

Workers' Compensation Early Return-to-Work/Transitional Duty Program Instructions and Procedures

It is our mission to provide the highest quality services to the citizens of New Orleans as efficiently and as cost effectively as possible. In saying this, we realize that our human resources are our greatest asset. Therefore, we are committed to retain as many experienced employees as possible. It is our intention to provide employees who have temporary physical restrictions with the opportunity to return or remain on the payroll during periods of temporary partial incapacity. The program will be coordinated by the Risk Management Division (CAO's Office) and is effective immediately.

I. EARLY RETURN-TO-WORK/TRANSITIONAL DUTY PROGRAM

The Risk Management Division (CAO's Office) has developed the following Transitional Duty Policy for the City of New Orleans. The City reserves the right to modify the policy as the program matures. This policy will be reviewed annually.

Program Explanation

Transitional Duty is employment that allows an injured worker to return to duty in the employee's original department (if possible) or another department with pre-approved transitional assignments where he or she may perform modified duties, while under physical restrictions, as set forth by the treating physician.

The transitional duty assignment is designed to be used only until which time he or she is capable of returning to full duty. The transitional duty employment may last up to one (1) year, depending on the original department.

The program is a means of minimizing the length of time of disability resulting from a work-related injury and is sometimes referred to as a modified/transitional duty program.

The program allows the City to provide an employee who is temporarily unable to perform the full scope of the pre-injury job classification with productive work. If work is available for the employee who has temporary physical restrictions, and the work does not violate the restrictions, the employee can be required to work. **Refusal to accept a Transitional Duty job assignment may jeopardize the injured employee's entitlement to Workers' Compensation benefits.**

II. GOALS OF THE RETURN-TO-WORK PROGRAM

- To provide the earliest possible safe return –to work for employees after occupational injuries or illnesses.
- To retain qualified tenured employees with City government, thereby utilizing their expertise, training, and seniority.
- To reduce the duration and cost of workers' compensation for the City and its employees.

III. BENEFITS OF THE RETURN-TO-WORK PROGRAM

EMPLOYEE:

- Continued reintegration of the employee to the workplace while recovering
- Recognizes their knowledge and skillset they bring to the workplace
- Maintains employee insurance, retirement and medical benefits
- Minimizes loss of skills and workforce value
- Protects employee's earning power and financial stability

EMPLOYER:

- Reducing or eliminating temporary disability
- Maintaining productivity of employees and work units
- Reducing medical and indemnity costs
- Demonstrating the employer's concern for ill or injured employees and commitment to assist in speedy recovery
- Reinforcing employee morale

IV. DETAILED PLAN OF IMPLEMENTATION

Reporting a Workplace Injury

When an employee is injured at work, he/she should immediately report the injury to his/her supervisor. The supervisor should then assist the employee in calling the 24/7 work injury nurse hotline and Press 1 (Phone: 1-844-264-5044). The nurse will provide first-aid advice or facilitate medical treatment based on the employee's medical needs.

If medical treatment is obtained, CorVel will coordinate with the treating physician to determine the employee's work status and whether he/she will need a modification of work duties.

Transitional Duty Program

If an employee has been given work restrictions, the Transitional Duty Program allows employees to return to a modified position that fits within their physical capabilities.

A successful Transitional Duty Program relies on strong communication between all stakeholders, including but not limited to the injured employee, City Department Directors/Managers, H.R. Managers, the Risk Management Division, and the City's Third-Party Administrator. A standard Transitional Duty Program position accommodation should continue until the employee has reached **MMI (Maximum Medical Improvement), or ONE YEAR, whichever comes first.**

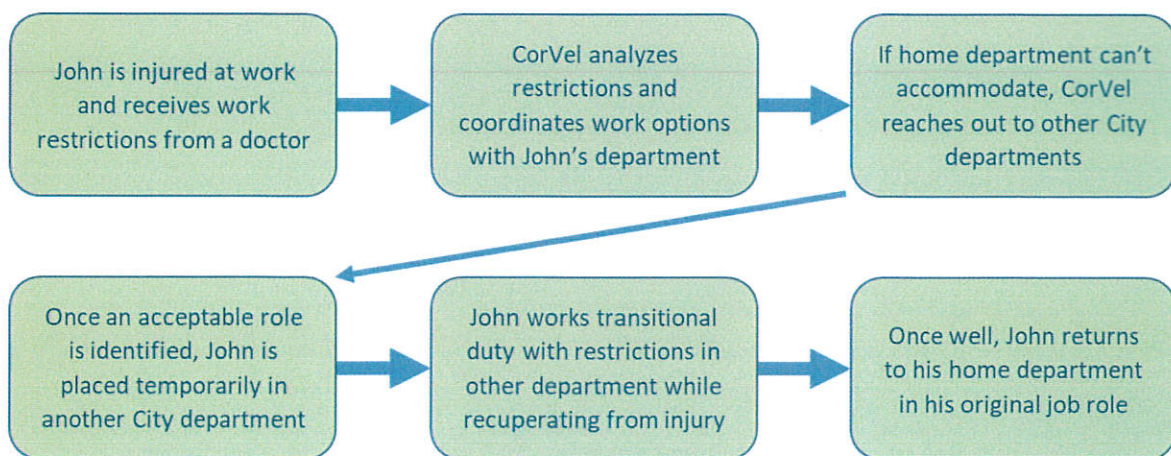
Some departments may be able to create new positions temporarily for workers who have restrictions due to work-related injuries.

It is important to determine whether or not the position an employee held prior to the accident is within current restrictions. If not, it must be determined if the position can be modified in any way for the employee to still be able to work (i.e. some duties removed that do not fall within the restrictions.) This is one of the best forms of transitional duty because an employer does not have to hire another person; a co-worker may be used to help fill any voids due to restrictions.

The following workflow represents the standard for the Transitional Duty Program:

- CorVel receives notices of all new WC claims for the City and reviews for work release or obtains work status from the physician.
- CorVel contacts the injured worker's department to discuss restrictions and possible departmental accommodation.
- If an accommodation is available, CorVel and the City's Risk Manager will coordinate to identify the specific accommodations required.
 - The City's Risk Manager will coordinate with CorVel to provide the injured employee with a bona-fide letter of transitional duty accommodation.
- If no accommodation is available in the injured employee's department, CorVel and the City's Risk Manager will work to identify a transitional duty position in an alternative department.
 - Once the transitional duty position and department are identified, the City's Risk Manager will coordinate with CorVel to provide the injured employee a bona-fide letter of transitional duty accommodation. The letter will indicate the new department identified, along with a specific start date and work location.
 - The hours worked by the employee while on transitional duty in an alternative department will be charged (coded) to his or her original department.
- Once a full-duty release is provided, the employee is transitioned back to his/her regular job duties, in coordination with all impacted departments/stakeholders.

Below is an example of a typical scenario:



V. AVAILABLE POSITIONS

There is a variety of transitional duty positions available covering all work restrictions. For more information on available positions, please contact the Risk Management Division.

VI. PAYROLL

During the modified/transitional duty assignment, employees are required to complete a "Weekly Time Sheet." A "Time Punch Clock" may be used, if available at the location of the employee's temporary assignment. The Time Sheet/Punch must be approved (signed) by the departmental supervisor/manager to which the employee is temporarily assigned. The Time Sheet/Punch must be e-mailed, faxed, or delivered to the employee's original department HR Representative, to ensure his or her time is properly entered into the ADP Payroll processing System. The supervisor or manager of a modified/transitional duty employee shall report any time keeping discrepancies, abuse, and/or failure to complete assigned duties to the employee's originating department HR Manager and Risk Manager (CAO's Office).

Workers Compensation Indemnity Benefits are owed to an injured employee once said employee has been kept out of work by a treating physician for a period of seven (7) days. The aforementioned seven (7) days are accumulative days, not consecutive.

The employee is not owed indemnity benefits for the first seven (7) days of lost time from work, unless the injured employee is out of work for a total of fourteen (14) days.

The injured employee has the option to use his or her sick/annual leave time for the first seven (7) days of lost time. If the injured employee is off work for fourteen (14) days and is owed indemnity benefits for the first seven (7) days, a check will be issued by the City's third-party claims administrator, payable to the City of New Orleans (Accounts Payable Department). Once the check is received by Accounts Payable and the employee's use of sick/annual leave is confirmed, Accounts Payable will "credit" the employee back with the leave time used for the amount of the indemnity payment for the first seven (7) days.

The same process as earlier described will apply when the injured employee is charged with sick or annual leave for a medical appointment or physical therapy that takes place during his or her normal work hours.

Employees working in a modified/transitional duty position should schedule any follow-up medical appointments and/or physical therapy visits around his or her normal work schedule when possible.

Employees can be provided with a LDOL-WC-1020 form by their third party claims administrator (CorVel) claims specialist and will be required to submit their monthly earnings by providing a copy of their applicable pay statement to determine if they are eligible for additional benefits owed under the Louisiana Workers Compensation Act. If the employee elects to use sick or annual leave and is entitled to receive reimbursement under the Louisiana Workers' Compensation Act, their sick/annual leave will be credited for the hours equivalent to the Workers Compensation Benefits.

VII. FAQs

Does transitional duty have to pertain to that employee's normal job duties?

NO. Transitional duty provided to an employee with restrictions does not have to be related to their normal job duties in any capacity. The only requirement when considering transitional duty is that job responsibilities don't violate the physical restrictions given by the physician. An example would be to have an employee, who usually has physically demanding job duties, given sedentary restrictions and doing transitional administrative duty (e.g. answering phones, filing, collating papers, etc.).

Do employees who are offered transitional duty have the option to accept or decline?

Employees are expected to report to and perform transitional duty just as they would for regular employment. Failure to report may jeopardize the employee's entitlement to indemnity benefits. Refusal of transitional duty may also be subject to disciplinary action in accordance with HR policies established by the department or the City.

I don't think my department has enough work to last the entire time until the employee is back to full duty. Should I still have them come back?

YES. Departments are not obligated to provide transitional duty to their employees the entire time until that employee is back to full duty. After transitional duties have been exhausted, departments can refer their employees to the Transitional Duty program through the Chief Administration Office's Risk Management Division. The Return to Work program allows employees to continue to receive their full wages while providing a service in a different department such as Mosquito Control or NORD.

My employee says they can't physically perform the transitional duties I am asking of them even though they don't violate the provider's restrictions. What should I do?

Be sure to be specific with employees when discussing their transitional duty responsibilities and what is expected of them, being careful not to exceed the physician's restrictions. When evaluating transitional duty for employees, you must refer to the most recent work restrictions to be sure you are not putting the employee in a position to re-injure themselves. If an employee ever feels like their physician's restrictions do not accurately reflect their physical capabilities, please request that they contact their Corvel adjuster.

How do I handle employees on transitional duty when they violate the department policies? (i.e. no call no show, showing up late, etc.)

Every employee should be treated the same way no matter if they are on full or transitional duty. Transitional duty employees still have the responsibility to keep managers informed of their work status and next appointments. Follow up appointments need to be scheduled with minimal interference of work schedules when possible. Be sure to thoroughly document any disciplinary actions.