Modified Duty Program

[Company Name]

[Date]

The [Company Name] has established a Modified Duty Program which will be applied to injured employees and, whenever feasible and appropriate, for non-work related ill or injured employees.

The goals of the [Company Name] Modified Duty Program are:
1. Foster and enhance the physical and psychological recovery process for the injured workers.
2. Reduce medical, disability and lost time costs.
3. Reduce indirect accident costs.
4. Minimize the chance of re-injury.
5. Encourage cooperation between employees and management.
6. Establish a more stable workforce.
7. Enhance the injured employee’s sense of confidence and well being.

Why Have a Modified Duty Program?

After accident prevention, a Modified Duty Program is a manager's best tool to control Workers Compensation costs and reduce losses. Modified Duty programs have been proven to work in state agencies, the public sector and private firms across the nation.

The key word is "Modified." Your response at the time you learn of the illness or injury has a profound impact on the outcome of most cases. Return to work actions should start as soon as possible, however, because specific illnesses or injuries may need differing amounts of time for healing, the time limits on return to work should also be flexible and based on the medical judgment of the treating physician.

Facts You Should Know About Modified Duty Programs

- The American Occupational Medical Association's Committee on Practice states that early return to work enhances both psychological and physical recovery.
- An American Medical Association's Resolution encourages its members to release employees to work as soon as they are medically able.
- Injured employees off work longer than six months have only a fifty percent chance of ever returning to their job; if time lost exceeds one year, their chances decrease to less than ten percent.
- Compensable injuries can take up to four times longer for recovery and they may cost five times more than non-compensable injuries.
- A Modified Duty Program enables the employee to continue a productive life.
- Modified Duty efforts reduces costs of replacing the employee, overtime costs, retraining costs, loss of production and related costs, and improves workplace morale.
- Modified Duty reduces Temporary Total Disability payments. Employees are on the job, earning wages.
- Modified Duty reduces medical costs. The injured employee heals more rapidly, shortening the time medical treatment is needed.
- Modified Duty reduces award costs. The potential for an employee to become totally and permanently disabled is greatly decreased.
• Modified Duty reduces legal costs. Employees are less likely to feel their rights have been violated causing them to engage a lawyer.
• Modified Duty Program cost reductions will have a direct impact on the Worker’s Compensation premium rate.

Who is Responsible?
A Modified Duty Program assigns responsibilities to the injured employee, the supervisor and the [Company Name]:

Injured Employee
• Reports injury right away to supervisor;
• Completes all needed paperwork ASAP;
• Follows company rules and practices;
• Maintains contact with employer;
• Provides regular updates on health condition, treatment and medical status to employer's designee (e.g., Worker’s Compensation coordinator, personnel manager, etc.), at least weekly;
• Returns to modified duty that is within medical restrictions (if any) as set by doctor, as part of a rehabilitation program.

Manager/Supervisor
• Conducts investigation and corrects hazard;
• Completes all needed paperwork;
• Informs employees of company work rules and practices;
• Maintains contact with injured worker, company and doctor for work restrictions;
• When feasible or appropriate, finds or develops modified work for employee, within restrictions;
• Designee monitors recovery through incoming medical work restrictions and need for modified duty;
• Identifies and offers modified duty assignment.

Some Important Considerations
Possibilities for modified duty:
• Regular job with only some tasks removed because of medical restrictions; or
• Tasks that have been put off because "no one has time" to do them, such as inventory supplies, review old files, organize the library, update care plans, etc.

Modified duty is a temporary assignment:
• Employees must fully understand that this is temporary work, usually as a part of the rehabilitation program, and that they will be expected to return to their full job as soon as medically able.
• It should be reviewed regularly by the supervisor and safety and personnel officers for continued appropriateness, in cooperation with the treating physician.
• It should last no more than a few months for any one employee. (However, it may be advisable to specify a length of time, e.g., short term vs. long term temporary assignment.)

Supervisors or other designated personnel need to work closely with the workers and his/her doctor to make sure the job tasks actually fit the medical limits.
Workers on Modified Duty need close supervision and monitoring. They will be directed not to work outside of their restrictions, and fellow workers must know not to ask them to do so.

Supervisors or other designated personnel need to monitor the entire system to make sure it's all working.
Action Plan – What to Do and When

A. Supervisor Learns of Job-Related Injury/Illness
   1. Have employee medically examined, if appropriate and complete Workers Compensation forms, which should be completed within 24 hours unless there are extenuating circumstances.
   2. Conduct on-site accident investigation within 24 hours.
   3. Take action to remove hazard, improve work practices and eliminate reoccurrence.
   4. Send Workers Compensation forms and investigation to appropriate coordinator for your company (Workers Compensation coordinator).
   5. What next?
      a. Employee does not leave the work site and returns to work right away. Then no action is needed except for the completion of Workers Compensation forms.
      b. Employee completes shift but does not report for next shift, turn to item B.
      c. Employee requires off-site treatment, turn to item C.

B. Employee Does Not Report For Next Scheduled Shift
   1. If/when the employee calls to report their absence from work, the supervisor or designee needs to ascertain whether it is due to the job-related injury or illness.
   2. If the employee fails to call, the supervisor or designee contacts employee at home that day to find out if loss of time is due to on-the-job illness or injury. The employee should be directed to seek treatment with the physician of their choice, report findings, and complete Workers Compensation forms to initiate a claim.
   3. What next?
      a. Employee has sought off-site treatment for job-related injury, turn to item C.
      b. Employee has not sought treatment, but is not able to return to work because of job-related injury within three calendar days; have physician evaluation by third day, turn to item C.

C. Employee Requires Off-Site Treatment
   1. Before the employee leaves the work site (except in cases where immediate transport to emergency care is required):
      a. Forms WKC-12, Medical Service Form (Workers Compensation forms) are completed within 24 to 48 hours. It must be received by Workers Compensation coordinator within 1 working day.
      b. Review Injured Employee Responsibilities (IER) with employee. See "Who Is Responsible?"
      c. Instruct employee to return the Medical Service Form within 24 hours of first treatment.
   2. Employee needs emergency transport and is not able to complete forms.
      a. Supervisor or designee follows Emergency Response/First Aid Policy.
      b. Supervisor or designee completes Form WKC-12, Medical Service Form and sends it to Workers Compensation coordinator right away.
      c. Call employee and review IER and within 24 hours.
   3. What next?
      a. Employee is released for work, with no restrictions, turn to item D.
      b. Employee is released for work with restrictions, turn to item E.
c. Employee is not released for work or physician refuses to provide information on medical restrictions, turn to item H.

D. Employee Released For Work, No Restrictions
1. Employee returns to regular work.
2. Supervisor checks back with employee throughout the shift.

E. Employee Released for Work with Restrictions
1. Review Medical Service Form as soon as received. Use medical restrictions listed; attempt to modify current job according to restrictions.
   a. If current job cannot be changed, look for tasks within work unit, then section, department or facility.
   b. Workers Compensation coordinator should call or write doctor if you have questions about employee's limits or abilities to perform assigned tasks.
   c. Workers Compensation coordinator should send written job/task description to doctor for approval if there is a question by the employee, supervisor or doctor.

2. Modified duty exists which is within employee's limits as prescribed by doctor:
   a. Employee shall be directed to begin modified duty immediately upon release from doctor.
   b. When employee reports to work, review and complete Modified Duty Work Agreement (MDWA) which outlines doctor's medical restrictions.
   c. Send copies of all documentation to Worker's Compensation coordinator.

3. What next?
   a. Modified duty does not exist, turn to item H.
   b. Employee returns to modified work, turn to item F.
   c. Employee refuses or fails to report for work, turn to item G.

F. Employee Returns to Modified Work
1. Modified Duty Work Agreement (MDWA) is reviewed with employee when he/she reports for work. Employee signs the MDWA and is given a copy. Retain copy for file.
2. Obtain new Work Status Report after each visit to the doctor.
3. As limits are removed by doctor, adjust job tasks; update MDWA. Modified duty should be reviewed every week.
4. Employee stays on modified work until released for regular work or pre-set time frame has lapsed (usually no more than 90 days), as established by the treating physician.
5. Communication and coordination between the Workers Compensation coordinator, supervisor and the personnel manager will be necessary to complete this process.
6. What next? Pre-set time frame lapses and employee is not released for regular work, restrictions are permanent, turn to item I.

G. Employee Refuses or Fails to Report for Work
1. Call appropriate designee right away and provide all documentation.
2. If employee has been offered modified duty within the medical restrictions of the doctor and declines to accept such duty, Workers Compensation benefits will be reduced since the employee has been offered medically suitable employment and the employee is able to work.
3. If employee continues to refuse or fails to report for modified work assignment, then the supervisor may begin discipline for failing to follow company work rules. Document: Employee was informed of "Injured Worker Responsibility"; employee has been sent job offer which meets the medical restrictions as identified by the doctor.

H. Employee Not Released for Work, or Modified Work Not Available, or Physician Refuses to Provide Information on Medical Restrictions
1. Employee must maintain regular contact with the appropriate designee (may be supervisor, personnel director, etc.). This should be done at least weekly. Contact may be phone or in person.
2. Supervisor (if not the designee) should contact designee right away. He/she can help get information from the doctor(s).
3. Employee should provide status reports from doctor. This should be at least weekly, or until limits declared permanent.
4. What next?
   a. Employee fails to maintain contact or provide reports, supervisor must contact employee at least weekly (also, re-emphasize employee responsibilities).
   b. Limits change and/or modified work becomes available, turn to item E.
   c. Employee is released for regular work, turn to item D.
   d. Employee is declared to have permanent restrictions, turn to item I.

I. Employee Has Permanent Restrictions
1. Upon release by his or her doctor, employee must notify the employer within one (1) day that he or she is available to return to work with permanent restriction.
2. If suitable employment is available, employee is offered work in permanent position. Offer made in writing, sent by certified mail.
3. If suitable employment is not available, employee is placed on injured worker re-employment list. Supervisor and employee maintain contact.
   a. Employee must notify employer of change in mailing address within 10 days.
   b. Supervisor should review work-site modification options with company and appropriate department.
Modified Duty Work Agreement
For use when employee is released for work with restrictions.

Name of Employee (please print)  
Name of Supervisor (please print)

Signature of Employee  
Signature of Supervisor

Company  
Date

Please include the following information:
1. What was employee's regular job and essential job functions/tasks before this injury or illness?

2. Describe the modified work employee will do for the duration of this agreement.

3. List the medical restrictions submitted by employee's doctor.

Update (if applicable)
As limits are removed by doctor adjust job tasks and make note of them here. Employee, please initial changes.

Date employee returned to regular job without restrictions.______________________

Our safety evaluations, reports and recommendations are made solely to assist your organization in reducing hazards and the potential of hazards and accidents. These recommendations were developed from conditions observed and information provided at the time of our visit. They do not attempt to identify every possible loss potential, hazard or risk, nor do they guarantee that workplace accidents will be prevented. These safety evaluations, reports and recommendations are not a substitute for ongoing, well-researched internal safety and risk management programs. This report does not warrant that the property inspected and its operations are compliant with any law, rule or regulation.

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