



## **Transitional Work-EZ program policies and procedures**

# Transitional Work-EZ: Meeting the needs of the small business

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## **I. What is transitional Work?**

### **Transitional work**

The Ohio Bureau of Workers' Compensation (BWC) defines transitional work as:

**“A progressive and individualized program. It’s an interim step in the physical conditioning and recovery of an injured worker with restrictions. The goal is to return the injured worker to his/her original job. Transitional work helps the employer protect the employability of the worker with restrictions, while reducing the employer’s and employee’s financial liability associated with time lost from work.”**

Transitional work allows an employee to resume work functions and lifestyles sooner with minimal time off from his/her job. It allows the worker with restrictions to remain and/or return to work quickly and safely in an environment that permits the worker to gradually transition back to performing an expanded range of work tasks. The program assists the worker until he/she fully recovers from the workplace injury and/or occupational disease.

A transitional work program may include:

- Progressive conditioning and on-site work activities;
- Education for safe work practices;
- Work re-adjustments or changes in work tasks;
- Job modifications.

### **Transitional work: a win-win situation**

- The program helps employers reduce workers' compensation and disability costs.
- The program reduces and often eliminates the number of days injured workers are away from work.
- The program decreases the injured worker's projected claims costs.
- The worker returns to work at 100 percent of the worker's wages as compared to a percentage of the worker's wages from workers' compensation payments.
- Physician benefits from having an experienced therapist on the job site.
- Union benefits from the employment of a contributing member.
- Employer will have adequate staff to perform services.
- Employer's retraining and hiring costs may be reduced.
- Employer may report enhanced productivity.
- Everyone benefits from safety recommendations.
- Program may help the company comply with the Americans with Disabilities Act.

### **Transitional work can be offered as:**

- Remain-at-work (RAW) services;
- A risk charge for a lost-time claim;
- A vocational rehabilitation plan for lost-time claims where aggressive case management is required.

## **Remain-at-work services**

Transitional work is a part of BWC's remain-at-work services. The program's goal is to assist injured workers to remain at work after an injury and provide needed rehabilitation services for workers with medical-only claims (seven or fewer days of missed work). The services are designed to assist workers who have returned to work, but are experiencing difficulties and are in jeopardy of going off work again. The program helps injured workers stay on their jobs and keeps medical-only claims from becoming lost-time claims.

Other remain-at-work services could include, but are not limited to:

- Ergonomic study;
- Job analyses;
- On-site therapy;
- Job modifications;
- Injured workers' tools and equipment.

## **Company description**

A joint meeting will be held with BWC and your managed care organization (MCO) to discuss your company's workers' compensation program.

### **What to expect in your discussion with BWC:**

- An overview of BWC services
- Assistance with establishing an e-business account
- Information on current claims
- Explanation of a transitional work program and its financial impact
- Description of BWC's role in a transitional work program
- Access to BWC's accredited transitional work developer list

### **What to expect in your discussion with your MCO:**

- Description of your MCO's role in your transitional work program
- List of services and reports that your MCO provides
- MCO contact names and telephone numbers

BWC's customer care team and your MCO will educate you on how a transitional work program can benefit your company's workers' compensation bottom line.

As part of a proactive disability management program, BWC's customer care team and your MCO, will provide you with a comprehensive picture of a transitional work program's benefits.

## **Employee and union buy-in**

For small, non-union companies, the employer will select a labor representative to provide input and act on the employees' behalf.

Unionized companies should select a representative to obtain union buy-in. If needed, BWC's re-employment advisor can put you in touch with the Ohio Labor-Management Cooperation program.

OLMCP is a network of neutral, not-for-profit organizations located throughout Ohio and is partially funded by the Ohio Department of Development. Each organization has a proven track record of helping labor and management find common interests, and build solutions acceptable to everyone, as well as being innovative and flexible to meet the demands of your organization.

## **Developing a policies and procedures manual**

The Transitional Work Procedure Manual establishes the program's guidelines and working format. Generally, the transitional work manual explains how the program will operate and defines time frames, eligibility and discharge. It helps ensure the program's success.

Components of the policies and written procedures may be different for each company. However, the following components must be included:

- Program coordinator
- Identify workers eligibility for participating in the program
- Entrance requirements;
- Program time frames;
- Exit requirements and procedures;
- Process of how the program operates;
- Definition of participants' roles and functions.

### **Rules of the program that may need to be addressed:**

- Where will transitional work activities occur? (Employees' work stations, in the field, etc.)
- How will this program mesh with the union contract?
- Job-retention rights (Will the original job be held open until the worker can resume full duty?)
- What if the worker is still unable to perform all essential tasks of the job at the end of the program?
- Other topics to address might include: overtime, incentive work/pay, payment of workers while in the program and production standards.

### **Program coordinator**

The coordinator will be responsible for the overall administration of the transitional work program. The coordinator will serve as a liaison to the injured worker, the union representative, the physician of record, the worker's supervisor, MCO, BWC, case manager, therapist and all other persons directly or indirectly involved in the program

## **Mission statement**

It's our company's mission to make every reasonable effort to provide suitable alternate work options, or make reasonable accommodations, for an employee who is unable to perform his/her normal job duties that result from a work-related or nonwork-related accident, injury or illness.

While promoting the best interests and employability of our employees, the transitional work program's goal is to reduce costs associated with injuries and illnesses.

## **Program objective**

Our transitional work program benefits our employees by providing an opportunity for injured workers to build their strength and stamina needed for them to return to their regular job duties. Program participants will be paid at their regular rate for the hours they have worked. If needed, workstation accommodations and occupational/physical therapy may be provided at the work site.

An important program goal is to promote our employees' recovery and return to work. At the same time, the program is intended to reduce costs associated with work-related injuries and illnesses by decreasing the injured workers' lost-time days and promoting their speedy recovery to full physical and work capacities. Transitional work allows our employees to continue working a productive lifestyle, while receiving the support of co-workers and supervisors.

The program's success will depend on the company owner, employee, supervisor, physician of record, union representative, managed care organization (MCO), BWC, therapist and case managers.

## **II. Participants' roles and functions**

### **Coordinator**

The coordinator will be accountable for the overall administration of the transitional work program and will be responsible for the following:

- Serving as a liaison with the physician, supervisor, union representative, therapist, case manager, MCO, BWC, and all other persons directly, or indirectly, involved in the transitional work program's administration;
- Identifying work tasks using job analyses;
- Participating in implementing work assignments;
- Monitoring employees' performance performing work tasks in terms of the appropriateness of such assignments, the need for additional training, safety, and changes in productivity;
- Monitoring services performed by the on-site therapist that should include date and duration of services provided and the injured worker's progress;
- Scheduling a weekly case staffing with the worker and all other appropriate persons;
- Educating co-workers about the reasons for work assignments and how these accommodations may impact their jobs;
- Providing recommendations regarding program extensions, modifications, or leaving the program.

### **Worker**

The worker participating in the transitional work program will be responsible for the following:

- Maintaining regular program attendance;
- Performing only those work tasks recommended by the physician, coordinator, or physical/occupational therapists while observing safe work practices;
- Notifying the coordinator, supervisor, physician and/or therapist when a worker is experiencing acute pain or discomfort so appropriate modifications or accommodations can be made;
- Providing input and actively participating in the design of his/her individualized transitional work programs;
- Facilitating the identification of accommodated work tasks.

## **Physician**

The physician participating in the transitional work program will be responsible for the following:

- Approving all transitional work program participants in accordance with the policies governing workers who return to work following illnesses or accidents;
- Indicating whether the employee can realistically expect to return to his/her original job within 90 days;
- Consulting with the worker regarding medical-management issues.
- Consulting with the coordinator, work supervisor, and therapist regarding the assignment of appropriate accommodated work tasks;
- Identifying work restrictions/limitations;
- Making decisions regarding program extensions, terminations and/or interruptions.

## **MCO**

The MCO participating in the transitional work program will be responsible for the following:

- Designating an employer contact person for transitional work;
- Helping to identify and determine the need for Remain at Work services;
- Managing the claim's medical portion that includes vocational rehabilitation's case management services, medical costs and the timeframes;
- Assisting in obtaining prescriptions and restrictions from the physician;
- Authorizing or denying services ordered by the physician;
- Developing a case-management plan for workers participating in a Remain at Work program;
- Documenting and implementing a case-management plan that addresses return- to-work planning on all lost-time claims where the worker has not returned to work;
- Determining the injured workers' initial eligibility for vocational rehabilitation services;
- Notifying BWC to assist the bureau in verifying eligibility;
- Determining the injured workers' feasibility for vocational-rehabilitation services;
- Submitting a *First Report of Injury* (FROI) to BWC if a worker is injured while participating in a rehabilitation program;
- Identifying safety/injury concerns based on the types and frequency of injuries and communicates these concerns with the employer;
- Notifying BWC's Division of Safety & Hygiene when the employer needs safety and injury-prevention services.

## **BWC**

BWC staff members who are participating in a transitional work program will be responsible for the following:

- Designating important contact persons for risk management and injury management.
- Educating the employer in workers' compensation strategies to reduce claims, reduce the severity of their claims and control premium costs;
- Determining the allowance of the initial claim, processing claims and making referrals to the Industrial Commission;
- Staffing the claim after the worker has received 45 days of Remain at Work services to assure appropriateness of case direction;
- Verifying the MCO's initial identification of an injured worker's eligibility for vocational rehabilitation services in a lost-time claim;
- Determining and issuing workers' compensation payments, such as living maintenance, temporary total compensation and living maintenance wage loss;
- Reviewing the appropriateness of rehabilitation services and making recommendations to the MCO (role of BWC's disability management coordinator);
- Staffing claims with the MCO and other parties, as needed, 30 days after the injured worker's optimal return-to-work date;
- Providing a safety and hygiene program to educate the employer on injury prevention and creation of a safe work environment.

## **Supervisor**

The supervisor participating in the transitional work program will be responsible for the following:

- Taking an active role by identifying transitional job tasks and non-traditional work options;
- Informing the employer of the program's progress as well as potential obstacles to the program's successful operation;
- Monitoring the safe work practices of program participants;
- Ensuring the injured worker is utilizing safe work practices and is performing only those tasks allowed in the program;
- Meeting with the on-site therapist weekly to identify potential obstacles and program successes.

## **Labor representative**

The labor or union representative participating in the transitional work program will be responsible for the following:

- Assisting in the communication of the transitional work program's goals, benefits and objectives to the employee of a collective bargaining unit;
- Informing workers of their rights and responsibilities associated with voluntary program participation;
- Informing workers of any adverse consequences for not participating in the program;
- Notifying the employer of any unresolved issues or problems associated with workers' concerns or workers' resistance to program participation.

## **On-site therapist**

The on-site therapist participating in the transitional work program will be responsible for the following:

- Performing functional capacity evaluations as requested by the physician to determine the injured worker's readiness to participate in a transitional work program;
- Completing a compatibility analysis form by indicating the relationship between the worker's job demands and his/her functional capacity to perform the job's essential work duties;
- Developing a written transitional work plan outlining an appropriate progression of tasks, conditioning activities, safe work practices education for the worker, program objectives, and timeframes for the injured worker to make the transition to full employment;
- Establishing a schedule of on-site sessions to provide therapeutic conditioning, worker education, and ongoing evaluation services to the injured worker in the transitional work program;
- Providing instruction and supervision to the employer to ensure safe work practices that are consistent with the worker's functional capacities;
- Communicating the injured worker's weekly progress to the worker, employer, physician of record and any person directly involved with the transitional work program's administration;
- Developing a home program appropriate for the injured worker to use that expedites recovery and pain management.

## **Case manager**

The vocational case manager participating in the transitional work program will be responsible for the following:

- Writing vocational rehabilitation plans to be submitted to BWC for services approval;
- Establishing communication among key program participants, including the injured worker, the coordinator, the physician, the supervisor, MCO, BWC and the union representative.
- Assisting in obtaining prescriptions and restrictions/limitations from the physician;
- Meeting with the injured worker to explain program activities and to help identify work tasks;
- Monitoring the injured worker's progress and providing details of program outcomes to the employer and the physician of record;
- Coordinating the worker's discharge from the transitional work program;
- Providing follow-up on the injured worker's adjustment to his/her original job or a non-traditional job and coordinating additional interventions on as needed.

## **II. Transitional work policies and procedures**

### **Program eligibility**

Transitional work program participation is voluntary. Benefits of active participation in a program are available to any employee who sustains a work-related injury, occupational disease or illness, and is having difficulty performing his/her works tasks that may result in missed work days. Similarly, employees who sustain nonwork-related illnesses and injuries that prevent them from engaging in full employment, are eligible to participate in the program.

Injuries/illnesses that are eligible for a transitional work program will be classified as either medical-only claims or lost-time claims. Each of these classifications will require different program entrance criteria and varying levels of service to ensure a successful transition of the injured worker to full employment.

If an injured worker is deemed eligible and feasible for transitional work and refuses to participate in the program, the coordinator will schedule a meeting with the worker. The coordinator will explain that the worker's physician has approved the injured worker's outlined job duties as medically appropriate within the worker's limitations. The coordinator should obtain the worker's input and reason for not wanting to participate in the program.

If appropriate, the coordinator will share the injured worker's concerns with the worker's physician. If the physician continues to approve the plan, the employee is advised by registered mail that refusal to return to work may jeopardize the injured worker's workers' compensation benefits.

The injured worker is then referred to a BWC claims services specialist. The coordinator will submit the written plan with the physician's approval to the claims services specialist and advise BWC that the injured worker has refused to return to work. The claims services specialist will take the necessary action.

### **Referral process**

The employer or the worker's physician will initiate referrals into the transitional work program at any time, provided there is reasonable expectation the worker will return to the job or another job the employer may identify.

In cases of new injuries, the worker will be given an illness/accident report form to be completed by the worker's physician or employer.

The worker who is released to return to work by their physician with restrictions/limitations may be directly referred into the transitional work program. The program coordinator will review the physician's restrictions/limitations and identify work activities that are compatible with these restrictions. The program coordinator will monitor the worker's progress while participating in the program.

The worker, who has missed more than seven days of work for a lost-time claim, may be referred to a vocational case manager to help develop a formal rehabilitation plan. This plan may include a functional capacity evaluation, transitional work and on-site therapy services.

## **Entrance requirements**

Workers referred to a transitional work program will be evaluated to determine their readiness to safely and productively participate in the program.

All program participants must have the consent and approval of their physician (s).

When appropriate, workers will participate in a physical capacity evaluation under the physician's prescription that is conducted by a licensed therapist, to determine the worker's physical restrictions, work capacities and readiness to enter the program.

## **Program time frames**

The expected duration of the transitional work program is 90 days. Under extenuating circumstances, the program may be extended to a maximum of 120 days, pending review with the physician. In considering a program extension, the physician may consider information obtained from the coordinator, on-site therapist, work supervisor, and case manager. Criteria for program extension beyond 90 days may include the following:

- The worker has demonstrated significant progress with respect to strength and endurance, and is expected to make a successful transition to work within the additional 30 days.
- The nature and severity of the worker's disability requires a maximum transitional period that is expected to exceed 90 days, but no longer than the maximum 120 day period.
- Due to an aggravation of the worker's impairment, the worker's program participation is temporarily disrupted, limited or modified.
- Workers must be able to participate in the program a minimum of 12 hours weekly, but not less than three hours daily.

## **Placement of workers in permanent modified-duty work**

In the event the worker is unable to return to his/her original job (full-duty) after completing 90 days in a transitional work program, the injured worker may be offered permanent modified-duty work.

During a worker's participation in a transitional work program, vacations and other non-emergency days off must be minimized to facilitate the program's success.

## **Compensation/salary continuation**

All workers who participate in a transitional work program will be compensated at the rate of their primary job prior to injury and will accrue full benefits to which they're entitled.

Salary continuation occurs when the employer continues an employee's regular wages at the onset of a work-related injury. The injured worker has the option to elect workers' compensation benefits if he or she so chooses unless a collective bargaining unit contract exists. Salary continuation will continue until the injured worker or employer terminates it. At that time, workers' compensation benefits may take effect if appropriate.

If BWC discovers at any time that the injured worker is not receiving his/her regular full wages as part of the salary continuation agreement, BWC will begin paying temporary total compensation and begin reserving the claim.

An overview of the injured worker's and employer's responsibilities and rights follow below. (NOTE: This list is not inclusive.)

### **Injured worker's responsibilities and rights for salary continuation**

- The injured worker is not required to accept salary continuation in lieu of temporary total compensation. A collective bargaining contract may supercede this policy.
- The injured worker is not entitled to both temporary total compensation and salary continuation, and should notify the employer and BWC if this occurs.
- When salary continuation is paid by the employer, the injured worker will not experience a break in service that impacts seniority or other benefits.
- Unless there is a collective bargaining agreement that states otherwise, the injured worker can not be forced to use sick days.

### **Employer's responsibilities and rights for salary continuation**

- The injured worker must receive a full check at the next scheduled time after the injury or illness occurs. The payment of salary continuation can't wait until a BWC or Industrial Commission of Ohio determination is made. If a scheduled payment is missed, the employer forfeits salary-continuation rights on the claim and temporary total compensation will begin.
- Within seven days of filing the claim, the employer must advise BWC if the company will pay salary continuation. The employer is required to submit the salary history and the amount of the employee's salary continuation payment. While no reserve will be set, it will be used in cases where there is a discrepancy for future compensation.
- If an injured worker is employed by more that one employer, the incident employer may pay the wages from the other jobs. However, the incident employer is not required to do so. If the incident employer chooses not to pay wages for the other jobs, BWC will pay the difference and a reserve will be established against the incident employer.
- If the injured worker continues to work for he incident employer, yet has restrictions/limitations regarding his physical capacity and agrees to work in a different position, the employer has the option to continue salary continuation at the regular (full) salary/wages of the original employment position.
- The employer must notify BWC when the payment of salary continuation is discontinued and/or when the injured worker returns to work. The employer must report the return to work within 72 hours. Failure to do so may impact the employer's eligibility to participate in the salary continuation program.
- Under salary continuation, the employer is entitled to schedule an independent medical exam. However, salary continuation is not construed as temporary total compensation for the purposes of scheduling a 90-day exam.

## **Exit requirements**

The transitional work program is not a permanent reassignment of job duties. An employee is no longer eligible for transitional work if:

- The worker no longer has work restrictions/limitations and he/she is able to perform full-time job duties.
- The nature and severity of the worker's injury indicates the worker will never be able to return to regular work duties or will not be able to return to regular job duties within 90 days.
- Due to aggravating the worker's symptoms, program participation is temporarily disrupted or limited.
- The worker is not making progress toward resuming regular job duties.
- The worker is not complying with the company's transitional work policies.
- The employer can no longer accommodate restrictions/limitations.

In the above circumstances, the worker will be discharged from the transitional work program.

## **IV. How the program operates**

### **Work-site options**

The program should occur at the work site as much as possible. A major transitional work program benefit is the worker is back in his or her work environment. Use of the work site and equipment are available to the therapist to incorporate into the injured worker's therapy program. If it isn't feasible for on-site therapy to occur at the work site, therapy may still occur at an off-site therapy clinic.

Ideally, the employer will establish an on-site transitional work therapy program. This program might contain components of a work conditioning/work simulation program, physical or occupational therapy and physical reconditioning. While on-site is the preferred method, off-site services can be included as necessary.

### **Criteria for assigning work**

This can be accomplished in a number of ways:

- Return the worker to his/her job with no restrictions for the worker's particular job. (The restrictions don't limit the worker's ability to perform his/her job.)
- Return the worker to his/her regular job with restrictions as specified by the physician. This may involve assistance from another employee such as when the employee is lifting objects.
- Modify the worksite in a manner that reduces the impairment's impact. This may involve purchasing equipment or modifying the work area. Modification may also include more frequent change of position, or reducing the amount of walking, lifting or bending.
- Modify the work schedule to allow the injured worker to work and participate in rehabilitation services. The worker may also return to work in a gradual return-to-work program which is on a graduated basis building up from four hours daily to full-time work status within 13 weeks. If this is a lost-time claim, this may occur in a vocational rehabilitation plan and may be included in an employer incentive contract.
- Establish the work tasks that are within the worker's functional capacities. The job's demands and the worker's capacities can be reviewed to determine the elements of the job that can be performed during the transitional work period. Regular job duties can be intermixed with transitional work duties. An increase in work tasks occur as the worker's restrictions/limitations decrease. These increases may include doing a task more often or for a longer time period, increasing work intensity or adding work tasks.

## **Alternative work options**

Alternative work options include returning the injured worker to alternative work which may or may not be considered regular work duties. These options are within the scope of the worker's specified limitations and the job tasks will exist for a definite time period.

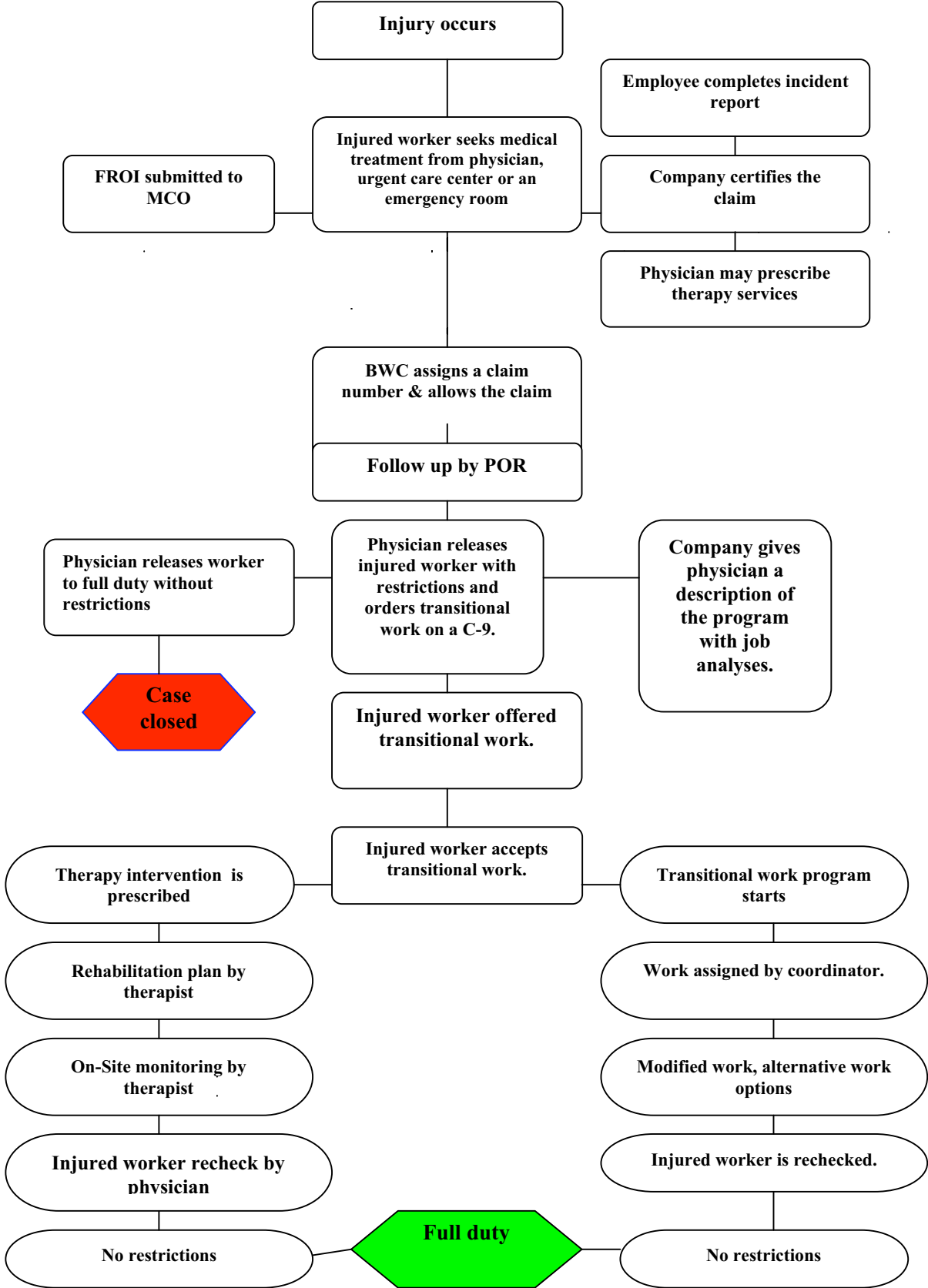
Alternative work options to consider are:

- The worker may be transferred to another job which he/she may be able to perform without restrictions/limitations.
- The worker may be transferred to another job which he/she may be able to perform with restrictions/limitations or with assistance. This may involve assistance from another employee in lifting, tightening, carrying, etc.
- Employers having several related small businesses with different policy numbers may send their workers out to perform a temporary job at a related business.
- Similar businesses or groups that are related or unrelated companies may form an association or group and share transitional work tasks.
- Helper jobs/apprentice jobs should be considered. For example, a plumber on work restrictions can be a helper to a plumber on a temporary basis.

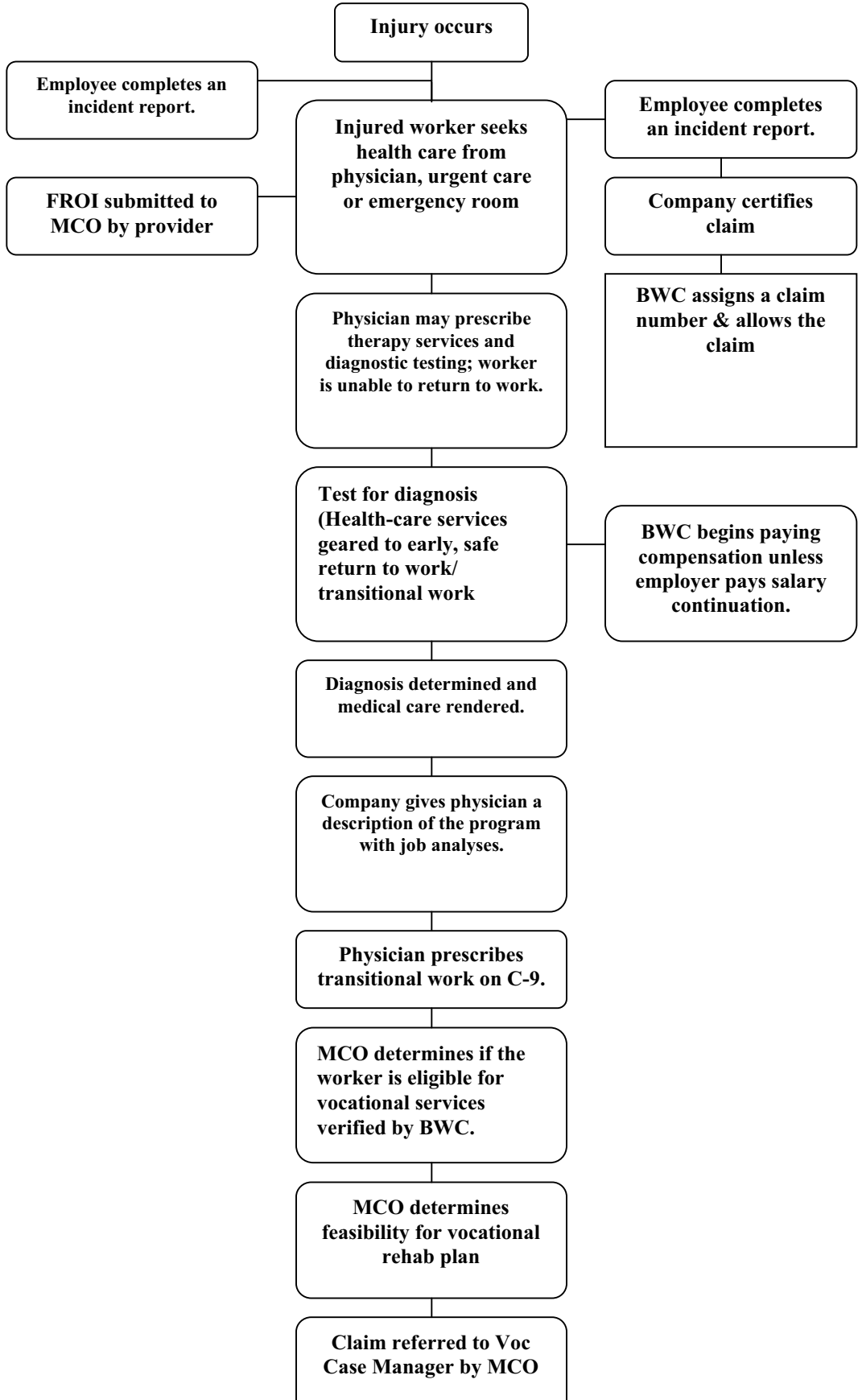
## **Non-profit agencies**

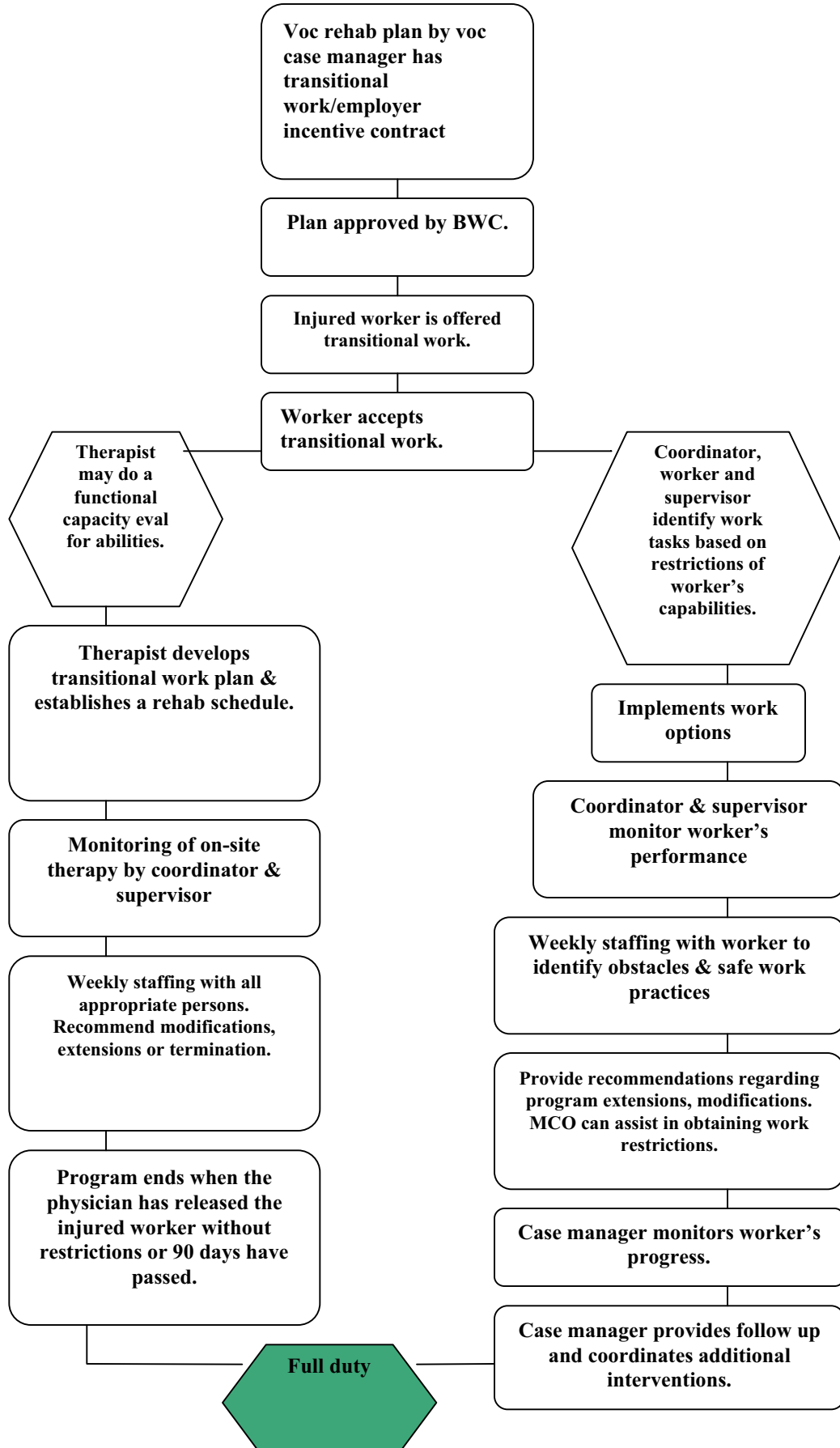
Send your injured worker to a non-profit agency for a temporary work assignment that is within the worker's capabilities. This will require monitoring of the worker's assigned tasks to assure that the work tasks are within the worker's capabilities. Time frames and a plan must be developed to determine when it is appropriate for the worker to return to his/her work site and resume their own job functions.

**Transitional Work Flow Chart**  
**Medical-only Claims**  
**Remain at Work Services**



**Transitional Work Flow Chart**  
Lost-time Claim  
Return to Work





## **V. Transitional work on-site therapy**

Workers referred for transitional work on-site therapy services will be properly evaluated to determine their readiness to safely and productively participate in the program. The following procedures will be used for all workers participating in the transitional work program:

- All workers participating in transitional work on-site therapy must have a prescription from their physician of record.
- When appropriate, the injured worker will participate in a functional capacity evaluation (under the prescription of the attending physician), conducted by a licensed physical therapist or occupational therapist. This evaluation will help determine the worker's physical restrictions, work capacities, and readiness to enter the transitional work program.

### **Rehabilitation-planning process**

An evaluation will be completed by the therapist, indicating the relationship between the worker's job demands and his/her functional capacity to perform the job's essential duties.

The therapist will develop a written transitional work plan that outlines conditioning activities, safe-work practices education for the worker, program objectives, and timeframes for making a transition to full employment.

The transitional work plan will be reviewed by the worker, therapist, the treating physician and the employer.

### **On-site monitoring of workers**

The therapist will establish a schedule of on-site sessions to provide therapeutic conditioning, injured-worker education, and ongoing evaluation services for the injured worker in the transitional work program.

The therapist will provide instruction and supervision to the employer to ensure safe work practices are consistent with the worker's functional capacities.

The employer's coordinator will monitor services performed by the on-site therapist to include date of services provided, duration of services and the worker's progress.