

5.05 Transitional Duty Program Procedures

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Forms:	5.05(a) Transitional Duty Progress Form 5.05(b) Transitional Duty Task Assignment Bank Form
Statutory References:	Chapter 102 of the Wisconsin State Statutes, Chapter 80 of the Department of Workforce Development
Ordinance References:	Milwaukee County Ordinance 17.18(6)
Department Responsible for Updates:	DAS
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1. OBJECTIVE

The purpose of this procedure is to establish and implement a transitional duty program that describes the procedures, methods, processes, and practices used to manage transitional, modified, or light duty work assignments.

2. DEFINITIONS

- A. Workplace Injury: Any injury to an employee that arises in the course and scope of their employment.
- B. Worker's Compensation Claim: A request for statutory wage, medical, and other benefits potentially available to employees injured in the course and scope of their employment.
- C. Transitional, Modified, or Light Duty: The process of returning an injured employee back to work as quickly as possible by offering employment that is within the restrictions established by a treating physician.
- D. Transitional Duty Assignment: Temporary work that an employee may perform during a work-related injury recovery period.
- E. Work Restrictions: Limitations on work duties and/or tasks determined by the employee's treating physician.
- F. Reasonable Accommodations: Refers to requirements of the Americans with Disabilities Act of 1990, the 2008 amendments to that Act, and similar state laws. A reasonable accommodation is typically a modification or adjustment to a job or the work environment that will enable the employee with a disability to perform essential job functions.
- G. Direct Costs – Accident and incident cost factors consisting of recognizable and definite losses involving operational, monetary and physical items of value.

- H. Indirect Costs – Accident and incident cost factors that are definable; however, may not be easily recognized or foreseen. They are in addition to direct accident and incident costs. Examples of indirect costs may include: lost time by fellow employees, supervisor’s time to investigate, training a substitute worker, poor efficiency due to break-up of crew, hiring costs, overtime to make up production, failure to meet deadlines/fill orders, loss of good will, loss of production, overhead costs while work disrupted, and downtime.

3. PROCEDURE

- A. Transitional Duty Program: The transitional duty program provides employees who have an occupational injury or illness and are unable to return to full work duties immediately with a safe and timely transition from point of injury to temporary transitional position and, ultimately, to full work duties.

Milwaukee County places a high value on its employees. Their safety and welfare are top priority. When employees incur a workplace injury or illness, it is our intent to assist them with an expedited recovery and return them to relevant employment.

We are committed to providing employees with meaningful and productive work in their recovery from a work-related injury or illness. Employees who have incurred a work-related injury or illness will return to work immediately, consistent with their medical restrictions.

The transitional duty program helps ensure that essential public services continue to be delivered, reduces the costs of worker’s compensation, and allows employees who have incurred a work-related injury or illness to continue contributing to the County’s mission.

Milwaukee County attempts to accommodate all restrictions resulting from work-related injuries and illnesses.

- i. Goals of Transitional Duty: A successful transitional duty program accomplishes many different goals that focus mainly on the employee, but also on the employer. Specific goals of the program may include, but are not limited to, the following:
- To provide the employee with an expedited and safe return to work after a work-related injury or illness.
 - To promote a safe work environment by accepting responsibility for injured workers.
 - To retain qualified senior employees within Milwaukee County, thereby utilizing their expertise, training, and knowledge.

- To reduce medical costs associated with Worker’s Compensation claims due to extended work absences.
 - To reduce indemnity payments of Worker’s Compensation claims when employees are capable of performing transitional duty work assignments for the citizens of Milwaukee County.
- ii. Benefits of Transitional Duty: An effective transitional duty program is beneficial to both the employee and employer in multiple ways. Examples of these benefits may include, but are not limited to, the following:
1. Accelerate the Injured Workers’ Recovery: Experts in rehabilitation report that an injured employee placed in a transitional duty program will return to his/her regular job more promptly than if the employee remains off work at home. Many employees placed in transitional duty assignments will decide on their own to return to their normal jobs before the length of a transitional duty assignment runs out. If an employee indicates a desire to return to his/her regular job, this should first be cleared with the treating physician.
 2. Maintain a Senior Work Force: Bringing injured employees back to work immediately after a work-related injury will always aid in maintaining a senior/experienced work force. In many instances, it will eliminate the necessity of hiring a back-up employee or training a new employee.
 3. Reduce Employee Turnover: Workplace safety studies have shown that companies with a high incidence of injuries and lost time will have a high turnover in employment. Conversely, those with low frequency and severity of injuries have lower rates of employee turnover. A successful transitional duty program is one way of reducing frequency and severity of workplace injuries, as well as employee turnover.
 4. Improve the Work Ethic: If the Worker’s Compensation system is abused, work ethic will decline considerably. If employees are returned to productive roles as soon as possible following an injury, there will be a positive attitude and atmosphere of productivity. The transitional duty program demonstrates that an employee is paid a good wage for an honest day’s work.
 5. Promote Employee Morale and Job Security: An employee who is off work due to a Worker’s Compensation injury may become concerned if no one from the County contacts her/him and may wonder if her/his job will still be available upon return. An effective transitional duty program increases communication and brings employees back to work immediately. This will eliminate any feelings of insecurity and promote County employee morale.

6. Improved Employee/Management Relations: The vast majority of employees would rather be working than remain off work at home. An effective transitional duty program will increase our employees' respect for leadership by clearly and consistently managing transitional duty assignments.
7. Reduce Self-Insured Worker's Compensation Cost: An effective transitional duty program will help Milwaukee County reduce the amount of money paid annually for Worker's Compensation claims. This is successfully accomplished through a proactive risk control/safety program and an effective transitional duty program.
8. Reduce Injury Severity: By ensuring the expedited return of employees to productive roles following an injury, the County will minimize the severity of worker's compensation indemnity costs.
9. Decrease Injury Frequency: Where effective transitional duty programs exist, there is typically a significant drop in the frequency of injuries. This is attributable to two factors. First, there is an increase in company morale and awareness of safety through the visible transitional duty program. Secondly, those employees who have traditionally taken advantage of the Worker's Compensation system are less likely to continue since transitional duty assignment eliminates an incentive to pursue fraudulent claims.
10. Minimize Medical Care Expenses: If an injured employee is returned to the workplace immediately, the chances of permanent disability are minimal. In addition, the short and long term corresponding medical expenses will be dramatically reduced through an expedited transitional duty assignment and eventual return to normal work.
11. Eliminate Disability Syndrome: If an injured employee can stay off work for a considerable amount of time, the lack of activity may lead to depression and potentially an exacerbated condition. This syndrome is eliminated by returning the employee back to the work environment as soon as possible.
12. Eliminate Malingerers: If given the option, some employees off work due to a work-related injury may remain off longer and malingering. If all employees who incur a work-related injury are given a transitional duty assignment, malingerers will be effectively eliminated.
13. Reduction of Indirect Costs: Indirect costs are not easily recognized or foreseen and generally far exceed the direct costs (medical and indemnity) of a work-related injury or illness. Through a proactive safety program and effective transitional duty program, the County will reduce the indirect cost of injuries. The following are examples of indirect costs:

- a. Lost time by fellow employees
 - b. Supervisor's time to investigate
 - c. Training a substitute worker
 - d. Poor efficiency due to break-up of crew
 - e. Hiring costs
 - f. Overtime to make up production
 - g. Failure to meet deadlines/fill orders
 - h. Loss of good will
 - i. Loss of production
 - j. Overhead costs while work is disrupted
 - k. Downtime
- iii. Transitional Duty Assignment: A transitional duty assignment is temporary work that an employee may perform during a work-related injury recovery period. The assignment may be either full or part-time, depending on the restrictions provided by the treating physician. The rate of pay during the transitional duty assignment will be the employee's regular wage. Transitional duty assignments may include the following:
- Temporary modification of a regular work assignment and/or change in duties;
 - Temporary reassignment to another shift and/or schedule change;
 - Temporary reassignment to another position within the department;
 - Temporary reassignment to another department; or
 - Temporary reassignment to an outside agency; e.g., Goodwill, Salvation Army

Milwaukee County is not responsible for transportation to and from work or to any placement site. Employees are responsible for transportation to and from transitional duty assignments. The transitional duty assignment shall be designated based on the needs of the department, its divisions, and/or the County.

Participation in the transitional duty program is mandatory, provided there are work assignments that are available and compatible with the injury restrictions. Refusal to cooperate in the transitional duty program will result in uncompensated time off until the employee is eligible to return to full duty status. The injured employee may use accrued personal leave during this time in accordance with their department's work rules. If accruals are exhausted, and the injured employee refuses to cooperate in the transitional duty program, administrative action will be taken by the injured employee's department.

Additionally, participation in the transitional duty program is based on the following guidelines:

- The employee's medical condition(s) is/are due to a work-related injury or illness that temporarily prevents the employee from performing the full scope of his or her regular duties.
- The worker's compensation claim has been approved or is pending coverage determination.
- The employee will only be assigned to a temporary transitional duty assignment when it is medically necessary for the employee to be restricted from his or her normal work duties in the opinion of the treating physician.

Transitional duty employees will remain on the payroll of their employing department regardless of assignment, unless the transitional duty employee is placed at an outside agency. In such situations, payment will be coordinated through the Worker's Compensation Third Party Administrator (TPA).

If medical treatment and/or therapy appointments are necessary during the transitional duty period, employees are expected to make these appointments before or after scheduled working hours when possible. Employees should refer to AMOP 5.04 (3) (A) Accident and Claims Reporting Procedures - Workplace Injuries / Workers' Compensation Claims for specific details on how to properly report lost time.

All transitional duty assignments are temporary to facilitate an expedited recovery and to return the employee to normal work duties. They are not intended to become permanent placements and/or accommodations.

1. Transitional Duty Assignment Progression: Transitional duty assignments are temporary and progressive in nature, they are not intended to become permanent placements and/or accommodations. Therefore, managers and supervisors need to monitor the progress of the injured employee working in a transitional duty assignment. Managers and supervisors will utilize Form 5.05 (a) Transitional Duty Progress Form for all injured employees placed in a transitional duty assignment.

a. 5.05 (a) Transitional Duty Progress Form: The purpose of the form is to help monitor the injured employee. It ensures the injured employee is progressing through the healing process and transitional duty assignment before ultimately returning to full duty work capacity.

The form will be completed by the employing department supervisor after receipt of any work restrictions provided by the injured employee from his or her treating physician. Additionally, the employing department supervisor will call the claims program manager and email claims@milwaukeecountywi.gov with the completed form at intervals of 30, 60, and 90 days to discuss the injured employee's progress. If the injured employee returns to full duty capacity prior to the conclusion of the 30, 60, or 90 day interval, the form does not need to be submitted. However, the employing department supervisor will still email claims@milwaukeecountywi.gov to notify the claims program manager that the employee has returned to full duty capacity.

iv. Transitional Duty Task Bank: A transitional duty task bank is a tool used to assist managers and supervisors in accommodating an injured employee who has been assigned restrictions from a work-related injury. It is a list of useful and productive tasks that the injured employee can perform if his/her present job cannot be modified to fit the treating physician's restrictions.

1. Proactive Step: The transitional duty task bank is proactive, as the department and/or divisions should have compiled a list of tasks an injured employee may be able to complete prior to a workplace injury occurring. The compiled list decreases downtime for the supervisor or manager by providing them with a tool that they can immediately reference, rather than trying to determine what tasks are available at the time they receive work restrictions from the injured employee's treating physician.

2. Task Bank Responsibilities: Milwaukee County departments and divisions are responsible for developing, maintaining, and utilizing their own internal transitional duty task bank. Additionally, the County will develop, maintain, and utilize an overarching County-wide task bank for instances in which onsite accommodation within the department and/or divisions cannot be completed.

- a. Transitional Duty Task Assignment Bank Form: Milwaukee County will utilize Form 5.05 (b) Transitional Duty Task Assignment Bank form to develop its internal task banks. The form lists information such as department, position, shift, job description, physical requirements, etc. The physical requirements are listed so the manager or supervisor can determine the appropriate type of task that the injured employee can perform within the restrictions set by his or her treating physician.
 - b. Departments and/or Divisions Task Bank: Milwaukee County departments and/or divisions will utilize Form 5.05 (b) Transitional Duty Task Assignment Bank form to develop and maintain their internal task bank. The task bank will be reviewed annually by the department and/or divisions, updated/maintained as necessary, and made readily available for managers and supervisors. The department and/or divisions will train managers and supervisors on its location/use.
 - c. County-wide Task Bank: The Claims Program Manager in the Department of Risk Management will also utilize Form 5.05 (b) Transitional Duty Task Assignment Bank form to develop and maintain the County-wide task bank. The County-wide task bank will be reviewed annually by the Claims Program Manager, updated/maintained as necessary, and be made available to departments and/or divisions in the event onsite accommodation within the department and/or divisions cannot be completed.
- B. Responsibilities: A successful transitional duty program assigns responsibilities to the injured employee, employing department supervisor, receiving department supervisor, and the claims program manager.
- i. Injured Employee: The injured employee must realize that the transitional duty assignment is a vital part of the overall treatment and recovery process. He or she is responsible for completing these actions:
 - Reporting any workplace injury immediately to supervisor.
 - Completing all necessary worker's compensation paperwork.
 - Maintaining contact with supervisor after each medical appointment and forwarding all transitional duty work slips within 24 hours to his/her supervisor.
 - Returning to transitional duty that is within medical restrictions as set by the treating physician.
 - Attending all scheduled treating physician appointments and participating in prescribed treatment plans.

- Following all transitional duty program guidelines and practices.
- ii. Employing Department Supervisor: The employing department supervisor is responsible for managing and contacting his/her injured employee throughout the duration of the worker's compensation claim. He or she is responsible for completing these actions:
- Following the AMOP 5.04 (3) (A) Accident and Claims Reporting Procedures – Workplace Injuries/ Worker's Compensation Claims and instructing/guiding the injured employee on this process.
 - Completing all necessary worker's compensation paperwork.
 - Informing injured employee of transitional duty program guidelines and practices.
 - Maintaining contact with injured worker throughout the entirety of his/her workers' compensation claim, regardless of transitional duty assignment location, and instructing injured employee to submit all transitional duty work slips within 24 hours.
 - Forwarding all transitional duty work slips to claims@milwaukeecountywi.gov
 - Developing and assigning transitional duty work for the injured employee, which may include utilizing the department and/or divisions or the County-wide transitional duty task bank, referenced in (A)(iv) of this document.
 - Providing the necessary training to the employee to enable him/her to successfully and safely complete the transitional duty assignment.
 - Monitoring injured employee recovery through incoming transitional duty work slips and Form 5.05 (a) Transitional Duty Progress Form, referenced in (A)(iii)(1) of this document.
 - Following 5.05 Appendix 1: Supervisor Quick Guidelines: Workers' Compensation – Time Card Coding form.
- iii. Receiving Department Supervisor (Off-site accommodation): The receiving department supervisor is responsible for managing the employee's transitional duty assignment at the location. He or she is responsible for completing these actions:

- Providing the necessary training to the employee to enable him/her to successfully and safely complete the transitional duty assignment.
 - Monitoring and managing the injured employee during the off-site transitional duty assignment.
 - Informing the employing department supervisor of any status changes regarding the injured employee. If the injured employee's restrictions change or he/she is released to full duty, the receiving department supervisor shall notify and forward a copy of the transitional duty work slip to the employing department supervisor and claims@milwaukeecountywi.gov
 - Following 5.05 Appendix 1: Supervisor Quick Guidelines: Workers' Compensation – Time Card Coding form.
- iv. Claims Program Manager: The Claims Program Manager is responsible for managing the injured employee's workers' compensation claim. He or she is also responsible for completing these actions:
- Informing and answering questions from injured employee and supervisor regarding rights and responsibilities under the workers' compensation law.
 - Maintaining documentation and data on the status of claims and trends.
 - Serving as a resource to help identify and facilitate transitional duty assignments.
 - Developing, maintaining, and updating the County-wide transitional duty task bank.
- C. Transitional Duty Implementation: The following steps will be utilized when implementing the transitional duty program and assignment for onsite accommodation within the department and/or division, offsite accommodation within Milwaukee County, and offsite accommodation outside the County. When implementing the transitional duty assignment, employing department supervisors will follow the above listed order for accommodation.
- i. Onsite accommodation within the department and/or division: Follow the AMOP 5.04 (3) (A) Accident and Claims Reporting procedures throughout the entirety of the employee's workers' compensation claim. When reaching step AMOP 5.04 (3) (A) (vii), the injured employee and employing department supervisor will follow the below listed procedures for accommodation:

1. The injured employee and employing department supervisor must follow their responsibilities as listed in (B) (i) and (B) (ii) of this procedure.
2. The employing department supervisor and injured employee are expected to remain in communication throughout the claim. The injured employee is required to provide all transitional duty work slips to his or her employing department supervisor within 24 hrs. of receipt. The department supervisor should, in turn, immediately send all work slips to claims@milwaukeecountywi.gov. If transitional duty work slips have not been received within 24 hrs. it is the employing department supervisor's responsibility to contact the injured employee and obtain the documentation, and it is the injured employee's responsibility to provide the documentation. Transitional duty work slips are always provided to the injured employee after each medical appointment. In the event the employing department supervisor cannot obtain a transitional duty work slip, they should contact their HR partner and/or the claims program manager for further assistance.
3. The transitional duty work slip from the treating physician specifies the physical restrictions resulting from the work-related injury or illness. This information is used for determining the transitional duty assignment.
4. The employing department supervisor develops a transitional duty assignment that matches the restrictions from the treating physician. The employing department supervisor should consult with other members of management, their HR Partner, and the claims program manager for assistance if necessary.
5. The employing department supervisor keeps the transitional duty assignment as close as possible to injured employee's regular job tasks. If unable to accomplish, utilize tasks throughout your department/division as long as the tasks match the restrictions. This information can be found in your department's and/or division's transitional duty task bank.
6. The employing department supervisor will assign and explain the transitional duty assignment to the injured employee and address any concerns or issues. Provide any necessary training. Take steps to ensure the transitional duty assignment is performed safely.
7. The employing department supervisor notifies claims@milwaukeecountywi.gov when the injured employee returns to work through the transitional duty program and of any status changes to the injured employee's restrictions.
8. The employing department supervisor will make sure the injured employee continues therapy/doctor visits at reasonable intervals through routine communication with the

injured worker. Medical Appointments should be scheduled before or after normal working hours when possible. As restrictions are removed by the treating physician, the employing department supervisor should increase the task demands and move the injured employee closer to performing the tasks of his/her regular position.

9. The employing department supervisor will utilize 5.05 Appendix 1: Supervisor Quick Guidelines: Workers' Compensation – Time Card Coding to accurately code the employee's work time. The injured employee will be directed by the employing department supervisor regarding how time should be reported.
 10. The employing department supervisor should promptly notify claims@milwaukeecountywi.gov when the employee returns to full duty.
- ii. Offsite accommodation within Milwaukee County: Follow the AMOP 5.04 (3) (A) Accident and Claims Reporting procedures throughout the entirety of the injured employee's worker's compensation claim. If restrictions are obtained in which the employing department supervisor cannot make onsite accommodation within the department and/or division, the injured employee and employing department supervisor will follow the below listed procedures for accommodation:
1. The injured employee, employing department supervisor, receiving department supervisor, and Claims Program Manager must follow their responsibilities as listed in (B) (i), (B) (ii), (B) (iii), (B) (iv) of this procedure.
 2. The employing department supervisor notifies their HR Partner and other members of management immediately, as there may be additional transitional duty assignments in your department/division that may match the restrictions provided by the treating physician.
 3. The employing department supervisor notifies the claims program manager of the situation. The Claims Program Manager will utilize the County-wide transitional duty task bank to determine transitional duty assignment availability offsite, but within the geographic boundaries of Milwaukee County.
 4. If transitional duty assignment is available offsite but within Milwaukee County, the Claims Program Manager will notify the employing department supervisor and receiving department supervisor of the assignment. The notification will include the following information:
 - a. Placement location

- b. Location contact
 - c. Job assignment
 - d. Work hours
 - e. Dress code – if applicable
 - f. Current restrictions
5. The employing department supervisor is responsible for contacting the injured employee and informing him or her of the offsite accommodation within Milwaukee County. The injured employee will report as directed.
 6. The employing department supervisor will continue to look for onsite accommodation within the department/division while the employee is receiving offsite accommodation within Milwaukee County. If onsite accommodation within the department/division is found, the employing department supervisor will notify the receiving department supervisor and claims@milwaukeecountywi.gov of when and where the injured employee is to report. The injured employee will report as directed.
 7. If onsite accommodation cannot be accomplished the injured employee will remain at the offsite, transitional duty assignment for the entirety of his or her recovery period. When the injured employee is released to full duty by the treating physician, he or she will provide the transitional duty work slip to the receiving department supervisor and notify his or her employing department supervisor. The receiving department supervisor will email claims@milwaukeecountywi.gov and notify of the full release. The injured employee is expected to report to his or her normal position the following business day.
 8. The receiving department supervisor will utilize 5.05 Appendix 1: Supervisor Quick Guidelines: Workers' Compensation – Time Card Coding to approve the employee's work time. The injured employee will be directed by the receiving department supervisor regarding how time should be reported.
- iii. Offsite accommodation outside the County: Follow the AMOP 5.04 (3) (A) Accident and Claims Reporting procedures throughout the entirety of the employee's workers' compensation claim. If onsite accommodation within the department and/or division and offsite accommodation within Milwaukee County cannot be accomplished, the injured employee and employing department supervisor will follow the below listed procedures for accommodation:

1. The injured employee, employing department supervisor, and Claims Program Manager must follow their responsibilities as listed in (B) (i), (B) (ii), and (B) (iv) of this procedure.
2. The Claims Program Manager will notify the employing department supervisor that offsite accommodation within Milwaukee County is not available.
3. The Claims Program Manager will immediately notify the third-party administrator (TPA) of the situation and request accommodation of the individual through the Milwaukee County Care Line Transitional Return to Work (TRTW) program.
4. The Milwaukee County Care Line will notify the injured employee via phone and mail of offsite accommodation outside the County.
5. The injured employee and Claims Program Manager will notify the employing department supervisor of the offsite accommodation outside the County.
6. The injured employee will report to the offsite accommodation outside the County as assigned and follow all work rules established by the offsite accommodation outside the County facility.
7. The employing department supervisor will continue to look for onsite accommodation within the department/division while the employee is offsite, outside the County. If accommodation is found onsite, the employing department supervisor will notify the injured employee and claims@milwaukeecountywi.gov of when and where the injured employee is to report. The claims program manager will notify the TPA and Alaris of onsite accommodation within the department/division. The injured employee will report as directed the next business day. The injured employee and employing department supervisor will follow the procedures listed in (C) (i) of this program.
8. The Claims Program Manager will continue to look for offsite accommodation within Milwaukee County. If offsite accommodation within Milwaukee County is found, the Claims Program Manager will notify the TPA, Alaris, and the employing department supervisor of the accommodation. The injured employee, employing department supervisor, receiving department supervisor, and claims program manager will follow the procedures listed in (C) (ii) of this program.
9. The employing department supervisor will utilize 5.05 Appendix 1: Supervisor Quick Guidelines: Workers' Compensation – Time Card Coding to accurately code the injured employees work time. The injured employee will follow the time card reporting procedures established by the offsite accommodation outside the County facility.

4. FORMS

The following attached forms are to be used in compliance with this procedure:

Form #	Form Title
5.05 Appendix 1	<u>Supervisors Quick Guidelines: Workers' Compensation – Time Card Coding</u>
5.05 (a)	<u>Transitional Duty Progress Form</u>
5.05 (b)	<u>Transitional Duty Task Assignment Bank Form</u>