

Manager/Supervisor Risk Management

#36– 3/13/12

A twice weekly e-mail training for YCPARMIA members

TOPIC: WORKERS' COMPENSATION –TEMPORARY DISABILITY – ACCOMMODATING RESTRICTIONS

During the recovery process, the doctor makes a determination as to whether the injured worker is medically able to do their usual job, and in the great majority of injuries the employee is released to full duty with no work restrictions. A smaller percentage of workers are released to work by their doctor with restrictions, but those restrictions fall within the normal work duties; in effect these workers are also released to what amounts to full duty. The smallest percentage of injured workers are given work restrictions by their doctor that precludes them from performing their usual jobs. When this occurs the employer must decide whether they can provide temporary modified work that meets the medical restrictions; when no modified position is offered, temporary disability benefits start.

Restrictions that we normally see can include limits on lifting, carrying, climbing, squatting, standing, sitting, reaching, overhead work, repetitive work, or bending. These can be expressed in weight, time, duration, or distance. Some restrictions can be very specific depending on the nature of the injury.

The employer's freedom in accommodating the restrictions is very broad. Just about any work qualifies. The modified work normally does:

- Not have to be the same type of work that the injured worker normally performs;
- Not have to be in the same department or unit;
- Not have to be in the same shift or time schedule;
- Not have to be under the normal supervisor or manager;
- Not have to be regularly scheduled.
- Not have to be a full day, or consecutive days;
- Not have to take into consideration non-work factors like child care, transportation, or other employment.

Most importantly, the employee's dislike for the temporary work, or their subjective feeling that they are unable to work is irrelevant. They do not have the power to decline work within their restrictions.

There are a number of positives that come from providing modified work. Injured workers statistically recover faster when they are going through "work hardening." The work culture and morale of the unit is reinforced by showing that no one is given a free ride. Overtime and replacement costs are avoided, as is the cost of temporary disability benefits. Special projects that are normally unstaffed finally get done. Lastly, there is often an incentive for a worker to escape modified and return to their usual job.

Most importantly, if the worker refuses to perform in the modified position their temporary disability benefits are cut off. After that point missed work would probably be charged against the worker's accumulated leave, if any, and in the extreme might ultimately result in termination for job abandonment.

Next topic: Workers' Compensation – Temporary Disability – Supervising modified work