

Stay At Work / Return To Work

FREQUENTLY ASKED QUESTIONS

There are many questions about **Stay at Work/Return to Work programs**. The following questions are often asked by **Employees** and **Employers** when considering a program for their work place.

Q. What is Stay at Work/Return to Work (SAW/RTW)?

A. SAW/RTW is a proactive, comprehensive program for employees with work related injuries and/or illnesses. SAW/RTW is a way to provide meaningful and productive temporary transitional duty as a bridge back to full normal employment, as quickly as medically possible during the healing period.

Q. Why should we have a SAW/RTW Program?

A. A SAW/RTW Program is designed to reduce the negative impact of work-related injuries and illnesses for injured workers. In addition, it provides injured workers and their health care providers support in planning their return to full duty work when they are ready.

Q. What types of work activities can be included in transitional duty assignments?

A. Transitional duty assignments may include normal work activities that have been modified to stay within medical restrictions, job functions that are not routinely performed, and duties of different job classifications.

Q. What benefits do injured workers get from a SAW/RTW program?

A. Providing injured workers with suitable transitional duty facilitates recovery, assists in maintaining job skills, and reduces the impact of the work-related injury/illness on the injured worker's family and income.

Q. What happens if the injured worker sustains further injury to the same body part while on a transitional duty assignment or is medically unable to continue in a transitional duty assignment?

A. With supporting medical documentation, the employee may be placed back on Temporary Partial Disability (TPD) or Temporary Total Disability (TTD) payments, whichever applies.

Q. What should the injured/ill employee do if he/she has medical problems while performing assigned transitional duty tasks? What should the employer do?

A. The injured worker should immediately contact his or her supervisor & healthcare provider to determine if their medical restrictions can be met. The employer should immediately notify the insurer of any changes.

Q. Can the injured worker work part-time on transitional duty?

A. Yes, the injured worker may work part-time or full-time based upon the employee's medical restrictions.

Q. If the injured worker works part-time on transitional duty, how is the employee's pay affected?

A. In typical situations, the employee is paid their normal rate directly by their employer for the hours worked. Any shortfall in wages, subtracting the employer paid amount from the time of injury Average Weekly Wage is paid by the insurer as Temporary Partial Disability (TPD) benefits.

Q. Can the injured worker be required to attend an independent medical examination?

A. Yes

Q. How does workers' compensation insurance affect personal health insurance?

A. Workers' compensation insurance is separate from personal health care insurance. Workers' compensation insurance covers work-related injuries and illnesses only. There is no deductible--the insurance carrier pays all approved medical bills. It is important to let the treating doctor know if your injury is work-related. Most personal healthcare insurance excludes work related injury & occupational disease.

Q. Does the injured worker need to hire an attorney to get workers' compensation benefits?

A. No. However, an injured worker may choose to hire an attorney. The workers' compensation system is intended to aid the injured worker and minimize the injured workers need for assistance in obtaining workers' compensation benefits.

Q. How will providing SAW/RTW assignments for my injured worker affect my business?

A. A trained employee is an employer's most valuable resource. Effective SAW/RTW assignments may help an employer retain this resource. SAW/RTW assignments may also help reduce direct and indirect costs associated with work place injury or occupational disease.

Q. What if the employer brings an injured worker back to work and he/she is re-injured or has a new injury?

A. If the injured worker returns to a transitional duty assignment and becomes re-injured or sustains a new injury, he/she should notify his or her supervisor and consult his/her healthcare provider immediately.

The injured employee's release to return to a modified work position is based on the treating healthcare provider's medical opinion that the employee could perform their work tasks within specified limitations. Medicine is a science; it is not perfect. If the injured employee returns to work and follows the healthcare provider's recommendations (medications, physical therapy, work restrictions, etc.) there is a good chance that he/she will be able to transition to a full work release.

Q. What if an injured worker returns to a SAW/RTW duty assignment and earns less than he/she earned prior to the work-related injury?

A. A worker who sustains a work-related injury and is released by the healthcare provider to a modified or restricted work status is entitled to compensation benefits under Montana's workers' compensation law. These benefits are payable at the difference between the injured workers' approved average weekly wage and earnings received during the period that he/she is on a modified or restricted work status not to exceed the workers' temporary total disability rate.

SAW/RTW programs benefit both the injured worker and the employer. The injured employee benefits because he/she continues to receive earnings from the employer and may receive workers' compensation for the reduced earning. The combined earnings may be greater than the workers' compensation alone and closer to the employee's average weekly wage. The employer benefits because the income that the injured worker earns helps reduce the overall claim costs.

Q. What if the injured worker refuses the transitional duty offer?

A. An injured worker's workers' compensation benefit can be terminated if the treating provider releases the injured worker to the same or modified work within the injured worker's ability and for which he/she is qualified with the same employer, but declined by the injured worker.

Q. Does the injured worker need to hire an attorney to get workers' compensation benefits?

A. No. An injured worker may choose to hire an attorney; however the workers' compensation system is intended to aid the injured worker and minimize the injured workers need for assistance in obtaining workers' compensation benefits.

Q. Does the transitional duty assignment have to be eight-hours per day or could it be less?

A. Employers can be flexible with work schedules as well as rate of pay. Employers must follow the healthcare provider's work restrictions and provide a suitable transitional duty assignment that matches the work restrictions and the requirements of your company.

Q. How can an employer know what type of transitional duty is appropriate for an injured worker?

A. The employer needs to know what the injured workers' restrictions are. The employer needs to match the transitional duty assignment to the injured workers' medical restrictions to do work that will benefit both the injured worker and the employer.

Q. Does the transitional duty assignment have to be an existing permanent position or can the employer create a position?

A. Transitional duty assignments do not have to be actual positions within the company. The employer can identify tasks that need to be performed that will fit the injured worker's capabilities on a temporary basis.

Q. What should the employer include when putting a transitional duty offer in writing?

A. The employer should include the type of position and an explanation of tasks to be performed, the date the position will become available, the rate of pay and work schedule, reporting supervisor, location, a set review date to monitor progress, and a date by which the employer expects the injured worker to reply to the transitional work offer.

Q. What is a job modification?

A. A job modification is an adjustment or alteration to the way a job is performed. The modification is intended to comply with the restrictions resulting from a work-related injury until the injured worker is released to full duty.

Q. Can you give me some examples of job modification?

A. A worker developed carpal tunnel syndrome as a result of frequently gripping small pliers during mechanical work. His restrictions include reducing the amount of force he uses to grasp tools. Using pliers designed with larger and longer handles will reduce the force.
A worker with a back injury who has lifting restrictions has to manually lift boxes off a conveyor onto a pallet. The worker may benefit from a mechanical lifting device.

FREQUENTLY ASKED QUESTIONS

PHYSICIANS / HEALTH CARE PROVIDERS

Q. Why do I need to be involved in SAW/RTW programs?

A. The SAW/RTW process is dependent on sound medical decisions about what job functions an injured worker can safely perform during the recovery from an injury.

Q. What if my patient has concerns about returning to work?

A. The provider's role is to provide an objective assessment of the injured workers ability to perform specific tasks and explain the restrictions that will allow a safe return to work.

After a work-related injury or illness occurs, there is a period of healing typically required for the injured individual to return to a point of maximum physical improvement. During this healing period, many of these individuals can perform job tasks within specific physical limitations as provided by their health care provider. One of the primary goals of **SAW/RTW committee of WorkSafeMT** is to educate employees, employers and others involved in the handling of workers' compensation claims in Montana about the options and best practices for allowing, during the healing period, a qualifying individual to continue working in a meaningful capacity.

The **Stay at Work/Return to Work (SAW/RTW) Best Practices** presented here were developed for Montanans to use when implementing SAW/RTW programs to assist workers who have been diagnosed with an occupational injury or disease.

In Montana, there is growing concern regarding how safely, efficiently and effectively injured workers remain in or return to the workforce after an injury or occupational disease diagnosis. At the direction of the WorkSafeMT Foundation, WorkSafeMT's Stay at Work/Return to Work Committee carefully identified the best practices for SAW/RTW in Montana.

The committee consists of 12 members who are active in Montana's SAW/RTW system.

Listed below are committee members and the organizations they represent.

Bonnie Lyytinen-Hale, Chair
Headwaters Rehabilitation
Counseling, Inc

Annette Hoffman, Board Liaison
St. Vincent Healthcare

Erika Ayers
Montana State Fund

Terry Bilbrey, RN
Liberty Northwest Insurance

Ken Carpenter, MD
Montana Health Systems

Diana Ferriter
MT Dept. of Labor & Industry

John Forkan, Jr.
Plumbers and Pipefitters Local Union #41

Marvin Jordan
Montana Contractor Compensation Fund

Michael J. Marsh
Midland Claims Service, Inc.
& Industrial Injury Claims

Peter Ropp
Cascade Disability Management

J. Kim Schulke
FairClaim

Paige Tabor, DC
MT Dept. of Administration

■ Committee staff:

Jason Swant
WorkSafeMT

■ Contributor:

Don Judge
Montana Injured Workers Resource Council
Member, Labor-Management Advisory Council

The **WorkSafeMT Foundation** and the **SAW/RTW Committee** are dedicated to educating Montana's employees, employers, healthcare providers, and other interested parties about how SAW/RTW programs may help our injured workers. We are also dedicated to providing accurate and useful materials and resources to encourage SAW/RTW in Montana. For more information about SAW/RTW contact Jason Swant at Jason@worksafemt.com. For more information about WorkSafeMT please visit www.worksafemt.com.