

# *Modified Duty As A Business Practice: A Sample Program*

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*With the exception of preventing injuries, the effective and aggressive use of modified duty is the best way to reduce the financial and human losses associated with severe or serious injuries.*

*The modified duty program should be considered a standard business practice and incorporated into your operations. The size, nature and complexity of your operations will determine how detailed the program should be. The more complex the operations, the more the need to standardize.*

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## **A modified duty program consists of the following essential elements:**

- \* Formalized company policy outlining the business practice, time periods for use, and humanistic reasons for the practice
- \* Defined employee responsibilities regarding modified duty, medical restrictions, and treatment patterns
- \* Specified supervisory and management responsibilities for the most effective usage and monitoring of employees working with medical restrictions
- \* Predetermined jobs and the hours available for the most difficult restrictions. These most often concern low weights, one-hand or

mobility issues

- \* Involvement of the medical community to ensure that they are aware of the practice and understand your commitment to modified duty and established restrictions
- \* Communication among the employee, supervisor, management, medical providers and the insurer's claim representative

To be successful, modified duty must be recognized as an opportunity and not as a punitive measure. It must be viewed by all parties as a business practice and not an event. An it must be planned for.

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# *Rationale For Aggressive Use Of Modified Duty*

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## **Financial Advantages**

- \* Modified duty is second only to not having injuries in reducing long-term insurance costs.
- \* As a business practice, it has tremendous effect on the costs of injuries in a given year and allows you to determine return dividends if a loss-sensitive underwriting plan is used.
- \* It is the quickest way to return an employee to full earning capacity.
- \* Studies have proven that modified duty reduces extended medical costs, primarily because it is often therapeutic (backs, burns) and speeds recovery.
- \* The program allows the employer and insurer to establish communications with the medical community and helps avoid extended or weak treatment plans that cost you money.
- \* Court rulings have shown that effective and well-defined policies avoid legal confrontations and associated legal fees.

## **Personnel Advantages**

- \* An injured employee's desire to return to work is directly proportional to the length of time away from work.
- \* Employees can be utilized to do jobs/tasks that need to be done, but which may not be of immediate priority.
- \* It keeps an employee on his or her "biological work clock".
- \* Modified duty prevents employees from becoming dependent on a disability system.
- \* It prevents employees from using the workers compensation system as a vacation supplement.
- \* It ensures that employees and employers stay in visual and verbal contact. Loss of contact means loss of control.



# *The Modified Duty Program: Sample Introductory Memo To Employees*

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**TO: ALL EMPLOYEES**

**SUBJECT: MODIFIED DUTY RETURN-TO-WORK PROGRAM**

In an effort to conserve the human and financial resources of the company, a Modified Duty/Return-To-Work practice is being implemented to support our worker's compensation program.

Our primary goal is the prevention of work-related injuries. However, when injuries do occur, a return-to-work program is the fastest means available to return employees to full earning capacity. It also helps us control our insurance costs.

Studies have shown that modified duty has other advantages:

- \* It is therapeutic and helps speed the recovery process.
- \* It prevents employees from becoming dependent on a disability system.
- \* Employees stay in touch with the work environment and fellow employees.
- \* The company maintains an experienced workforce.

Jobs or duties have been established to meet most or all of the medical restrictions injured employees may face. We will work with the medical community and our insurance company to provide an injured employee with work that meets his or her medical restrictions. In addition, since modified duty jobs are temporary in nature, each return-to-work case will be reexamined on a week-to-week or month-to-month basis, depending on the circumstances. It is the intention that no job is to exceed 90 days in duration. However, in the unlikely event that the occasion would arise, management will evaluate the case based on its merit.

We look forward to working with injured employees to speed their recovery and bring them back to full earning capacity.

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# *The Modified Duty Program: A Guide To Employee Responsibilities*

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If you must seek medical attention, you must tell the treating physician of the Modified Duty/Return-To-Work Program.

Unless otherwise directed, you are expected to return to work with any medical restrictions on the same day as the accident or, if time prohibits, the following day. If there is a question, call your supervisor.

You must be aware of all your medical restrictions at all times.

Do not attempt tasks that exceed your restrictions. If you have a question about the task(s) at hand and your restrictions, talk to your supervisor immediately.

If you feel that you can perform certain tasks that exceed current restrictions, talk to your physician and get new restrictions (in writing) that allow you to perform these tasks.

The medical restrictions are in effect 24 hours per day. Be careful during non-work hours to be sure that the restrictions are maintained. If you have hobbies or outside interests, talk to the treating physician about possible conflicts. Follow your physician's instructions.

Any employee who engages in activities that are inconsistent with medical restrictions and/or treatment patterns, whether on or off the job, is subject to possible disciplinary action.

*The above work rules can be added to your current rules already in effect for your company. Or they may be established, signed for, and placed in the employee file until the employee manual is updated.*



# *The Modified Duty Program: A Guide to Supervisory & Management Responsibilities*

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*Respond appropriately to an employee when an injury is reported. The duration and costs of many injuries are determined at that time.*

- \* Take time to handle the injury properly
- \* Authorize medical attention immediately if needed. Provide necessary authorization forms and arranged for transportation if needed
- \* Investigate the circumstances of the reported injury and record all pertinent data
- \* Report the injury and supply documentation to the human resource department or other designated area
- \* Determine preventative measures or actions and make corrections immediately
- \* Refer major changes to upper management and follow-up for corrective actions

Explain all modified jobs in detail to the employee and point out any safety precautions that may exist.

Know the employee (Is the person an overachiever?) and his or her medical restrictions. Make sure you and the employee do not exceed the restrictions unintentionally.

Be aware of any employee on modified duty whether he/she is working under you or not. It is important not to assign any tasks or allow any tasks to be performed that exceed medical restrictions. Supervisors must share this information.

Add validity to the practice by keeping informed about the employee's recovery, current treatment, and how the employee perceives the quality of the medical treatment. The quality of treatment is directly related to how fast the employee recovers and avoids re-injury in the future.



# *The Modified Duty Program: A Guide to Involving The Medical Community*

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Contact and visit the principal medical providers that treat your employees' work-related injuries. If distances are a concern, consider introducing the program to medical providers through a mailing.

Establish your commitment to the program by inviting the medical providers to tour your company to view the layout, the tasks that are required, and the modified duty jobs that are currently available or could be used.

*(Inviting providers to tour your facility exhibits your commitment to the practice, helps you clearly define the jobs, and may open up ideas on modified tasks or wellness activities. The providers should be inclined to accept your invitation, especially if they conduct your company physicals, medical monitoring, or substance abuse screening.)*

Provide the medical community with an overview of your program and a listing or chart of the modified jobs. Include the hours available and the restrictions that can be accommodated in the jobs. Ask that the information be kept available for reference and that all appropriate medical staff be aware of the information.

If you have or can develop a relationship with a medical provider, encourage injured employees to seek medical treatment from that provider. Explain to employees that the provider understands the company's policies, what's available in modified duty, and that the provider will work with all parties concerned to get the employee back to full earning capacity as soon as possible.

Make sure that the medical provider has a full understanding of what full earning capacity means to your employees. In many cases, the number of hours worked in a given time period has a direct impact on other employee benefits such as vacation, earnings, 401k contributions, seniority, or contributions to medical insurance premiums.

Arrange to meet with the medical provider and the claims representative together. Face-to-face meetings go a long way toward understanding each other's problems and identifying mutual opportunities.

Communicate the results of your modified duty program to the medical community. Advise them of the direct and indirect savings to the company. This information is relatively easy to track and can be pivotal in gaining a wider, deeper appreciation and acceptance of the practice by all.



# *The Modified Duty Program: Sample Letter to Medical Providers*

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**TO: (MEDICAL PROVIDER)**  
**RE: Modified Duty Practice  
(YOUR COMPANY NAME)**

{YOUR COMPANY NAME} is actively pursuing every option available to conserve our financial and human resources. Returning injured employees to work through a Modified Duty Program is vital to an employee's earning power and critical to controlling our Workers Compensation costs. We are exploring every opportunity to ensure that our employees are returned quickly and smoothly to full earning capacity after a severe or serious work injury.

When an employee cannot be at work, his or her total earning capacity and various benefit levels are adversely affected (e.g., 401k, vacation accrual, health plan co-pays). Some employees may even face serious financial problems.

For these reasons, we are committed to the viability of our Modified Duty Program. We have a number of modified or lighter duty jobs that would be suitable for injured employees, and which can accommodate a variety of medical

restrictions. Furthermore, we will abide in good faith to any medical restrictions you or other medical providers may establish. We consider our Modified Duty Program to be a practical and responsible practice, and one which the medical community can support as beneficial to employees.

I cordially invite you to visit our facility to gain a first-hand view of our processes and tasks, to learn which jobs we have modified, as well as those which may be modified in the future. While I would prefer your personal inspection, I know it may not be possible. If not, we have a brief videotape of our operations that would be quite informative.

I will follow-up with you, after you have had some time to review this, to see if we can arrange a time for you to meet with us.

Respectfully,  
{Company Name, Your Name, Your  
Position}  
Telephone  
Fax

