



**Making Return to Work – Work
for Your Business and Your
Employees**

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MESSAGE TO EMPLOYERS

The longer your trained and experienced employee is away from work, the higher your costs will be and the worse the impact of the injury is on your employee.

Returning injured employees back to work is a responsibility shared by employers, employees, health care providers, and insurance carriers. New provisions to the Texas workers' compensation system provide employers with more opportunity than ever before to reduce workers' compensation costs and maintain an experienced workforce. Because of recent changes, it is likely that employers will see more injured employees than ever before released to return to work before they are 100% recovered. Employers who are proactive in getting injured employees back into the workplace are more likely to benefit significantly from the changes made by the Legislature.

Frequently, employers believe they do not have the time or resources to provide modified work opportunities. Requiring injured employees to be 100% recovered before they can return to work often delays recovery and increases costs associated with lost time. Establishing a return to work procedure requires employers to dedicate some time and effort to get started; however, your return to work procedure will soon become a routine part of the way you do business every day. Returning to work following an injury will become what everyone expects.

This booklet is intended to help employers develop and implement simple, uncomplicated, and effective return to work procedures suitable to individual business needs. The information covers basic elements necessary for a successful return to work efforts, provides tools for making productive work assignments, includes samples of forms and letters, and offers suggestions for addressing some of the obstacles often faced by employers in getting injured employees back to work.

Information contained here may be copied or changed to suit individual needs. Employers may want to consult legal counsel, their insurance carrier, or other experts when establishing policies or making decisions related to individual situations. There may be other State or Federal laws that apply in some instances.

I. COMMITMENT – Getting started

It starts at the top! You, your managers, and supervisors must all be equally committed to your return to work efforts.

Commitment means that you will do your best to provide medically appropriate work for your injured employees while they are recovering. Even if an employee has medical restrictions, they can usually continue to do some kind of work that has value to your business. You may not be able to provide work that fits the doctor's instructions every day; however, your employees should expect you to be consistent and diligent in your continuous efforts to find suitable work. Employees should expect that they will be brought back to work as soon as possible after an injury. Your commitment is the first step in creating this expectation.

The value to your business of having a trained experienced employee continue to contribute to the success of the business is immeasurable compared to having that same employee stay off work unnecessarily. Making work assignments is discussed later on in this booklet.

Having a **written policy statement** reinforces your commitment. Post your written policy statement where it can be seen at all times. Provide a copy to all employees to help create and enforce the expectation of being brought back to work after an injury.

Reinforce your commitment with posters, discuss your policy at employee meetings, and include information about return to work in new hire orientations, in newsletters or by other means. Return to work is a benefit you can be proud to provide. Involving your employees in the creation of your procedures, finding work assignments, and in discussions will also encourage employee support for the policy.

Help your supervisors and managers understand the importance of return to work to your business as well as to your employees. Hold them accountable for supporting return to work efforts by providing assignments whenever possible. Reducing workers' compensation costs can free up funds for other important things such as business expansion, benefits, new equipment, and even job retention.

Benefits of Early Return to Work for Employers

- Workers' compensation costs are significantly reduced when Temporary Income Benefits (Tabs) cease to be paid or are reduced when an injured employee works during their recovery;
- Medical and disability costs are lower and recovery time shortened;
- Decreased loss ratios and experience modifiers help reduce premiums;
- Retain trained workforce and reduce turn over;
- Avoid replacement and training costs of hiring replacement employees;
- Pay wages for work instead of paying benefits.

Benefits of Return to Work for Employees

- Recovery time is shortened;
- Concerns about continued employment are eliminated;
- Loss of physical fitness due to inactivity is averted;
- Full or partial wages are earned bringing the injured employee's income closer to pre-injury wages;
- Retain job skills;
- Less likely to experience secondary complications such as depression that may delay or complicate recovery;
- Permanent disability associated with the injury is reduced;
- Maintain company benefits and seniority;
- Require less medical care and medication;
- Family and social lifestyles maintained; and
- Avoid financial difficulties.

Studies show that workers who miss work for 6 months because of a job related injury have only a 50% chance of ever returning to work. Employees who continue to do medically appropriate work while they are recovering are more likely to remain employable throughout their lifetime. The longer an employee is away from work, the more difficult returning to work becomes.

Defining the Policy

- Designate someone to coordinate your return to work policy and activities. This person can help assure that information is received and disseminated to the correct individuals, answer questions, talk to the adjuster, doctors, the injured employee, and supervisors, and generally coordinate the successful return to work of your employees. Make sure that everyone knows who the responsible person is and how to communicate with him or her. Everyone should clearly understand the duties and responsibilities of the designated contact.
- Determine the maximum length of time you will be able to provide, offer, and/or consider providing modified work so that you can be consistent from one injured employee to another as much as possible. Be sure to consider and coordinate with other policies such as attendance, leave, FMLA, or other requirements when establishing timelines. Every employee should clearly understand your policy.

Safety and Loss Prevention

Reducing accidents is a sure way to reduce and control your workers' compensation costs. Supervisors, managers and all employees should be held accountable for working safely and maintaining a safe workplace. The Division of Workers' Compensation has extensive resources to help employers create or fine tune safety and loss prevention policies, provide training, consultations, publications, and much more. Information about these employer resources is available at www.tdi.state.tx.us/wc/safety/employers.html.

SAMPLE – RTW POLICY STATEMENT

All samples may be edited as desired

A.

(Company letterhead)

To All Employees:

(Company name) is committed to providing a safe workplace for our employees. Preventing workplace injury is our primary goal.

If an injury should occur, our policy is to provide opportunities for every employee to remain at work or to return to work as soon as medically possible following an injury. If you are not able to do all or part of your regular work while you are recovering, we will attempt to provide other work assignments in accordance with your doctor’s instructions.

Employees are urged to talk with their supervisor to determine what opportunities there are to continue working or what might be done that would allow return to work following an injury.

(Signature of President/CEO/Manager)

(Title)

(Date)

B.

(Company Letterhead)

To All Employees of (company name):

(Company name) will make every reasonable effort to provide suitable return to work opportunities for every employee who is unable to perform his or her regular job due to a job related injury. Work assignments provided for an employee while they are recovering will be made in accordance with information provided by the employee’s doctor.

Assignments may include modifying the employee’s regular job or assignments to other duties depending on the injured employee’s capabilities. Only work that is considered productive and meaningful will be assigned.

(Signature of Owner/CEO/Manager)

(Title)

(Date)

II. EDUCATION

Prepare your employees ahead of time, before an injury. The more your employees know about return to work, your policy, and what to expect following an injury, the more successful your policy will be. Eliminate surprises and opportunities for misunderstanding by providing information before it is needed. Involve employees as often as possible in the development and implementation of the policy. The more they are involved, the more supportive they will be.

Who Does What, When, and How

Everyone needs to know what to do and what to expect when an injury occurs. Provide information an employee might need should they be injured.

Consider providing basic information about workers' compensation benefits and the workers' compensation system to your employees. There is information available on the Texas Department of Insurance-Division of Workers' Compensation website at: www.tdi.state.tx.us/wc/indexwc.html. Your insurance carrier can also provide information to you. Helping your employees understand what to expect can help alleviate misconceptions and unfounded expectations.

You may want to have written roles and responsibilities posted where they are easily seen and referred to. Some of the things you may want to specify are:

- How and when to report an injury;
- Who to report the injury to;
- Employees are expected to talk to their doctor about returning to work;
- Employees are expected to follow their doctor's instructions at home and at work. This is important for their recovery, and
- Any policies or reporting requirements you have.

In addition, employees need to know what they can expect to happen after an injury. For instance, tell them that:

- You will provide prompt medical care;
- You will investigate the incident in accordance with your safety program;
- Employees need to know ahead of time that you (or your designee) will be calling to keep in touch with them if they have to be away from work. The purpose is to answer questions, provide information, discuss return to work possibilities, and generally maintain a positive and reassuring employee-employer relationship;
- Employees should expect you to talk with them and their treating doctor about return to work opportunities throughout the treatment of their injury;
- Provide the name and contact information of the designated person responsible for providing or getting information from the injured employee, doctor, adjuster, supervisor, etc., and coordinating return to work efforts. Make sure employees know your expectations about communicating with you.

- Assure employees that you will assign only work within their doctor's instructions while they recover;
- Make sure employees are aware of any other policies that are relevant such as leaves of absence, and FMLA (Family Medical Leave Act);
- Inform employees that all injuries must be investigated by your insurance carrier before any benefits that may be due are paid. If they are injured, they can expect a representative from your insurance company to get in touch with them for this purpose.

Employers often neglect to tell employees about the adjuster's role. Receiving an unexpected call from an insurance company can immediately create distrust and suspicion which can complicate or delay resolution of claims related concerns and return to work.

Doctors, Adjusters, Case Managers and Other Health Care Providers

Discuss your return to work policy with your claims adjuster and clarify your expectations for their support. Working in partnership with your adjuster is an important factor in managing your claims. The adjuster may be able to provide return to work services to assist you in getting the injured employee back to work. Talk to your adjuster regularly about your claims, particularly when an employee is off work.

You or your designated representative may accompany your insurance carrier representative to any workers' compensation dispute resolution hearing. It is always helpful for you to be present to monitor dispute proceedings and provide clarification or information if requested.

Be sure that doctors in your area are aware of your return to work policies and your desire to work with them and your injured employees to minimize time away from work. Consider going to visit the doctors and/or the doctors' staff to make sure they get the correct information. Most of the time the only information the doctor has about your workplace comes from the injured employee. Often a visit to the doctor's office can greatly improve the working relationship and communication between you and the doctors who treat your employees. Accompanying an injured employee to the first doctor visit can provide the opportunity to immediately discuss return to work possibilities. Inform your employees ahead of time that this may occur.

III. COMMUNICATION

Poor communication or lack of communication is a primary barrier to successful return to work.

Maintaining the Employer-Employee Relationship

It is easy for an injured employee who cannot immediately return to work to become “disemployed” or disconnected from their employer. The longer an injured employee remains off work, the more probable it is that this detrimental separation will occur. Maintaining regular supportive and caring communication will help reduce the probability of unnecessary and lengthy lost time.

Coordinate between the employee’s supervisor or your designated contact person to assure that regular communication occurs throughout the duration of lost time. Expressions of sincere regard for the employee’s quick recovery help the employee feel valued and missed.

Work is important to all of us. Much of an individual’s self esteem comes from their work and ability to be productive. Helping injured employees remain in contact with fellow employees and with the workplace can encourage an employee to return faster and helps maintain a positive frame of mind regarding returning to the work environment.

Regular communication can include notices about company events, news about awards, birthday and get well cards, and newsletters. Invite your absent employee to company events such as company picnics and birthday celebrations. Be sure to ask the employee if they have any questions or if any assistance is needed. Make sure that they know how to contact the claims adjuster and ask whether the adjuster has been in contact with them.

Involve them in their own recovery by involving them in decisions that affect them. Ask what they believe could be done with their job or workplace that would enable them to return or to continue to work. Discuss and consider offering a temporary part time schedule or temporary reduced production requirements.

After your injured employee returns to work, it is important to continue regular communication. Visit their worksite regularly. This is an opportunity to reassure them that you continue to be interested in their recovery and that you want to make sure that they are not feeling pressured to do more than their doctor has recommended. Recognize that there may be good days and not so good days where an employee may need to briefly reduce some of their activity. As their recovery progresses, you and your employee can work together with the doctor to help the employee transition back to their pre-injury work.

Communicating with the Treating Doctor

In order to determine whether there is appropriate productive work available for your injured employee, you need information from the doctor about the employee's ability to carry out varied work related tasks. The doctor is required to provide you with a completed form DWC-073 for this purpose. The doctor is required to send you a copy of the report after the first visit with the employee and periodically thereafter. This form should clearly define what the employee can do and what they should not do while they are recovering. Conversations between you and the doctor may also be necessary to assure a clear understanding about your employee's capabilities. Tell the doctor that you are interested in providing a transitional return to work opportunity for your employee. Discuss the possibility of part time work or other work options with the doctor. A copy of the current DWC-073 is available on the web at www.tdi.state.tx.us/wc/indexwc.html. Click on the "Forms" heading.

Employers are not entitled to all health related information from the doctor. However, clearly understanding any limitations and the capabilities, as determined by the doctor, is essential so that you can make appropriate work assignments. Some doctors may be reluctant to release information to you citing the Health Insurance Portability and Accountability Act (HIPPA) privacy restrictions. The exchange of workers' compensation related medical information is exempted by HIPPA; however, to avoid delay, you may want to have your employee sign a Release of Medical Information pertaining directly to the specific injury. A sample form for release of medical information follows this section.

The Adjuster and the Employer

You and your adjuster should communicate regularly about any workers' compensation claim you have, particularly when an employee is missing work. Your adjuster is required to offer to provide return to work coordination services to you before the 8th day of missed work to help your employee return. In addition, your adjuster is required to review each lost time claim to determine whether professional case management would assist in getting the employee back to work.

Your carrier works for you. If you don't hear from your adjuster, then you should initiate the contact. Remember, this is your employee and the longer the employee is away from work, the higher your costs are going to be. Regular communications are essential to monitor the progress of the claim and to facilitate return to work.

Make sure that your adjuster knows that you have a return to work process and that you expect their support of your program. Be aware of any disputes within the claim and make sure that you attend any hearings that are scheduled. Attending the hearings provides you with the opportunity to answer questions, correct any erroneous information, and possibly participate in resolution of some issues.

Making a Bona Fide Offer of Employment

Employers may want to make written Bona Fide Offer of Employment. For an offer to be considered to be “bona fide”, all required information, as specified by the Division of Workers’ Compensation rule DWC-129.6 must be included. If an injured employee refuses a Bona Fide Offer of Employment, benefits may be reduced or suspended by the insurance carrier. Before making a bona fide job offer, coordinate with your claims adjuster to make sure all requirements are met. A copy of rule 129.6 can be found on the Division website www.tdi.state.tx.us/wc/indexwc.html. Click on “Rules”.

Functional job descriptions are helpful and may be required in the Bona Fide Job Offer process, but the most helpful tool for the doctor, the employer and the employee is a Job Task Analysis. A task analysis provides detailed description of the actual functions necessary to perform the work. Often an injured employee can continue to perform part of their regular work while they are recovering. Understanding exactly what an employee is required to do to get their work done will help employers make appropriate assignments. More information about Job Task Analysis and making assignments follow in the next section.

SAMPLE RELEASE OF MEDICAL INFORMATION

I, **(employee's complete name)**, am requesting my treating doctor, **(doctor's name)** to provide my employer, **(employer name)**, with information pertaining to my work related injury that occurred on **(date of injury)**.

This information will be helpful in facilitating my return to appropriate productive work as soon as I am able.

No other confidential information may be released without my written consent. This release of information is valid until I am released from treatment for this injury or fully released to return to work.

(employee signature) _____ Date: _____
(date of birth) _____

(name of employer)
(address of employer)
(contact information for employer)

(signature and title of employer) Date: _____

IV. WORK ASSIGNMENTS MADE EASY

The primary goal is to return the injured employee to his or her original job as soon as possible. Most return to work assignments are short term in nature and rarely require any expenditure by the employer. The majority of injuries are sprains, strains and bruises. These injuries heal over time and rarely result in the complete inability to perform any type of work. This is the situation where employers can make a difference.

An appropriate work assignment contributes to the employee's recovery by keeping the employee productive, socially involved, and active. Work becomes an important part of their medical treatment.

Using the information provided by the doctor, an employer can determine what the employee can and should not do while they recover. If you do not have all the information you need, talk directly with the doctor to get clarification. Even if the doctor has specified that the employee be completely off work, review the information about the employee's capabilities and restrictions to see if you have appropriate work available. Then talk to the doctor to discuss the possibility of the injured employee returning to work.

The first step is to identify and review the actual task requirements of the employee's regular job. Every job is made up of a series of tasks or functions. Let the injured employee continue to do the parts of their regular job that they are still capable of performing. For example, if an employee cannot lift 20 lbs., determine what they do every day in addition to lifting 20 lbs. Most likely, they can continue to do the other parts of their regular job. This allows the employee to remain in their normal setting and the employer will benefit from the employee's experience and training.

Temporary alternative work assignments can be the bridge back to regular employment. Temporary modifications to their regular job such as schedule changes, reduced hours, or sharing parts of work with other employees are effective considerations. Alternate assignments must be productive. Demeaning or "make work" assignments will defeat the purpose and could be seen as punishment.

Consider jobs or tasks that need to be done, but rarely are accomplished due to lack of time or personnel. Consider the injured employee's past experience and skills. Alternate assignments are an excellent opportunity to provide cross training to employees. Cross training provides your business with flexibility by expanding expertise and know how throughout your staff. Perhaps someone is absent. Consider whether the injured employee can do some or all of that job until the absent employee returns. Temporary transfer to another regular position that meets the injured worker's medical restrictions is another choice.

The best source for determining work assignments is the injured employee. Ask them what they think could be done with their job so that they can continue to work. They know more about their job requirements than anyone. The employee may have ideas

about adjustments that could be made to their work station or in the manner the work is normally done that would enable them to continue to work. There may be more than one way to do a job. Just because the work has “always” been done a certain way, does not mean there are not viable alternatives.

Involve other employees. Ask them what the injured employee could do to help them do their jobs so that they can be free to do the parts of the injured employee’s job that he or she is unable to do while they are healing. The more involved your employees are, the more supportive of the policy they will be.

Tools for Making Appropriate Work Assignments

A job task analysis provides the basic framework on which assignments can be determined. Employees who perform the work are most familiar with how the work is done and are a valuable resource in completing the task analysis. Involving your employees in creating a task analysis for their own jobs helps develop their ownership in your return to work efforts. Your employees can help identify possible modifications or changes leading to improved safety by identifying potential hazards and ways to prevent them. Having this information prepared prior to injury will expedite the determination of appropriate assignments and facilitate return to work.

The following pages provide information and tools to help you begin to focus on and identify the various tasks that make up a particular job.

USING THE PHYSICAL DEMANDS TASK ANALYSIS

You may not need to do task analysis for all your jobs; however, if you have specific jobs where injury frequently occurs, a task analysis can be very helpful.

Many types of assessment and analysis tools are available. This assessment asks you to describe each task required to do a job and identify physical demands and environmental conditions. Once you have the task requirements identified, be sure to review them periodically to keep them up-dated. Your employees can assist you in keeping up with any changes in the way their jobs are done.

Follow these steps for completing the analysis and assessment:

1. Use these definitions to complete the top of the form:

Task title: Name of the task being assessed.

Date: Date the form is completed.

Task duration: Length of time or hours employee spends doing this task in one day.

With breaks: Does the employee take breaks, length of breaks and frequency.

Overtime: Average hours of overtime employee typically works per day/week.

Task description: Brief description of task. (Use task inventory form to list steps for each task.)

2. Fill in Sections 1 through 5 and make comments.

1. Postures: Observe the employee's postures (standing, sitting, walking or driving) during the task. First, circle the number of hours or length of time the employee stays in the posture without changing. Second, circle the total (cumulative) number of hours or length of time that the employee is in a posture while doing this task during the day.

2. Lifting and Carrying: Observe any manual lifting and carrying during the task. For each category of weight, mark how frequently the weight must be lifted or carried. If the employee never lifts this amount of weight, mark "0 percent". If the employee lifts this weight less than one-third of the day, mark "occasionally"; between one third and two thirds of the day, mark "frequently"; and more than two thirds, mark "constantly". For each weight, note how high the load must be lifted and how far the weight is carried.

3. Actions and Motions: Observe the different actions and motions during the task. Write a description that explains why the employee must take action or motion. Show total amount of time during the day the employee spends performing each action or motion using these definitions:

- Pushing** Moving an object away from you, including kicking, slapping, pressing, and striking an object. Example: pushing a dolly.
- Pulling:** Moving an object toward you, including jerking or sliding an object. Example: Dragging a box across the floor.
- Climbing:** Using legs, arms, hands or feet to move up or down a structure such as stairs, ladders, scaffolds, and ramps. Example: Climbing a telephone pole.
- Balancing:** Moving in a manner that requires you to keep from falling because of unstable surfaces such as slippery, moving or narrow spaces.
- Bending:** Using your back and legs to bend forward and downward. Example: Leaning over a car engine to do repair.
- Twisting:** Rotating your upper body in a different direction than your lower body. Example: reaching behind you to pick up parts.
- Squatting:** Lowering your body by bending at knees.
- Crawling:** Moving forward while on your hands and knees.
- Kneeling:** Lowering your body onto one knee or both knees.
- Reaching:** Moving your hands and arms toward an object at arms length in any direction from the body.
- Handling:** Using hands to hold, grasp, grip or turn an object.
- Fingering** Using your fingers to pinch, pick or manipulate objects, especially small ones.
- Feeling:** Using hands and fingers to perceive the shape, size, texture, temperature or other characteristic of an object.
- Repetitive:** Using your feet, legs, hands, arms, etc. continuously in the same motion or motions.

4. Equipment: Observe any equipment, tools or machinery the employee uses during the task. Describe the name or type of each tool or piece of equipment. Mark how often it is used: never, occasionally, frequently, or constantly. Note any information about the physical demands of operating the tools or equipment.

5. Environmental Conditions: Observe the environment the employee is exposed to during the task such as vibration, noise, heat or cold. For each condition, describe the specific type of environmental condition and list the frequency or exposure. Note any other information about the physical demands of working in this environmental condition.

IDENTIFYING TASK DEMANDS

Task Title: _____ Date: _____

Duration of task
(hrs/day) _____ Breaks _____ Avg. Overtime _____ day/wk

Task description: _____

1. Postures:

Stand:	Hours at one time:	0	½	2	3	4	5	6	7	8	8+
	Total per day:	0	½	2	3	4	5	6	7	8	8+
Sit:	Hours at one time	0	½	2	3	4	5	6	7	8	8+
	Total per day	0	½	2	3	4	5	6	7	8	8+
Walk:	Hours at one time	0	½	2	3	4	5	6	7	8	8+
	Total per day	0	½	2	3	4	5	6	7	8	8+
Drive:	Hours at one time	0	½	2	3	4	5	6	7	8	8+
	Total per day	0	½	2	3	4	5	6	7	8	8+

Comments: _____

2. Lifting/Carrying

	Not present 0%	Occasionally 0 – 33%	Frequently 34-66%	Constantly 67 – 100%	Height of Lift	Distance of Carry
1-10 lbs.						
11-20 lbs.						
21-50 lbs.						
51-100 lbs.						
100+ lbs						

Comments: _____

3. Actions and motions:

	Not present 0%	Occasionally 0-33%	Frequently 34-66%	Constantly 67-100%	Description
Pushing					
Pulling					
Climbing					
Balancing					
Bending					
Twisting					
Squatting					
Crawling					
Kneeling					
Reaching					
Handling					
Fingering					
Feeling					
Repetitive:					
Hand motion					
Foot motion					
Other					

Comments: _____

4. Equipment

	Not present 0%	Occasionally 0 – 33%	Frequently 34-66%	Constantly 67-100%	Description
Tools					
Machinery					
Equipment					

Comments: _____

5. Environmental conditions

	Not present 0%	Occasionally 0-33%	Frequently 34-66%	Constantly 67-100%	Description
Vibration					
Noise					
Heat					
Cold					
Wet/humid					
Extremely dry					
Moving parts					
Chemicals					
Electricity					
Radiation					
Other					

Comments: _____

RE-DESIGNING TASKS **FOR RETURN TO WORK AND TO PREVENT INJURY**

As mentioned earlier, changes can often be made in the way a job is performed so that an injured employee can return to work. When unsafe aspects of a task are identified, the task should be redesigned to prevent injury. Solutions are often simple and inexpensive. Ask your employees for recommendations and suggestions. Remember, just because a task or job has been done a particular way in the past, does not mean that there is only one way to get the work done.

Most changes are inexpensive or cost nothing; however, sometimes the cost of different equipment is offset by preventing future injury and the costs associated with workers' compensation. You may want to consult with a rehabilitation or ergonomics specialist. Your adjuster can help you identify a resource for this assistance. The following are examples for employers to explore in considering possible changes:

Minimize significant body motions

Minimize bending motions

- Use lift tables, work dispensers or similar mechanical aids
- Raise work level to appropriate height
- Lower employee
- Provide materials at work level
- keep materials that must be lifted later at work level

Reduce twisting motions

- Place all materials and tools in front of the employee, or move to another side
- Use conveyors, chutes, slides, lifts and turntables to change the direction of material flow
- Provide adjustable swivel chair for seated employee
- Provide sufficient workspace for the whole body to turn
- Improve layout of work area

Reduce reaching motions

- Provide tools and machine controls close to the employee to eliminate horizontal reaches over 16 inches
- Place materials, work pieces and heavy objects as near to the employee as possible
- Reduce the size and weight of cartons or objects being loaded, or allow the employee to walk around and rotate them
- Allow object to be kept close to the body

Reduce object lifting forces

Reduce the need to lift or lower

- Use lift tables, lift trucks, cranes, hoists, drum and barrel dumpers, work dispensers, elevating conveyors and similar mechanical aids
- Raise work level
- Lower work level
- Use gravity dumps and chutes
- Alternate sitting and standing

Reduce the hand distance

- Change shape of object
- Provide grips or handles
- Provide better access to object
- Improve layout of work area

Reduce object pushing or pulling

Eliminate need to push or pull

- Use powered conveyors
- Use powered trucks
- Use slides and chutes

Reduce required force

- Reduce weight of load
- Use non-powered conveyors, air bearings, ball caster tables, monorails and similar aids
- Use four wheel hand trucks and dollies with large diameter casters and good bearings
- Treat surfaces to reduce friction
- Provide good maintenance of hand trucks, floor surfaces and other work surfaces
- Use air cylinder pushers and pullers

Reduce distance of push or pull

- Move workstations closer or further way

V. HELPFUL RESOURCES – for Severely Injured Employees

On rare occasions, your employee may experience a severe injury that prevents them from returning to work without additional assistance. There are resources to assist your employee in these circumstances.

The Department of Assistive and Rehabilitative Services (DARS) is a state agency that provides vocational rehabilitation services. DARS can assist with many different types of services including case management, vocational assessment, retraining and job task analysis, as discussed in chapter IV. Your employee can apply to DARS for services at any time during their claim. They must meet DARS eligibility criteria. To help your employee find a DARS office, you or your employee may call 1-800-628-5115.

Your insurance adjuster or case manager is another resource for you. They may offer vocational rehabilitation from their own staff or contract with a private rehabilitation vendor. DWC maintains a registry of private vocational providers on the TDI website. You, as the employer, can request RTW services from your insurance carrier.

Another resource available for your employee is your local Texas Workforce Commission (TWC). They may be able to provide retraining and job search assistance services. For the most up to date information on TWC, visit their website at www.twc.state.tx.us or contact the nearest TWC office or WorkSource center.

VI. RETURN TO WORK ASSISTANCE EMPLOYERS

The performance of an employee can directly affect the profitability of their employer. When an employee has a work-related injury or illness, employers benefit if the employee is able to continue working or return to work as soon as it is medically appropriate. However, some employers cannot afford workplace modifications that may be needed for an injured employee to continue working.

The Texas Department of Insurance-Division of Worker' Compensation (TDI-DWC) can provide assistance to employers for expenses incurred for workplace modifications, including special equipment, tools, furniture or devices, or other associated costs which can allow an injured employee to stay at work or return to work. An employer with workers' compensation insurance coverage may be eligible to receive up to \$5,000 for qualified expenses. The program allows for advance payments, guaranteed repayment, or reimbursement of expenses associated with workplace modifications that have been preauthorized by TDI-DWC.

For more information or to apply for the program, an employer must submit an application and be approved by TDI-DWC. The application form is available for download from the TDI-DWC website at <http://www.tdi.state.tx.us/wc/rtw/index.html>. For more information on the return to work assistance program for employers, contact TDI-DWC Return to Work Services by calling 512-804-5000 or e-mailing rtw.services@tdi.state.tx.us.

VII. INTERRELATIONSHIPS OF THE AMERICAN WITH DISABILITIES ACT (ADA), FAMILY MEDICAL LEAVE ACT (FMLA), AND WORKERS COMPENSATION IN RETURN TO WORK

The Texas Workers' Compensation Act (TWCA) was enacted to provide the mechanism for an injured employee who sustains a compensable injury in the course and scope of employment to receive medical and income replacement benefits. The TWCA (Chapter 451) prohibits discrimination against any employee for filing a claim under the workers' compensation system. The Americans with Disabilities Act (ADA) was enacted to protect people from discrimination on the basis of disability. Disability as defined under the TWCA and ADA are not the same. The FMLA was enacted to provide job security to employees who have serious medical conditions or who must meet personal and family obligations tend to vital needs at home.

These laws serve different purposes; however, they interrelate in a return to work context when an employee with a compensable injury also meets the criteria for protections under ADA and FMLA.

Employers should seek expert advice and/or legal advice regarding the coordination of return to work efforts, the ADA and/or the FMLA. Consistent application of your return to work policies can alleviate concerns of disparate or discriminatory treatment of employees.

**For additional return to work information, questions or assistance
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