Workers Compensation 101 / Return to Work



ASSP October 2023 Meeting



Presented by: Toby Tortorilla Loss Prevention Specialist CSP, ARM, CSPHA Megan Brott Senior Claims Representative



1. Provide an understanding of Workers Compensation basics and how injuries effect your bottom line.

2. Reveal the hidden costs related to injuries

 Provide information and resources to help you manage claims by implementing an effective Return to Work Program.



Pick 2 or 3 things that are meaningful to your situation and commit to change or learning more...





• Work Comp basics

• Cost of injuries

• Major Loss Sources

• Early Reporting / Return to Work

• SFM resources available at www.sfmic.com



Benefits Established for Injured and Sick Workers:

September 7, 1916



The <u>Federal Compensation Act</u> provides benefits to workers who are injured or contract illnesses in the workplace. The act establishes the <u>Office of Workers' Compensation Programs</u>.



A form of insurance providing

wage replacement and medical benefits to

employees injured in the course of employment

in exchange for

mandatory

relinquishment of the employee's right to sue

his or her employer for the tort of negligence.



- No fault concept
- Work injuries required to be reported
- Owe claim unless proven otherwise
- Injured employees collect disability until able to work

We have insurance....



Why worry?

Cost of Injuries

Medical Bills

Wages

Lost Productivity

Higher Insurance Cost

Employee Training

Overtime

Employee Replacement

Increased Supervision and Management

Investigation

Product and Service Quality

Damaged Equipment



 Indirect costs are usually \$2-4 for every \$1 in direct costs

- Lifting in awkward position, felt pain in shoulder
 - Direct cost = \$200
 - Indirect cost = \$200 x 2 = \$400
- Let's assume lost time
 - Total Indirect Cost = \$200 x 4 = \$800

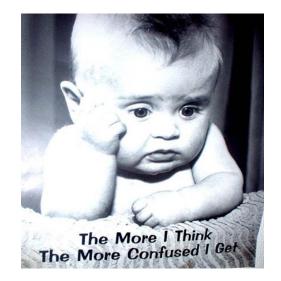


Workers Compensation -Insurance Premium Calculation

Premium = State Rate x Payroll x Experience Mod

• State Rate

- Based on:
 - Experience for that particular class of business
 - Losses expected per \$100 payroll
- Payroll
 - Based on:
 - Your job class code
 - Your payroll in each class code
- Experience mod
 - Actual Losses / Expected Losses
 - Report Card on your loss experience (1.0 is a "C")
 - Three year claim history (excludes most recent year)
 - Mod for policy effective 01/01/2023 includes policy years 2021, 2020, and 2019





Workers Compensation – Experience Modifier

• E-Mod greater than 1.0



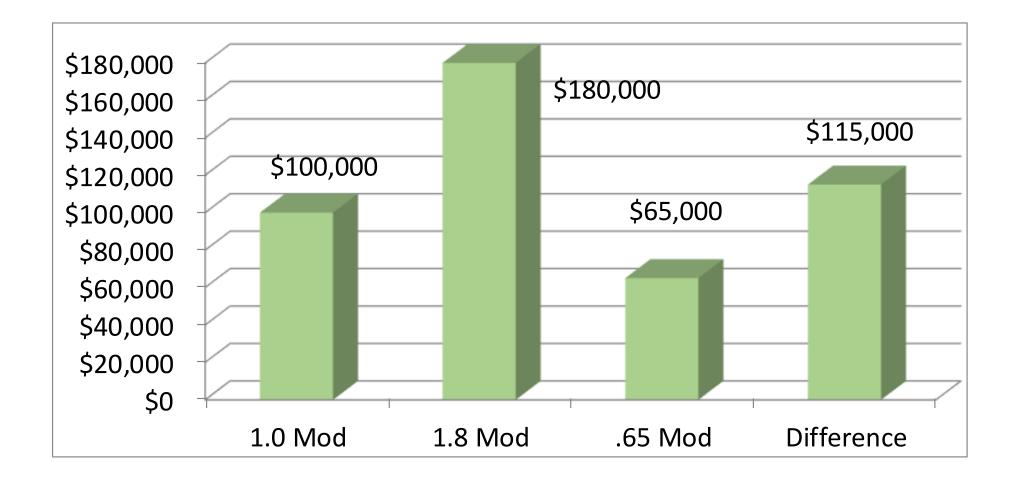
• E-Mod of 1.00 is neutral/average



• E-Mod less than 1.0



Workers Compensation – E - Mod Impact on \$100,000 (State Rate x Payly



There are loss limits in place which limit effect on E-Mod



<u>Reduce number and extent of injuries through:</u>

- Hiring practices (i.e. Physicals, Drug Testing don't put self & others at risk)
- Claim management / Return-to-work
- HR practices (i.e. Wellness initiatives)
- Effective Safety Committees
- Safety program and Training



<u>Reduce number and extent of injuries through:</u>

- Supervisor actions:
 - Inspecting equipment routinely
 - Quickly responding to employee concerns
 - Ongoing communications about safety to employees



Why do people continue to get injured?

- Productivity over safety of the workers
- Not enough safety education
- Injuries are tolerated
- Finances are tight
- It's just too difficult to deal with
- Safety leadership roles not defined
- Not applying tactical approaches

(Major Loss Sources - (Related to frequency & cost))



Common Major Loss Sources

- Slips / Trips / Falls
- Ergonomic related:
 - Lifting
 - Lowering
 - Repetitive Motion
 - Bending
 - Twisting, etc.
- Driving



- Leadership involvement
- More and better employee education
- More innovation, solutions and idea sharing
- Higher expectations for safe behaviors
- Strong injury management processes

Major Loss Source focused!!



ROI - Return on investment with safety and injury prevention

- Reduced workers compensations costs
- Increased productivity
- Reduced lost work time





Claims Management – Why early symptom reporting?





Utterly horrible Unimaginable Discomforting Distressing No pain Intense unspeakable 8 10 5 6 O Excruciating Very Very Very mild Tolerable distressing intense



To meet state requirements relating to workers compensation:



Employees must notify the employer as soon as possible following the injury or the realization that an injury has occurred.

A First Report of Injury must be completed. It is very important that all injuries or illnesses be fully documented by medical personnel.



Process of getting injured (recuperating) employees back to work, even if they cannot perform their regular job duties, by assigning them transitional duties

Longer off work = Less likely to return

Goals : Speed up recovery / Avoid lost time (effects premium)



Return-to-Work

TRANSITIONAL DUTIES











Return-to-Work Effects on E-Mod

Injury considered Medical Only initially

(Only 30% of claim amount effects E-mod)

Injury considered Lost Time if # of days off work exceeds:

7 days in SD, NE, KS, IN

3 days in IA, MN, WI

(100% of claim amount effects E-mod)



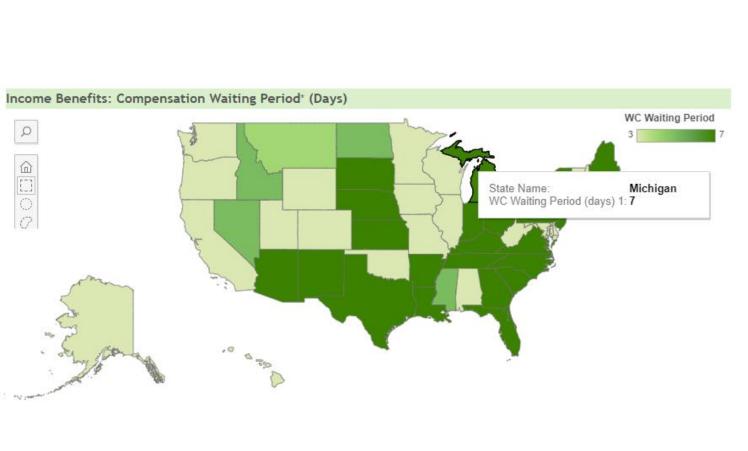
Wage loss benefits

Waiting Period / Retroactive Period

- Waiting Period State law requires a specific number of days to pass before an injured employee is eligible to receive workers' compensation wage-loss benefits.
- Retroactive Period Additionally, most states require a specific number of days that the employee is off work before wage-loss benefits are retroactively paid from the beginning of the waiting period.
- The number of days in the waiting period and the retroactive period varies by state.
- Each state also specifies which days count and what constitutes a day.



Return-to-Work Waiting Periods



STATE	MINNESOTA	WISCONSIN	IOWA	NEBRASKA	SOUTH DAKOTA
Number of days before waiting period ends	3	3	3	7	7
Do days the employee is not scheduled to work (such as weekends) count toward the waiting period?	Yes	Yes, with the exception of Sundays, which do not count unless the employee was scheduled to work	Yes	Yes	Yes
When does the waiting period start?	First full or partial day of missed work	First full day of missed work	First full or partial day of missed work	First full or partial day of missed work	First full or partial day of missed work
Number of days before employee is retroactively paid wage- loss benefits from the first day of the waiting period	10 days	7 days	14 days	6 weeks	7 days



RTW Program Basics

- Draft a Policy
- Appoint a claims coordinator
- Select a primary care clinic (Third party?)
- Identify transitional duties
- Communicate this to Employees



Return-to-work program

		(Your organization's name)	supports the				
		practice of bringing injured employees back to wo	k, as soon as they are medically able,				
1.	Policy	to a position in our organization compatible with a					
	1	We believe this practice serves the best interests of	our employees and organization.				
		The prompt return of injured employees to	positions within their medical				
		restrictions will minimize the impact of work-relate	ed injuries. Coming back to work early				
		while providing our organization with					
		the valuable use of employees' talents. It also helps control workers' compensation costs.					
		to your supervisor immediately — no					
		matter how minor the injury is. You and your supervisor will then call the SFM Work					
		Injury Hotline to report the injury and get a treatme	2.	Who to report to?			
		concerning workers' compensation should be direc	ted to this individual.				
		Claims coordinator	Phone				
		Your supervisor and/or claims coordinator	will help arrange for medical treatment				
3.	Where to go?	following an injury. Prompt, quality medical treatment can be assured through the use of					
0.		our primary care clinic.					
		Clinic	Phone				
		Current positions may be modified to fit the		What now?			
		employees by modifying workstations, altering spe	4.				
		If this is not possible, temporary transitional jobs n					
		department or through a temporary assignment wit					
		Examples of these transitional jobs or tasks include	<u>.</u>				

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5. Who Cares?? WE DO!

Signature

This return-to-work program is an important part of our organization's commitment to manage work-related injuries in a way that's best for our employees and for this organization.

Title

Date

SFM The Work Comp Experts® **RTW – Draft a Policy**

• A formal commitment to RTW process

(Your organization's name) _______ supports the practice of bringing injured employees back to work, as soon as they are medically able, to a position in our organization compatible with any physical restrictions they may have. We believe this practice serves the best interests of our employees and organization.

The prompt return of injured employees to positions within their medical restrictions will minimize the impact of work-related injuries. Coming back to work early helps employees remain functional as they recover while providing our organization with the valuable use of employees' talents. It also helps control workers' compensation costs.



• Specific person in organization who coordinates your workers comp activities.

If you are injured at work, <u>report the injury</u> to your supervisor immediately — <u>no matter how minor the injury is</u>. Any questions concerning workers' compensation should be directed to the workers compensation coordinator.

Claims coordinator		Phone
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Establish a designated clinic

- Preferably one with your interests in mind (Return to Work)

Suggest (in NE) your employees go there.

Your supervisor and/or claims coordinator will help arrange for medical treatment following an injury. Prompt, quality medical treatment can be assured through the use of our primary care clinic.







- In NE, the employee has a right to choose a doctor
- They may choose ONLY a doctor who has treated them or a member of their family before the current injury.

(Family member means your spouse, child, parent, stepchild or stepparent.) The doctor must have records of that treatment. The employee or a family member must give the employer written permission to verify that treatment.

EMPLOYEE'S CHOICE OR CHANGE OF DOCTOR FORM

NOTICE TO EMPLOYER:

GIVE THIS FORM TO THE INJURED WORKER AS SOON AS POSSIBLE AFTER EACH INJURY

PART A: NOTICE REGARDING CHOICE OR CHANGE OF DOCTOR

Employee to complete prior to going to doctor, unless emergency medical treatment

Under the Nebraska workers' compensation laws, you may have the right to choose a doctor to treat you for your work-related injury. You may choose a doctor who has treated you or an immediate family member before this injury happened. Immediate family members are your spouse, children, parents, stepchildren and stepparents. The doctor you choose must have records to show that past treatment was provided. You remployer may ask the person who was treated to give permission so the doctor can verify past treatment.
If you want to choose your doctor, you must tell your employer the name of the doctor you choose. Do this as soon as possible after your

employer gives you this notice and before getting any treatment unless it is emergency medical treatment. Once you tell your employer the name of the doctor, you may not change your choice unless your employer agrees or the Nebraska Morkers' Compensation Court orders a change.

If you do not choose your doctor, your employer has the right to choose the doctor to treat you. The employer may also choose the doctor to treat you if you or your family member does not give permission so your employer can verify past treatment by the doctor you chose.

You may choose a doctor if your claim is denied. You may also choose the doctor to do major surgery or for an amputation.

You may use Part B (below) to tell your employer the name of the doctor you choose.

My employer has informed me of the above information regarding choice or change of doctor.

[PRINT NAME OF EMPLOYEE]

SIGNATURE OF EMPLOYEE

[DATE]

PART B: CHOICE OF DOCTOR

🔲 Ichoose the following doctor to treat me for this work-related injury. Icentify that this doctor has treated me or an immediate family member before the work-related injury.

🔲 I do not have or I do not wish to choose a doctor who has treated me or an immediate family member.

[DOCTOR'S NAME]

ISIGNATURE OF EMPLOYEE1

[DOCTOR'S ADDRESS]

IDATE

PART C: USE TO CHANGE THE CHOICE MADE IN PART B, ABOVE

I wish to change my choice of doctor or I wish to choose a doctor to treat me for my work-related injury. Icentify the doctor named below has treated me or an immediate family member before this work-related injury. I understand that I cannot make this change unless my employer agrees or unless the Nebraska Workers' Compensation Court orders a change

DOCTOR'S NAME

SIGNATURE OF EMPLOYEE & DATE OF SIGNATURE

[DOCTOR'S ADDRESS]

[SIGNATURE OF EMPLOYER & DATE OF SIGNATURE]





Employer Letter to Physician – Regarding RTW

Dear (Physician,)

(*Company name*) provides alternate duty work to its employees who become injured. We strive to return injured employees to work as soon as they are medically able, and within their medical restrictions, with the goal of helping them heal and return to their regular jobs.

Current positions can be modified to accommodate the medical limitations of injured employees by altering specific tasks, reducing work hours or modifying workstations and equipment. If this is not possible, we'll make transitional jobs available elsewhere within the company. Depending on the medical restrictions, these might be positions such as:

- (Transitional job example).

If medical restrictions are appropriate for the employee above who you are treating, and if you have any questions about the modified work to accommodate those restrictions, please call our *(title) (contact name)* at *(area code and phone number)*. Thank you for working with us to help our employees return to work.

Send with employee on INITIAL visit to clinic.

		WORK ABILITY and RETURN-TO-WORK	SEFM The Work Carrie Essents® Send this completed form with the emplo	: 1	SRM Companies	nedical billings and records to: , AO Box 9418, Mp/s, MN 55440 000 , Ahone: (800) 937-1181			
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	Employee	EMPLOYER		-1	 	DATE OF INJUR YILLNESS			
	on EVERY	DIAGNORS				100-10 00000			
		History, mechanism of injury, and findings:				•			
	visit	Work related injury/illness? INO Yes To Any pre-existing conditions affecting this injury/illne							
		Permanent partial disability?					• -	To be	
		Maximum Medical Improvement reached?	Yes, date reached						
		RETURN TO WORK					(completed	
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		HEALTH CARE PROMIDER NAME (PRINTED)	HEALTH CARE PROVIDER SIGNATURE	PHDNE		FAX			
						ph-230-1115			



- Unable to Work
- No use of injured body part
- Work as tolerated
- No use of hands or other body parts
- Listing significant restrictions
- Dates that are very far out
 - or that say "can't work for a month"





Letter to injured employee – RTW Expectations

Dear (injured employee's name):

(Company name) strives to return its employees who are injured on-the-job to work as soon as they're medically able. We can provide temporary modified work that fits within your medical restrictions. Ultimately, our goal is to help you heal and get you back to your regular job.

(Company name) expects you to help in the recuperation process by:

- Staying in regular contact with our return-to-work coordinator, (return-to-work coordinator's name).
- Informing (return-to-work coordinator's name) of all scheduled doctor visits for your work injury.
- Giving a copy of the physician's Work Ability Form to (return-to-work coordinator's name) immediately after each doctor's visit.
- Cooperating with SFM, our workers' compensation insurer, including the claims representative and nurse case manager.
- Cooperating with your treating physician by following the doctor's restrictions and communicating to him that (Company name) provides transitional work.

We care about your safety and wellbeing. Taking these steps will help ensure that you're receiving the appropriate workers' compensation benefits on time and that you're healing properly.



Transitional Duties (Examples)

Job or task	Light-duty	Moderate intensity
Answering call lights	Х	
Answering phones in reception	Х	
Assisting physical therapists		X
Bathing residents		Х
Being an activity aid for residents	Х	
Caring for residents' feet	Х	
Charting	Х	
Checking fire extinguishers and other safety equipment	Х	
Checking medication expiration dates	Х	
Cleaning (lightly), in home healthcare settings	Х	
Cleaning break room	Х	
Cleaning dentures or cups	Х	
Cleaning glasses	Х	
Cleaning wheelchairs, commodes and other equipment	Х	
Conducting site, building, vehicle or other safety	Х	
inspections/surveys		
Feeding residents	X	



Transitional Duties (Examples cont.)

Job or task	Light-duty	Moderate
		intensity
Setting up trays	Х	
Shredding documents	Х	
Sorting silverware	Х	
Stocking linen carts	Х	
Straightening drawers and shelves	Х	
Taking vital signs	Х	
Trimming nails	Х	
Updating job descriptions	Х	
Walking residents	Х	
Washing tables	Х	
Watching safety videos	X	
Wiping and cleaning surfaces to prevent the spread of flu	Х	
viruses		



Tips for identifying Transitional Work

- Be Creative
 - Observe restrictions
 - Identify tasks
- Keep an updated list of transitional tasks
 - Include physical requirements for each
 - Pull list to create custom transitional job
- Create a job jar
 - Keep track of jobs that get ignored during busy season
- Think of **seasonal jobs**
- Ask employees what jobs they are needing help with





Ways to comply with Medical Restrictions

- Part-time work
 - With treating physician's permission
- Modify original job
 - Consider different dept. / location
 - Acceptable to Union?
- Work hardening / conditioning
 - Prescribed by physician
 - Simulate actual work duties
- Lower wage
 - Work comp pays difference



Dear «Employee's Name»:

I am pleased to hear of your ongoing recovery from your work-related injury. «Company Name» looks forward to your successful return to work.

I would like to offer you this transitional employment position that meets the medical restrictions outlined by your physician in the enclosed medical report. The «Job Title» position is a «Choose between part-time or full-time» position. You will be working «Choose weekday through weekday», from «Choose starting time» a.m. to «Choose ending time» p.m. You will be compensated at \$«Dollar amount» /hr, and will continue to be eligible for «List any other company benefits». A copy of the job description further outlining the duties of the position is enclosed.

This job offer is dependent upon your ability to show your eligibility to work in the United States.

Please contact me with your acceptance or denial of this offer by «Date». Your first day of work in your new position will be «Weekday, Month, Date, Year». Please contact me if you have questions about this job offer. I look forward to hearing from you.

Sincerely,

The Work Comp Experts[®] Light Duty Job Description (Sample)

Employee: Claim number:

Job title:	Wage: \$ /hour		
Work hours: a.m. to p.m.	Work days: Mon, Tues, Wed, Thurs, Fri, Sat, Sun		
Location of job (department): Duration of job: Temporary Permanent			
This job is a: 🗌 Pre-injury job 🗌 Modified pre-injury job 🗌 New job			
The job meets current medical restrictions: 🗌 Yes 👘 No			
1. Job duties include:			
2. Physical requirements of the job:			
3. Other job requirements (education, etc):			
4. Other comments:			
Employee signature:	Date:		
Employer representative:	Date:		

SFM The Work Comp Experts® Red Flags – Employee resistant to RTW

- If injured employee:
 - Seems dissatisfied with temporary job
 - "Shops" for doctors to keep off work
 - Complains of constant pain
 - Is difficult to reach
 - Misses doctor's appointments
 - Has no desire to get well or return to work



Let your Claim Rep know right away!



- Do the math understand how decision will play out financially.
- Find out what the employee's medical restrictions allow them to do for you.
- Be creative in exploring return to work approaches.
- Make injury prevention a top priority!





Dr. Untangle!!







Open minded to change ???

Balance all of the 14 nails on the one that is in the block.







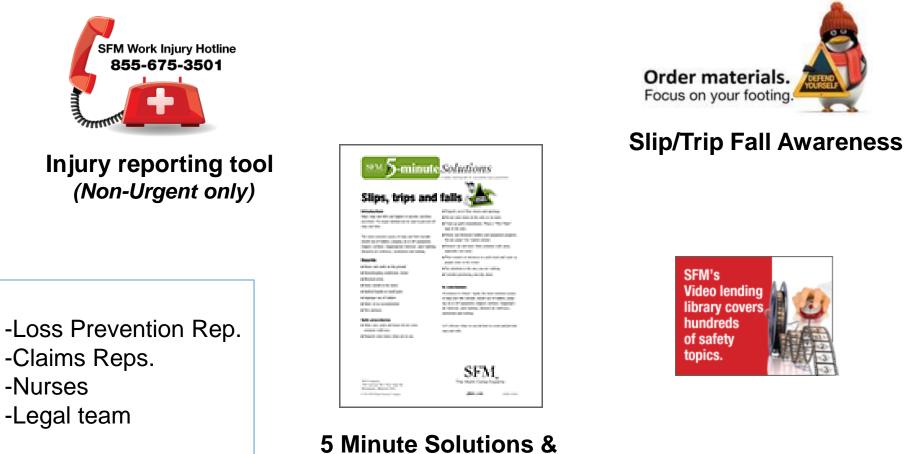


Open minded to change ???





SFM Resources – Here's just a few:



Supervisor Initiated Training



Summary

- Work Comp basics
- Cost of injuries
- Major Loss Sources



- Early Reporting / Return to Work
- SFM resources available at <u>www.sfmic.com</u>



Safety training & tools Workers' comp basics

Safety training videos Online safety training

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Safety training ny videos

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Questions?



Thank you

SFM. R The Work Comp Experts