if any)], it is the opinion of this examiner that the employee

- () May resume full-duty work immediately
- () Projected full-duty return to work date: _____
- () Should return for treatment on _____
- () May resume work immediately, with the following limitations:

Physician (print name): _____ Specialty: _____

Signature: _____ Date: _____

SAMPLE

Transitional Duty Agreement – Work-Related Injuries

Name (Please Print)

Date

I have been advised that my physical activities at work have been restricted.

DURATION OF RESTRICTION: _____

DATE TO BE RE-EVALUATED: _____

I understand that the limitation is as follows: _____

By co-signing this agreement, the Department Manager/Supervisor with an available job acknowledges this restriction and is able to accommodate my limitations or provide alternative work for me while I am on transitional duty.

I acknowledge that it is my personal responsibility to maintain my transitional duty status for as long as it is in effect. Therefore, if I am asked to perform a task that is outside of the limits as outlined above, I must notify my Supervisor/Department Manager immediately to intervene.

I further acknowledge that should I perform activities outside my limitations, I will be subject to disciplinary action.

Employee

Department Manager (Name, Title)

Transitional Duty Refusal

I refuse transitional duty. My rights and benefits have been explained to me, and I understand my workers' compensation temporary benefits may be terminated.

Employee

Department Manager

Date



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