

Approved:

Effective: December 8, 2017  
Review: November 27, 2017  
Office: Human Resources Office  
Topic No.: 250-032-001-b



Department of Transportation

## **RETURN TO WORK AFTER AN ON-THE-JOB INJURY**

### **PURPOSE:**

To promote successful employee reintegration into the workplace as quickly as medically possible by providing alternate duty and transitional (modified) duty assignments that accommodate the functional restrictions and limitations as determined by the authorized treating physician.

### **AUTHORITY:**

Sections 20.23(3)(a) and 334.048(3), Florida Statutes (F.S.)

### **REFERENCES:**

Section 284.50(3), F.S.

Chapter 440, F.S. and Chapter 60L-34, Florida Administrative Code

### **SCOPE:**

This procedure applies to Department Career Service, Selected Exempt, Senior Management, and Other Personal Services (OPS) employees.

**DEFINITIONS:** For the purpose of this guideline, the following definitions apply:

**Accident:** An unexpected or unusual event resulting in injury. It does not include mental or nervous injury due to stress, fright, or excitement.

**Adjuster:** Division of Risk Management employee with overall responsibility for the handling of workers' compensation claims including coordinating lost-time benefits when an injured person is unable to work.

**Alternate Duty:** Temporary duties established away from the employee's regular work area/responsibilities and within the "functional limitations and restrictions" stated on the DWC-25.

**Authorized Treating Physician:** A physician authorized by a nurse case manager or adjuster to provide medically necessary treatment to an employee who sustains a job-related injury.

**Department:** The Florida Department of Transportation

**Division:** The Division of Risk Management within the Department of Financial Services.

**Essential Functions:** The job duties that an employee must be able to perform with or without reasonable accommodation.

**First Report of Injury or Illness (DWC-1):** The Division of Workers' Compensation form used to report a work related injury or death.

**Functional Limitations and Restrictions:** Identification by the treating physician of the employee's ability or lack of ability to perform stated activities and the degree to which these activities may be performed. Functional limitations and restrictions are documented on Form DWC-25.

**Human Resources (HR) Coordinator:** A department representative within the Human Resources Office.

**Injury:** Personal injury or death by accident arising out of and in the course of employment and any diseases or infections naturally or unavoidably resulting from such injury.

**Maximum Medical Improvement (MMI):** The medical condition at which further recovery from, or lasting improvement to, an injury or disease can no longer reasonably be anticipated, based upon reasonable medical probability.

**Medical Case Management Provider:** A vendor contracted by the Division to provide medical case management services for the workers' compensation program.

**Medical Documentation:** DWC-25 forms, case notes, work status slips or discharge notes provided by the authorized treating physician.

**Nurse Case Manager:** A nurse employed by the Medical Case Management Provider that is responsible for coordinating medical treatment, obtaining the completed DWC-25 after each medical appointment, verifying the form is properly completed, and forwarding the form to a Division adjuster and the designated department representative.

**Permanent Impairment Rating:** Any anatomic or functional abnormality or loss which results from the injury, determined as a percentage of the body as a whole, which exists after the date of maximum medical improvement.

**Temporary Partial Disability:** A partial disability that is temporary in duration and allows the employee to work in a limited capacity during the recovery period.

**Temporary Total Disability:** A disability that prevents an employee from working in any capacity during a temporary period of time.

**Transitional (Modified) Duty:** Temporary duties established within the employee's regular position and within the functional limitations and restrictions as reflected on the DWC-25.

**Triage Nurse:** A nurse employed by the Medical Case Management Provider who performs the initial employee assessment following a reported injury, determines the most appropriate medical care, and arranges the initial medical treatment. This is not the nurse case manager and does not manage cases on an on-going basis.

**Waiting Period:** The first seven calendar days of an employee's disability. Note: OPS employees are not compensated for this period unless they are medically disabled for more than 21 days.

**Workers' Compensation Benefits:** Insurance benefits that replace part of an employee's wage if the employee is unable to work due to a work-related injury or illness. Benefits include all medical expenses from injuries, illness or accidents considered work-related and compensable.

**Workers' Compensation Notification of Alternate/Transitional (Modified) Duty Assignment (Form 250-032-05):** An acknowledgement between the employee and alternate/transitional (modified) duty supervisor that provides for the specific standard alternate/transitional (modified) duty tasks within the limitations and restrictions established on Form DWC-25.

**Work Restrictions:** The authorized physician's description of the work an employee can and cannot do based on the DWC-25 functional limitations and restrictions.

## 1. ROLES AND RESPONSIBILITIES

### 1.1 Employee

- A. The employee must attend all appointments with the authorized treating physician. Return to the work site when the authorized treating physician provides a medical diagnosis approving the employee to return to work.
- B. The employee must obtain a copy of the DWC-25 or some form of documentation from the treating physician that states the employee may return to work with or without restrictions or cannot return to work because of the medical condition. A copy of the DWC-25 or other form of documentation is to be provided to the employee's supervisor or the Human Resources Office.
- C. When the situation warrants, the employee will be provided with the Workers' Compensation Notification of Alternate/Transitional (Modified) Duty Assignment form. The employee must read, sign, and return the form to the appropriate supervisor. If there are questions regarding any of the provisions on the form, the employee should immediately clarify them with the supervisor.

- D. The employee must perform assigned duties satisfactorily. If there is difficulty performing the assigned duties, the employee must notify the supervisor immediately.

## 1.2 Supervisor

- A. The immediate supervisor must ensure attendance and leave is recorded on the employee's timesheet as required by Chapter 60L-34, Florida Administrative Code.
- B. The immediate supervisor will receive notification from the Human Resources Coordinator regarding the employee's restrictions and limitations and will determine whether or not these restrictions and limitations can be accommodated. The immediate supervisor will also be notified if the employee is unable to return to work.
- C. If an alternate/transitional (modified) duty supervisor is assigned, this supervisor must ensure work duties meet restrictions and limitations. Any concerns regarding the employee must be reported to the HR Coordinator.

## 1.3 Human Resources (HR) Coordinator

- A. The HR Coordinator serves as the workers' compensation coordinator for the Department and will manage the workers' compensation claims.
- B. The HR Coordinator serves as the liaisons between the employee, employee's supervisor, the nurse case manager, and the Division of Risk Management.
- C. The HR Coordinator notifies the employee's supervisor of any restrictions and limitations the employee may have based on information obtained from the DWC-25. The HR Coordinator will notify the nurse case manager and the Division of Risk Management as to whether or not restrictions and limitations can be accommodated.

## 1.4 Medical Case Management

- A. The Triage Nurse receives the initial injury call, assesses the injury from information provided, arranges initial medical referral, and thereafter turns the claim over to the assigned Nurse Case Manager.
- B. The authorized treating physician completes the DWC-25 after each medical appointment and discusses the medical findings with the employee.
- C. The Nurse Case Manager obtains the completed DWC-25 after each authorized medical appointment, verifies the DWC-25 is properly completed, and forwards the DWC-25 to the Division and the designated department HR Coordinator. The Nurse Case Manager arranges and authorizes appointments to meet the treatment plan outlined by the authorized treating physician, including but not

limited to, referrals to specialists, testing and therapies, and ensuring functional limitations and restrictions listed on the DWC-25 are clear and measurable.

### 1.5 Division of Risk Management

The Adjuster is responsible for the overall handling of workers' compensation claims. This process includes the determination of compensability and the coordination of lost-time benefits. The adjuster is the Department's resource for questions and issue resolution.

## 2. PROCESS

### 2.1 Alternate/Transitional (Modified) Duty Tasks

- A. After sustaining an on-the-job injury, the Department's policy is to return the employee to some type of work which is beneficial to the Department and the employee. Therefore, the employee will return to work with the Department immediately after receiving the DWC-25 or medical documentation releasing the employee to duty.
- B. The HR Coordinator will notify the immediate supervisor of any restrictions and limitations the employee may have based on the DWC-25. The immediate supervisor will also be notified if the employee is unable to return to work.
- C. The immediate supervisor will determine whether restrictions and limitations can be accommodated within the employee's work unit and will notify the HR Coordinator.
- D. When the employee cannot perform his/her assigned duties with or without reasonable accommodations, the employee can be temporarily assigned under a different supervisor for alternate/transitional (modified) duty work. In this case, Form 250-032-05, FDOT Workers' Compensation Notification of Alternate/Transitional (modified) Duty Assignment, must be completed and a copy sent to the HR Coordinator.
- E. If there is no work available for the employee in the work unit, the employee can be temporarily assigned to another work unit within 50 miles of the employee's residence. The employee will be reassigned until the employee is released to full duty, or the restrictions have been reduced and the employee can do their assigned job, or another job within the assigned unit.
- F. If alternate/transitional (modified) duties cannot be accommodated within the employee's work unit, the Human Resources Office can assist with locating alternate/transitional (modified) duties within other work units.
- G. The HR Coordinator will notify the Division of Risk Management adjuster and the nurse case manager as to whether or not restrictions and limitations can be accommodated and when an employee has returned to work.

## 2.2 Communications, Monitoring, and Coordination

- A. The HR Coordinator or the employee's immediate supervisor will reach out to the employee immediately following notice of injury to determine the employee's status and to promote the employee returning to work as quickly as possible.
- B. Follow-up verbal or written updates will be provided to the HR Coordinator when there are any status changes of the injured employee.
- C. The employee will be requested to receive a follow-up examination as needed if, through monitoring, the employee appears to be unable to perform assigned duties or the employee's condition notably worsens.
- D. The HR Coordinator will notify a Division adjuster when the employee returns to work.
- E. The HR Coordinator will maintain close contact with the nurse case manager to determine the earliest opportunity to bring the employee back to work.
- F. If difficulty is encountered contacting or receiving information regarding scheduling appointments and/or clearance for surgery, the HR Coordinator will contact the nurse case manager or contact a manager with the medical case management provider to resolve the problem. The HR Coordinator will provide details of the concern or complaint to a Division adjuster.
- G. The HR Coordinator will coordinate with the medical case management provider to ensure that the DWC-25 is completed accurately, and that the authorized treating physician provides the functional limitations and restrictions with sufficient detail.

## 2.3 Workers' Compensation Notification of Alternate/Transitional (Modified) Duty Assignment, Form 250-032-005

- A. The Workers' Compensation Notification of Alternate/Transitional (Modified) Duty Assignment, Form 250-032-05, must be used to notify the injured employee of alternate/transitional (modified) duty assignment.
- B. Prior to having the employee sign this form, the HR Coordinator will determine from the DWC-25 functional restrictions and limitations whether the employee's condition is temporary and not permanent; and that enough information is provided to determine whether the employee can perform work that is beneficial and contributes to the Department's operational needs.
- C. This form will specify that the alternate/transitional (modified) duty job will comply with the functional limitations and restrictions on the current DWC-25.

- D. If shift work is applicable, the immediate supervisor must consider the times of day or night that would best accommodate the employee's medical functional restrictions and limitations.
- E. If an alternate/transitional (modified) duty assignment involves a single task or a combination of tasks that do not fill the specified work day, a provision will be included on the form that allows for the appropriate department staff to add tasks as needed that accommodate the injured employee, or identify and assign another alternate/transitional (modified) duty job.
- F. Completion of the form shall specify the date and time of the assignment, the location and supervisor (if different from immediate supervisor) of assignment, and the work schedule for the assignment.

#### 2.4 Exit Process

- A. The employee will exit the program when placed at maximum medical improvement by the authorized treating physician, or the current functional limitations and restrictions no longer prevent the employee from performing his or her normal job.
- B. If the employee is placed at maximum medical improvement with permanent restrictions but cannot perform the essential duties of his or her job, the immediate supervisor must contact the HR Coordinator immediately.
- C. The HR Coordinator is to notify the District HR Manager, Director of Human Resources and/or Labor Relations Manager, as applicable, for further action.

#### 2.5 Recordkeeping

A workers' compensation file will be created and maintained in a secured area within the Human Resources Office for each employee who sustains an on-the-job injury. The file will contain all correspondence, status reports, and other documents related to the workers' compensation claim.

### 3. TRAINING

None

### 4. FORMS

The form listed below will be maintained by the Human Resources Office. The following forms are available in the Department's Forms Library:

Form No. 250-032-05, Workers' Compensation Notification of Alternate/Transitional (Modified) Duty Assignment