

# Safetyline

Apartment Association of Michigan

**SAFETY AT A GLANCE**

A word to employers: You are the expert on your company's personnel programs and policies. It remains your duty to confer as needed with your corporate counsel for proper compliance with all federal, state, and local laws and requirements. This includes compliance with the "Americans with Disabilities Act." Please be assured that the ADA normally encourages providing work to disabled workers.

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## Apartment Association of Michigan

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Please Note: The content herein represents general information and should not replace actual training.

## Successful Return-To-Work Programs Depend On Understanding 'Light Duty' and TWAs

*Editor's Note: We encourage all of our members to use this information as a starting point for effective safety communication. Members should add to it based on their safety needs and work environments.*

Retaining a quality workforce has become increasingly important given today's economic profile. Seasoned workers are, in the main, more efficient and flexible than new workers who need to be trained and shown the lay of the land.

That being said, understanding the whys and wherefores of return-to-work programs is of the utmost importance.

Safety plans can be divided into two parts: prevention and retention. Retention means getting an employee back to work as soon as possible following any work comp episode. Not only does this significantly reduce the lost time and associated cost from disabling injuries, it helps the morale of the injured worker.

The injured employee often feels isolated and unwanted during his or her disability. The injured employee's supervisor often feels additional pressure to maintain production with lesser-trained people. Workers' compensation injuries can have a very significant impact on the financial and competitive status of your company.

While this is all easily understandable, the mechanism to return the worker to the workplace is not. Specifically, there is a lack of understanding about two components of "light duty," or transitional work assignments (TWA). Employers and supervisory personnel

should know that: A) The injured employee does not have to go back to his or her old job during the TWA phase of your company's return-to-work program. B) The company does not have to pay the same rate of pay for "light duty" assignments.

By way of example: A maintenance tech experiences a work comp episode. The tech has been off work, but indicators show he or she is ready to return to work. The tech's supervisor does not have to wait for the employee to be recovered enough to fully assume the responsibilities of the job title. The tech can come back and, let's say, track work orders; file purchase orders for his department; or review and maintain mechanical/maintenance logs specific to his or her property. Because this work is clerical in nature, it may fall into a lower rate of pay than a maintenance tech classification. This is not a "deal stopper" in returning the tech to work. Nor, does the tech lose money by working in the TWA position. The company pays the tech at the rate for a clerical position. If this is a lower rate of pay, the work comp carrier will make up the difference in the salaries.

Remember the above is just an example. Other ways to bring an employee back to work may call for a reduction in regular hours, a modified job description or modification of duties.

Because these actions may call for new

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## Use This Newsletter As A Tool To Conduct Your Own Safety Meeting

### Transitional Work Program Q and A's

#### Q. Who makes the decision whether or not I'm ready to return to work?

A. The doctor makes this decision following his evaluation of you and the task analysis report of your normal job or a transitional work job if that is being considered. The doctor checks to make sure the physical requirements for the job will not exceed the restrictions he/she is placing on you.

#### Q. Who decides whether or not I'm eligible for the Transitional Work Program and what is the basis for their decision?

A. The doctor and the Transitional Work Coordinator work jointly to find you a job within your restrictions. However, the program may not be appropriate for all injured employees. For example, if the doctor feels you will need to be off work for six months, you would not be placed into the program until you are within twelve weeks of returning to your normal job. Also, if the doctor and Transitional Work Coordinator cannot find a job which meets your restrictions, you could not participate in the program. Many times this is only a temporary situation. As your recovery progresses, the doctor typically modifies your restrictions. At this point, the doctor and Transitional Work

Coordinator will again try to find you a job.

#### Q. What happens if I feel discomfort while performing a transition work assignment?

A. You may have some discomfort when you first return to work. Some discomfort can be expected with any physical activity that follows a period of inactivity. This discomfort may not be a medical problem. If your experience problems in your transitional work assignment, report it to the program coordinator. Since transitional work assignments are made with the approval of a doctor, your manager needs to know if you are having a problem so the doctor can reevaluate the situation. It is the doctor's responsibility to determine whether or not you are capable of performing a particular job within the restrictions he/she has issued.

#### Q. How long do transitional work assignments last?

A. The program has a 12 week maximum. Studies have shown most employees return to work within a few weeks following an injury. Because the goal of this program is to gradually return a person to their normal job, 12 weeks was chosen to provide ample recuperative and strengthening time.

#### Q. What happens when the transitional work assignment ends and I have not

#### completely recovered?

A. It is not always necessary for you to be 100 percent recovered in order to return to your normal job. The doctor and transitional work coordinator will be meeting periodically, tracking the course of your recuperation during the 12-week period. If it becomes apparent that you are not progressing enough during this 12-week period to resume your normal job, the doctor will make modifications to your treatment plan.

#### Q. Why have a transitional work program?

A. Research has shown that the greatest success occurs when an individual works in their own job or one with similar requirements. For those reasons, efforts will be made to temporarily modify existing jobs to best fit that employee's restrictions. The 12-week rule also prevents long-term situations that could negatively impact other employees.

#### Q. How does the doctor decide whether or not I can return to my normal job or a transitional job?

A. The doctor will be provided with a task analysis report for your normal job or a transitional job, it that is being considered. He/she will use this report to determine whether or not you can perform the physical requirements of the job following injury.

## Light Duty

components in company policies and procedures it is important to make a return-to-work program an official part of your company's human resources profile.

Consider the following suggestions to better understand how to establish viable return-to-work programs.

### Commitment of Management to Total and Immediate Accommodation:

- Management must make an absolute commitment to employees to provide them the means to return to work as

soon as their abilities allow. This will help your company define its corporate culture and work ethic in a positive manner.

### Analyze Existing Jobs:

- Each job in your organization should be analyzed according to the necessary physical requirements, abilities to carry out the job, what body parts are needed and what limitations would not affect performance on the job.

### Focus on Ability, Not Disability:

- Concentrate on what the employee can do. Once an employee's abilities

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have been identified, it is much easier to match task with abilities.

### Appoint a TWA Coordinator:

- A TWA Coordinator can serve as the point person for the completion of modified job descriptions. The descriptions need to identify the essential characteristics, the required skills plus mental and physical abilities necessary to perform the job.

## Forum Forecast

### Employment Practices Seminar

Do you have questions regarding your employment application screening process, drug testing program, FMLA or ADA compliance? How comfortable are you with your employee termination process? Do you have questions about your HR policies and procedures? Did you know many companies are seeing a dramatic increase in the number of EEOC complaints being filed right now? This seminar is your chance to have all of those questions answered by a labor attorney. Larry Cianciosi of Hanba & Lazar, P.C. will be our guest speaker covering all of these topics and more in a high energy presentation. Please plan to join us and share your war stories and have your questions answered. See page 4 for registration information.

# SAFETY MEETING

FOR THE APARTMENT INDUSTRY

COMPANY NAME \_\_\_\_\_ JOB NAME \_\_\_\_\_ DATE \_\_\_\_\_

## Light Duty and Transitional Work Assignments

Appoint a subcommittee to analyze jobs in your department that might be modified for light duty or Transitional Work Assignments

Poll members of your department for individuals who would be willing to become a Transitional Work Coordinator

Outline training and in-service programs for the Transitional Work Coordinator

Invite the head of your human resources department to your safety meeting. Find out if modified, or light duty jobs are part of your company's corporate culture

Ensure that all modified or light duty assignments are in compliance with federal and state laws (This includes compliance with the Americans with Disabilities Act.)

Remember: Focus on ability, not disability

SPECIAL TOPICS FOR YOUR PROJECT: \_\_\_\_\_

EMPLOYEE SAFETY RECOMMENDATIONS: \_\_\_\_\_

Meeting attended by:

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Supervisor's Signature: \_\_\_\_\_

Fax this page to the head of your safety team

**The Agenda:**

- Employment application screening
- Drug testing programs
- FMLA or ADA compliance
- Employee termination process
- EEOC complaints
- Have your questions answered

**Association Members:  
You're Invited to a  
Human Resources Seminar  
February 12, 2010  
10 to 11:30 a.m.  
Association Offices  
30375 Northwestern Hwy.  
Farmington Hills, Michigan 48334  
Contact Brenda Boomer at  
bab@spsinsurance.com for details**

**See Forum Forecast For Complete Details**



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