

# **SOUTHEASTERN LOUISIANA UNIVERSITY**

## **RETURN TO TRANSITIONAL DUTY POLICY**

# **Southeastern Louisiana University's Return to Transitional Duty Policy**

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## **Southeastern Louisiana University's Return to Transitional Duty Policy**

### **BACKGROUND**

The Louisiana legislature in three separate actions has created the framework to allow the State of Louisiana to implement a comprehensive transitional return-to-work policy. The first action was Senate concurrent resolution number 50 passed in the regular 1997 session. This resolution urges the Office of Risk Management and the Department of Civil Service to jointly develop a formal return-to-work policy for the employees of the State of Louisiana. It also requires the Office of Risk Management to report back to the legislature on the implementation of the return-to-work policy for employees. Civil Service and the Division of Administration, Office of Risk Management, shall make a joint report concerning the implementation of a return-to-work policy for State employees to the legislature.

In the 1998 legislative session, House Bill 181 (duplicate of Senate Bill 116) was passed. This bill authorizes and sanctions the Office of Risk Management to assess premiums on each agency based on its actual loss exposure and expense levels for both self-insured and commercial coverage. Such assessments may be on a retrospective basis. Any agency that has undergone a loss prevention audit by the Office of Risk Management, and has received a certification from the Office of Risk Management as being compliant with State law and loss prevention standards prescribed by the Office of Risk Management, shall receive a credit. This is to be applied to the agency's annual self-insured premium per line of insurance coverage excluding the coverage for road hazards and medical malpractice equal to five percent (5%) of the agency's total amount self-insured premiums paid per line of coverage.

Any agency which has failed to receive certification after undergoing a loss prevention audit by the Office of Risk Management shall be liable for a penalty of five percent (5%) of the agency's total annual self-insured per line of coverage excluding the coverage for road hazards and medical malpractice. Such penalties shall be payable at the time of each premium payment and shall be used by the Office of Risk Management for claims payments.

The third action taken by the legislature was in the regular session of 1999. It was Senate Bill 689. This bill creates, within the Office of Risk Management, a return-to-work program. The Office of Risk Management shall by rule design a program that

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Returns workers to gainful employment as soon as it is medically possible after a job-related injury or illness. The program shall, at a minimum, include the following:

1. A transitional employment program
2. A worker's compensation claims reporting process
3. A process of semiannual reports to the legislature and the governor.

The worker's compensation claims reporting process shall be designed by the Office of Risk Management to facilitate the timely reporting of work-related injuries to the Office of Risk Management by state agencies, boards, and commissions.

The semiannual reporting process shall be designed by the Office of Risk Management to outline the activities of the program. The report shall include, but not be limited to, the number of occupational related cases reported, the number of occupational related cases outstanding, the number of employees drawing worker's compensation benefits, the dollar amount of indemnity payments and medical payments made to employees. The number of employees returned to work during a reporting period, and the established dollars of savings that resulted from the return to work program.

Therefore, based upon these actions of the legislature, the Office of Risk Management sets forth the following as its loss prevention **return to transitional duty program**. Compliance with the following will be expected for certification by the loss prevention section of the Office of Risk Management.

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### **MISSION STATEMENT**

The mission of Southeastern Louisiana University is to meet the educational and cultural needs, primarily of Southeast Louisiana, to disseminate knowledge and to facilitate life-long learning through quality instruction, research and service in a safe, student-centered environment.

It is our mission to supply the highest quality services to the taxpayers of the State of Louisiana at the lowest expense. We accept the scope of services defined to us by the governor and legislature and strive to supply the taxpayers the highest quality of services possible. In doing this we realize that our greatest assets are our human resources. Therefore, we are committed to retain as many experienced people as possible.

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### **GOALS OF TRANSITIONAL WORK PROGRAM**

1. To provide the earliest possible safe return to work of occupational related injuries or illnesses of the employees to the work site.
2. To give employees more options in returning to work than only being able to return with a full duty release.
3. To retain qualified tenured employees within state government thereby utilizing their expertise training and seniority.
4. To facilitate a safer working environment by taking more responsibility for injured workers.
5. To reduce medical cost of Worker's Compensation claims due to extended work absences.
6. To reduce indemnity payments of Worker's Compensation claims when employees could be performing transitional services for the citizens of Louisiana.

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### **DETAIL PLAN OF IMPLEMENTATION**

Your plans should include the following procedures, components and policies. However, you are encouraged to expand upon this as your specific facility's services would require.

A successful return-to-work plan should be based on medical prognosis and recovery, not on a calendar date. Transitional work should be available until an employee reaches maximum medical improvement or a minimum of six months. The agency should refer all medical issues to ORM staff or rehabilitation consultant.

The agency should fax or e-mail claims to ORM within 24 hours of filing.

#### **Transitional Return-To-Work Team**

Southeastern Louisiana University has established a transitional return-to-work team. Members include Human Resources Director, Human Resources Analyst (Worker's Comp), Human Resources Analyst (Classification), Director of Safety and Hazardous Waste, AFSCME Union Representative, Faculty Senate President, a Dean, and Gene Pregeant, EEO/ADA Compliance Coordinator.

The scope of the team will be to review and have oversight on all worker's compensation employees who would be eligible for the transitional return-to-work program. This scope would include, but not be limited to, the review of job modifications, job tasking, task identification, compliance with policy, completing transitional return-to-work plans, oversight of plans, facilitating success of plans, and reporting results of actions in a quantitative manner of the transitional return-to-work program.

The team should meet no less than every 30 days to review all worker's compensation transitional return-to-work issues. In these meetings, the team may choose to have input from Office of Risk Management claims staff and vocational rehabilitation counselors as well as input from the employee's supervisor and/or budget unit head. One of the team's first acts will be to implement the process of job tasking within their domain. Job tasking being defined as taking each position description under their domain and detailing out each specific job task performed by that position. From the list of job tasks for each position, a master list of transitional tasks will be compiled.

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The team will keep a working file of job tasks for each position description under their domain as part of its working documentation. These job task files will be used when a worker is injured to identify transitional job duties to which the worker can return.

The length of the program shall be differed as a minimum of 6 months or until the employer reached MAXIMUM MEDICAL IMPROVEMENT. All Worker's Compensation claims shall be report to Office of Risk Management within 24 hours of filing, via fax or e-mail. The Office of Risk Management will assume the responsibility to conduct all communications with treating medical personnel. The agency is directed not to have direct contact with the treating medical personnel.

When reviewing individual worker's situations for return-to-work options the following criteria needs to be followed:

1. Assess the job task of the worker's pre-injury position and what transitional tasks are still applicable to this current physical restrictions.
2. If absolutely no job task in the position and immediate area in which the employee is working is available, then the next immediate area or closest related position at the university should be addressed.
3. Is there additional services that can be rendered or tasks performed that are not necessarily within the written description but would improve the overall function of the agency that could be performed by the injured worker?
4. Within the university, is there any type of task that can be performed that would be more beneficial to that state entity than having the injured worker performing no duties and being paid to sit at home?
5. If a person is entering a jeopardy zone of risk of termination due to exhaustion of sick leave being defined as being less than 100 hours of sick leave, the agency should contact the Office of Risk Management. A licensed rehabilitation counselor will be provided to help identify transitional job tasks to assist in returning the worker to transitional work at time of injury.
6. Before an employee is terminated due to exhaustion of sick leave, his file should be documented as to the efforts that have been made to identify transitional work tasks in the university and the barriers encountered in identifying said tasks.

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There should be a detailed explanation of action taken to overcome these barriers.

7. Transitional duty will last until the worker has reached maximum medical improvement or is returned to his previous job. If the worker reaches maximum medical improvement and is unable to resume their pre-injury position, additional vocational options need to be addressed.

It should also be documented the underwriting subdivision's necessity to terminate that employee at that time. This documentation should also include a section where a licensed rehabilitation counselor has come in and has not been able to identify any type of transitional job tasks that would improve the service to the taxpayers of that underwriting subdivision.

Southeastern Louisiana University and the Office of Risk Management understands the necessity to terminate an injured worker who has exhausted their sick leave in order to ensure the quality of service mandated upon them by the legislature. This practice will be evaluated on a last resort method and documentation will be expected to reflect that all efforts have failed and the action of termination was that of a last resort.

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### **MEASURE OF EFFECTIVENESS**

The team shall also have the oversight to develop a tracking system to determine the effectiveness of its actions. This shall include, but not be limited to, the tracking of the number of injured workers per month, and the number of loss-time days associated with worker's compensation injuries per month, and the number of workers returned to work via transitional return-to-work. (This will also include employees that have either quit, resigned, or terminated as long as they are receiving indemnity benefits under worker's compensation. The loss-time days for those people will be tracked as an average of 21.5 days per month.)

This report will be submitted to the Office of Risk Management, Loss Prevention Unit, on a monthly basis. It should be reviewed and signed off on by the return-to-work team.

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**Louisiana Return to Work Audit**

DATE OF LAST AUDIT \_\_\_\_\_ DATE OF THIS AUDIT \_\_\_\_\_

1. In the last audit period how many lost time w/c claims have occurred?
2. Out of these, how many are back at full duty?
3. Out of the ones that are not at full duty, how many are on transitional duty?
4. How many are still off of work at present?
5. How many have been separated from your agency and are still drawing w/c?

**Note: The sum of #2 + #3 should be > the sum of #4 + #5**

#2 \_\_\_\_\_ + #3 \_\_\_\_\_ > #4 \_\_\_\_\_ + #5 \_\_\_\_\_ = PASS

TOTAL RTW \_\_\_\_\_ > TOTAL NOT RTW \_\_\_\_\_ = PASS

	YES	NO
A copy of the RTW program was reviewed.	_____	_____
In this program there was a master list of ALL job task positions for that agency.	_____	_____
A RTW committee has been formed and is meeting every 30 days or as appropriate.	_____	_____
Minutes of meeting were available for review.	_____	_____
Is the agency's program medically driven and not calendar motivated?	_____	_____

**FOR ALL EMPLOYEES SEPARATED STILL ON WORKER'S COMPENSATION THE FOLLOWING WAS REVIEWED**

	YES	NO
A <b>Medical Release</b> by the treating doctor to Maximum Medical Improvement stating the employee is still restricted from regular job duties.	_____	_____
A <b>Detailed List of Barriers</b> that prevented transitional job tasks from being developed.	_____	_____
A <b>Detailed Explanation of Action</b> taken to remove barriers and why the actions failed.	_____	_____
A <b>Vocational Rehabilitation Report</b> to show that all professional Efforts have failed to keep the employee on the job.	_____	_____
A <b>Detailed Need Statement</b> to show cause for separating the employee at that time.	_____	_____