

RETURN TO WORK WORKS

FOR YOU & YOUR EMPLOYEES

Lowers your cost
Eliminates lost time
Helps employees recover



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MESSAGE TO EMPLOYERS

This booklet is provided to help employers develop and implement effective return-to-work procedures suitable to their individual business needs.

The longer your trained and experienced employee is away from work due to a job related injury, the higher your workers' compensation costs, staff turnover and absences will be. Medically unnecessary time away from work is eliminated when your injured employee continues to do productive work while they recover.

The following information is provided to educate employers on the importance and benefits of early return-to-work and the elimination of unnecessary lost time. The booklet covers the components necessary for successful return-to-work efforts and includes suggestions for making appropriate productive work assignments, sample forms, and letters. There are suggestions for addressing some of the challenges often faced by employers in getting their injured employees back to work. The more employers understand workers' compensation and the vital role employers play in managing costs, the better off employers and their employees are.

Any information provided may be copied or changed to fit individual needs. Employers are encouraged to consult legal counsel, their insurance carrier, or other experts when establishing policies or making decisions related to individual situations. In addition, other state and federal laws may apply.

For more information, please go to the Division of Workers' Compensation website at <http://www.tdi.texas.gov/wc/index.html>. For additional assistance, questions or to arrange for a consultation or seminar, contact Amy Rich at RTW.Services@tdi.texas.gov or call (512) 804-4809.

THE TEXAS WORKERS' COMPENSATION ACT

(83rd Legislature, 2011)

Sec. 402.021 GOALS; LEGISLATIVE INTENT; GENERAL WORKERS' COMPENSATION MISSION OF DEPARTMENT.

- (a) The basic goals of the workers' compensation system of this state are as follows:
 - (4) each injured employee shall receive services to facilitate the employee's return to employment as soon as it is considered safe and appropriate by the employee's health care provider.
- (b) It is the intent of the legislature that, in implementing the goals described by subsection (a), the workers' compensation system of this state must:

(2) encourage the safe and timely return of injured employees to productive roles in the workplace;

OUTLINE OF A BASIC RETURN-TO-WORK PROGRAM

This is an outline of the primary elements necessary for an effective return-to-work process. Additional information to assist you with developing each element is included in the text of this booklet.

- I. Employer Commitment to Return to Work: Changing Expectations
 - A Written return-to-work policy statement
 - B Policy decisions
 - C Supervisor and management training
 - D Accountability for supporting the return-to-work process
 - E Identify coordinator to assure good communication
 - F Involving employees(spreading ownership and support for program)
- II. Education: Informing all employees before injury occurs
 - A Your return-to-work policy, purpose, and procedure
 - B What you expect your employees to do if they are injured
 - C What they can expect you to do
 - D What you expect your insurance carrier/claims adjuster to do
- III. Communication: After an injury occurs
 - A With the injured employee who misses time from work
 - B With the employee who has returned with restrictions
 - C With the treating doctor
 - D With the claims adjuster
- IV. Work Assignments
 - A Job Task Analysis – getting prepared
 - B Making assignments, transitional or permanent
 - C Monitoring progress

SECTION I: COMMITMENT - Getting Started

It starts at the top! You, your managers, and supervisors must all be equally committed and held accountable for supporting your return-to-work expectations.

Commitment means that you will do your best to provide medically appropriate work for your employees while they are recovering from a work related illness or injury. If an employee has functional restrictions, they can usually continue to do some kind of work that has value for your business. Often, they can continue to do at least part of the regular work that they do every day. 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 throughout the duration of their recovery. 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 your business is immeasurable compared to having that same employee stay off work unnecessarily. Making appropriate work assignments is discussed later on in this booklet in Section IV.

Having a written policy statement reinforces your commitment. Post your written policy statement where it can be seen at all times. Provide a copy of the policy statement to all employees. This will help create and enforce the expectation of being brought back to work after an injury. Have your employees sign and date the document and retain it in personnel files. Talk about return to work often. Keep return to work at the forefront. A sample policy statement follows this section.

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, in developing job task analysis information, in finding work assignments, and in discussions will 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 providing work assignments, whenever possible, to support return-to-work efforts. Reducing workers' compensation costs can free up funds for other important things such as business expansion, benefits, salaries, new equipment, and even job retention.

Benefits of Early Return to Work for Employers

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

Benefits of Return to Work for Employees

- Recovery time may be shortened;
- Concerns about continued employment may be eliminated;
- Loss of physical fitness due to inactivity may be averted;

- Full or partial wages are earned bringing the injured employee's income closer to pre-injury wages;
- Retain job skills and not fall behind at work;
- Less likely to experience secondary complications such as depression that may delay or complicate recovery;
- Permanent disability associated with the injury is more likely to be reduced;
- Maintain employment related benefits and seniority;
- May require less medical care and medication;
- Family and social lifestyles may be better maintained; and
- More likely to retain employment;
- May better avoid financial difficulties.

Studies show that employees who miss work for six months because of a job related injury have only a 50 percent 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 Your Policy

- Designate someone to coordinate your return-to-work activities. This person can help assure that information is received and disseminated to the correct individuals, answer questions, talk to the claims adjuster, doctors, the injured employee, and supervisors, and generally coordinate the successful return to work of injured 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/restricted work. Be sure to consider and coordinate with other policies such as attendance, leave of absence, and FMLA, ADA or other requirements when establishing timelines. Every employee should clearly understand your policy. As with all policies and procedures, be sure to be consistent in applying the policy.
- Determine the maximum length of time you will be able to hold an employee's job for them if they have to miss work for any reason, whether personal or due to a work related injury. If your business is subject to the provisions of the Family Medical Leave Act (FMLA) make sure you are in compliance with those requirements. Again, consistency is important. Your employees need to know what to expect.

Safety and Loss Prevention

Preventing accidents helps 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 Texas Department of Insurance, Division of Workers' Compensation (TDI-DWC) 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 <http://www.tdi.texas.gov/wc/indexwc.html>.

Your insurance carrier is also a resource to help you develop and maintain a safe workplace. Talk to your insurance carrier about the services that can be provided.

SAMPLE – RETURN-TO-WORK POLICY STATEMENT This document is meant only as an example and may be changed as desired

A. (Company letterhead)

To All Employees:

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

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 and 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 work-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 and date)

SECTION II: EDUCATION – Changing Expectations

Before Any Injury Occurs

Your employees must understand your return-to-work policy and expectations, and why early return-to-work is important to them and to the company. The more your employees know about return-to-work, the more successful your efforts 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 your policy and procedures.

You may want to have employee meetings to discuss your policy. If you have a newsletter, include articles about return-to-work and your procedure. The more your employees are involved and understand, the more supportive they will be.

Consider providing your employees with basic information about workers' compensation benefits and the workers' compensation system before they need it. Information is available at <http://www.tdi.texas.gov/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.

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 will need should they be injured. 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 included 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 and what they can expect you to do. For instance, tell them that:

- you will investigate the incident in accordance with your safety program;

- employees need to know ahead of time that, if they have to be away from work, you (or your designee) will be calling to keep in touch with them 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 to 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, claims adjuster, supervisor, etc., and coordinating return-to-work efforts to ensure 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;
- inform employees that all injuries must be investigated by your insurance carrier before any benefits that may be due or medical bills are paid and that a representative from your insurance company may contact them for this purpose.

Employers often neglect to tell employees about the claims 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.

Claims Adjusters, Case Managers, Treating Doctors, and all Health Care Providers share the responsibility for promoting, encouraging, and facilitating return to work

Your Claims Adjuster

Explain your return-to-work policy to your claims adjuster and clarify your expectation for their support in getting injured employees back into the workplace. Your claims adjuster is required to offer to provide you with return-to-work coordination services to assist you in returning the injured employee to work. The claims adjuster is required to review claims to determine whether a case manager would help facilitate return to work. Ask the claims adjuster whether there is a case manager assigned to the claim. If so, make sure you are in communication with the case manager. Disability duration guidelines are a helpful tool available to your adjuster to help monitor the employee's time away from work. Be sure to ask your adjuster to consult the guidelines when monitoring the claim.

You or your designated representative should 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 or as needed.

Treating Doctors

Inform doctors working with your employees about your return-to-work policy 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 have a clear understanding of your return to work policy. Most of the time the only information the doctor has about your workplace comes from the injured employee. As soon as possible after an injury, provide the doctor with detailed information about the employee's regular job and work requirements. Provide a Job Task Analysis describing the employee's regular work assignment. Information about preparing a Job Task Analysis is in Section IV of this booklet. 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. More information about communicating with treating doctors, the requirements and privacy restrictions is provided in Section III: COMMUNICATION, of this booklet.

SECTION III: COMMUNICATION - Positive and Continuous

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.

Your designated coordinator can maintain regular supportive and caring communication throughout the duration of lost time. Expressions of sincere regard for the employee's quick recovery help the employee feel valued and missed. Let your employee know that they are missed and discuss possibilities for returning to work. Regular communication could 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 claims adjuster has been in contact with them.

Involve them in their own recovery by involving them in decisions that affect them. Ask their ideas about what could be changed with their job or workplace that would enable them to return or to continue to work while they recover. Discuss and consider offering a temporary part-time schedule or reduced production requirements. Other possibilities for assignments appear later in this booklet.

After your injured employee returns to work, it is important to continue regular communication. Visit their worksite. 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 functions.

The doctor is required to provide you with a completed DWC Form-073, *Work Status Report*, 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. Compare the information from the doctor to the employee's regular job task analysis (SECTION IV: WORK ASSIGNMENTS) to determine if there are parts of their regular work they could still perform. The best option is to return the employee to their regular work environment as often as possible. If this is not possible, use the information from the DWC Form-073 to determine other appropriate work.

Conversations between you and the doctor may be necessary to assure a clear understanding about your employee's capabilities and limitations. 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. The DWC Form-073 is available on the TDI website at <http://www.tdi.texas.gov/wc/indexwc.html>.

Even if the doctor has specified that the employee be completely off work, review the information about the employee's functional 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. If the doctor has not provided information about restrictions or limitations, follow up with the doctor to get clarification.

The more the doctor knows about the employee's regular job and the sooner the doctor has the information, the better decisions the doctor can make. Immediately after an injury, provide the doctor with a Job Task Analysis for the employee's regular job. 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 and doctors make appropriate return-to-work decisions. More information about Job Task Analysis and making assignments follow in Section IV.

At some point during treatment, the doctor may request that you complete and submit a DWC Form-074, *Description of Injured Employee's Employment*. This form asks for detailed information about the employee's regular work requirements. You may use this form or send your own form, or a Job Task Analysis. It is important to remember to send this information as soon as an injury occurs and not to wait until a doctor may request it. A copy of DWC Form-074 and instructions for completing and submitting the form are available on the TDI website at <http://www.tdi.texas.gov/wc/indexwc.html>. However, as stated above, sending a Job Task Analysis immediately to the treating doctor can help eliminate unnecessary lost time and assist the doctor in making a well-informed return-to-work decision.

Employers are not entitled to all health-related information from the doctors treating their employees. However, clearly understanding any limitations and functional capabilities, as determined by the doctor, is essential so that you can make appropriate work assignments. Some doctors may be reluctant to provide information to you citing the Health Insurance Portability and Accountability Act (HIPAA) privacy restrictions. The exchange of workers' compensation-related medical information is exempted by HIPAA; 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. Knowing what the doctor believes the injured employee can and cannot do during recovery is essential in making appropriate return-to-work decisions.

Claims Adjuster/Insurance Carrier and Employer

You and your claims adjuster should communicate regularly about all workers' compensation claims, particularly when an employee is missing work. Your insurance carrier works for you. If you don't hear from your claims 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.

Your insurance carrier is required, by the Workers' Compensation Act, with your agreement, to provide return-to-work coordination services on an on-going basis to facilitate your injured employee's return-to-work. Return-to-work coordination services may include such things as assistance with preparing a job analysis to identify physical demands of a job, job modification and restructuring assessments, or case management.

All lost time claims must be reviewed by your insurance carrier to determine whether case management might be helpful in returning the employee to work. If a case manager is assigned to a claim, make sure that you and the case manager communicate and discuss return-to-work possibilities.

Make sure that your claims 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 a written *Bona Fide Offer of Employment*. For an offer to be considered to be “bona fide”, all required information, as specified by TDI-DWC rule, 28 Texas Administrative Code (TAC) §129.6 must be included. If an injured employee refuses a written 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 and that the insurance carrier is aware of the *Bona Fide Offer of Employment*. A copy of 28 TAC §129.6 can be found on the TDI website at <http://www.tdi.texas.gov/wc/indexwc.html>.

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 and contact information of employer)

(signature and title of employer and date)

SECTION IV: WORK ASSIGNMENTS - Real Work, Not “Light Duty”

The primary goal is to return the injured employee to his or her original job as soon as possible.

Consider whether the employee can continue to do some of their regular work while they are recovering. You benefit from their experience and they remain in their normal work setting. For example, if an employee cannot lift 20 pounds, let them do everything else they do every day except the lifting while they recover. Even if they work part time, it is beneficial because your costs are lower, you will pay wages for necessary work instead of your insurance carrier paying temporary income benefits, and your employee will remain active and recover faster while remaining a productive member of your workforce.

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 a 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. Assignments must be in accordance with the doctor’s instructions and should be productive useful work.

Using the information provided by the doctor, an employer can determine what the employee can do and should not do while they recover. If the doctor’s *Work Status Report* (DWC Form-073), does not provide all of the information you need, talk directly with the doctor to get clarification.

Prepare ahead by developing a Job Task Analysis for jobs that most frequently have injuries so that they are ready should an injury occur. Having a Job Task Analysis already prepared will help you quickly determine the tasks and functions required to perform various jobs and make it easier to determine what work might be available should the injured employee be unable to perform his or her regular job.

The first step in developing a Job Task Analysis is to identify and review the actual task requirements of the employee’s regular job. Every job consists of a series of tasks or functions. Involve your employees in developing the Job Task Analysis. They know the most about what is required to do the work and probably have ideas about how to improve those requirements. Their involvement also helps focus on safety and prevention.

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 that entire job until the absent employee returns. Temporary transfer to another regular position that meets the injured employee’s medical restrictions is another choice.

One of the best sources for determining work assignments is the injured employee. Ask 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 in which the work is normally done. 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

Having Job Task Analysis available will help you make quick determinations about work assignments. 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 updated. 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 the 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 the 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 the following 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 a 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:

Average Overtime (day/wk):

Task description:

1. Postures

Posture	1/2	1	2	3	4	5	6	7	8	8+
Stand: at one time	1/2	1	2	3	4	5	6	7	8	8+
Stand: total hours per day	1/2	1	2	3	4	5	6	7	8	8+
Sit: at one time	1/2	1	2	3	4	5	6	7	8	8+
Sit: total hours per day	1/2	1	2	3	4	5	6	7	8	8+
Walk: at one time	1/2	1	2	3	4	5	6	7	8	8+
Walk: total hours per day	1/2	1	2	3	4	5	6	7	8	8+
Drive: at one time	1/2	1	2	3	4	5	6	7	8	8+
Drive: total hours per day	1/2	1	2	3	4	5	6	7	8	8+

Comments:

2. Lifting/Carrying

Weight	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:

Actions or Motion	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

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

Comments:

5. Environmental conditions

Environmental Condition	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:

REDESIGNING TASKS FOR RETURN TO WORK AND TO PREVENT INJURY

As mentioned earlier, changes often can 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 claims 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

SECTION V: RESOURCES FOR SERIOUSLY INJURED EMPLOYEES

Occasionally, an employee may experience an injury that prevents them from returning to work without additional assistance. There are resources to assist your employee in these circumstances.

The Texas Workforce Commission (TWC) is a State agency that provides vocational rehabilitation services. TWC can assist with many different types of services including case management, vocational assessment, retraining and preparing a *Job Task Analysis*, as discussed in Chapter IV. Your employee can apply for services at any time during their claim. However, they must meet TWC eligibility criteria. To help your employee find a TWC office, you or your employee may call 1-800-628-5115.

Your claims adjuster or case manager is another resource for you. They may offer vocational rehabilitation from their own staff or contract with a private rehabilitation vender. TDI-DWC maintains a registry of private vocational providers on the TDI

website. You, as the employer, can request return-to-work services from your insurance carrier.

Reemployment assistance for your employee is also available at the Texas Workforce Commission (TWC). They may be able to provide retraining and job search assistance services. For the most current information on TWC, visit their website at <http://www.twc.texas.gov/> or contact the nearest TWC office or Workforce Development Center.

SECTION VI: RETURN-TO-WORK ASSISTANCE FOR SMALL 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 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 between 2 and 50 employees 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 the 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 website at <http://www.tdi.texas.gov/wc/rtw/index.html>. For more information about the return-to-work assistance program for small employers, contact TDI-DWC Return to Work Services by calling 512-804-4809 or e-mailing rtw.services@tdi.texas.gov.

SECTION VII: INTERRELATIONSHIPS OF THE AMERICANS WITH DISABILITIES ACT (ADA), FAMILY MEDICAL LEAVE ACT (FMLA), WORKERS' COMPENSATION AND RETURN TO WORK

The Texas Workers' Compensation Act (Act) 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 Act (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 Act 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.

Contact Information

For additional return-to-work information, questions or assistance, contact:

Amy Rich
Texas Department of Insurance
Division of Workers' Compensation
512-804-4809

RTW.Services@tdi.texas.gov