

# Workers' Compensation 201 Return-To-Work

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# Course Objectives

- Purpose of Return-to-Work (RTW) programs
- Who is responsible
- Why RTW is good business
- Guidelines to succeed
- Challenges and strategies

# Now What?



# Medical Evaluation & Treatment

A treating doctor must  
be selected by injured  
worker



# DWC 73 - Work Status Report

Important aspect of form, details employee's medical condition and if able to return to work or is off work

General employee's information including description of injury

Details pertaining to restriction activities, if any. Including maximum, minimum hours, and lift carry limitations and other

Next appointment follow up

Employee - You are required to report your injury to your employer within 30 days of your employer's workers' compensation insurance. You have the right to free assistance from the Texas Department of Insurance, Division of Workers' Compensation and may be entitled to certain medical and income benefits. For further information call your local Division field office at 1-800-252-7031.

Empleado - Es necesario que reporte su lesión a su empleador dentro de 30 días a partir de la fecha en que se le ocurrió o a es que su empleador cuenta con un seguro de compensación para trabajadores. Usted tiene derecho a recibir asistencia gratuita por parte de la División de Compensación para Trabajadores, y también puede tener derecho a ciertos beneficios médicos y económicos. Para mayor información comuníquese con la oficina local de la División al número 1-800-252-7031.

### TEXAS WORKERS' COMPENSATION WORK STATUS REPORT

**PART I: GENERAL INFORMATION**

1. Injured Employee's Name: \_\_\_\_\_

2. Date of injury: \_\_\_\_\_

3. Social Security Number (last 4): \_\_\_\_\_

4. Employer's Description of Injury/Accident: \_\_\_\_\_

5. Doctor's Name and Office: \_\_\_\_\_

6. Clinic/Facility Name: \_\_\_\_\_

7. Clinic/Facility/Doctor Phone & Fax: \_\_\_\_\_

8. Clinic/Facility/Doctor Address (street address): \_\_\_\_\_

9. City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

10. Employer's Name: \_\_\_\_\_

11. Employer's Fax # or Email Address (if known): \_\_\_\_\_

12. Insurance Carrier: \_\_\_\_\_

13. Center's Fax # or Email Address (if known): \_\_\_\_\_

**PART II: WORK STATUS INFORMATION (FULLY COMPLETE ONE INCLUDING ESTIMATED DATES AND DESCRIPTION IN 13(b) AS APPLICABLE)**

13. The injured employee's medical condition resulting from the workers' compensation injury:

(a) will allow the employee to return to work as of \_\_\_\_\_ (date) without restrictions.

(b) will allow the employee to return to work as of \_\_\_\_\_ (date) with the restrictions identified in PART III, which are expected to last through \_\_\_\_\_ (date).

(c) has prevented and still prevents the employee from returning to work as of \_\_\_\_\_ (date) and is expected to continue through \_\_\_\_\_ (date). The following describes how this injury prevents the employee from returning to work:

**PART III: ACTIVITY RESTRICTIONS\* (ONLY COMPLETE IF BOX 13(b) IS CHECKED)**

14. POSTURE RESTRICTIONS (if any):

Max Hours per day: 0 2 4 6 8 Other \_\_\_\_\_

Standing      \_\_\_\_\_

Sitting     \_\_\_\_\_

Kneeling/Squatting     \_\_\_\_\_

Bending/Stooping     \_\_\_\_\_

Pushing/Pulling     \_\_\_\_\_

Twisting     \_\_\_\_\_

Other: \_\_\_\_\_

15. RESTRICTIONS SPECIFIC TO (if applicable):

L Hand/Wrist  R Hand/Wrist

L Arm  R Arm  Neck

L Leg  R Leg  Back

L Foot/Ankle  R Foot/Ankle

Other: \_\_\_\_\_

16. OTHER RESTRICTIONS (if any): \_\_\_\_\_

17. MOTION RESTRICTIONS (if any):

Max Hours per day: 0 2 4 6 8 Other \_\_\_\_\_

Walking     \_\_\_\_\_

Climbing stairs/ladders     \_\_\_\_\_

Grasping/Squeezing     \_\_\_\_\_

Wrist flexion/extension     \_\_\_\_\_

Reaching     \_\_\_\_\_

Overhead Reaching     \_\_\_\_\_

Keyboarding     \_\_\_\_\_

Other: \_\_\_\_\_

18. LIFT/CARRY RESTRICTIONS (if any):

May not lift/carry objects more than \_\_\_\_\_ lbs.

for more than \_\_\_\_\_ hours per day

May not perform any lifting/carrying

Other: \_\_\_\_\_

19. MISC. RESTRICTIONS (if any):

Max hours per day of work: \_\_\_\_\_

Sit/Stretch breaks of \_\_\_\_\_ per \_\_\_\_\_

Must wear splint/cast at work

Must use crutches at all times

No driving/operating heavy equipment

Can only drive automatic transmission

No work / \_\_\_\_\_ hours/day work

In extreme hot/cold environments

at heights or on scaffolding

Must keep \_\_\_\_\_

Elevated  Clean & Dry

No skin contact with: \_\_\_\_\_

Dressing changes necessary at work

No Running

20. MEDICATION RESTRICTIONS (if any):

Must take prescription medication(s)

Advised to take over-the-counter meds

Medication may make drowsy (possible Safety/driving issues)

**PART IV: TREATMENT/FOLLOW-UP APPOINTMENT INFORMATION**

21. Work Injury Diagnosis Information: \_\_\_\_\_

22. Expected Follow-up Services Include:

Evaluation by the treating doctor on \_\_\_\_\_ (date) at \_\_\_\_\_ : \_\_\_\_\_ am/pm

Referral to/Consult with \_\_\_\_\_ on \_\_\_\_\_ (date) at \_\_\_\_\_ : \_\_\_\_\_ am/pm

Physical medicine \_\_\_\_\_ X per week for \_\_\_\_\_ weeks starting on \_\_\_\_\_ (date) at \_\_\_\_\_ : \_\_\_\_\_ am/pm

Special studies (list) \_\_\_\_\_ on \_\_\_\_\_ (date) at \_\_\_\_\_ : \_\_\_\_\_ am/pm

None This is the last scheduled visit for this problem. At this time, no further medical care is anticipated.

Date / Time of Visit: \_\_\_\_\_

EMPLOYEE'S SIGNATURE: \_\_\_\_\_

DOCTOR'S SIGNATURE: \_\_\_\_\_

Visit Type:  Initial  Follow-up

Role of Doctor:  Designated doctor  Referral doctor  Carrier-selected RME  Consulting doctor  DWC-selected RME  Other doctor

Discharge Time: \_\_\_\_\_

DWC FORM-73 (Rev. 10/05) Page 1

DIVISION OF WORKERS' COMPENSATION



# DWC 73 - Work Status Report Modified Duty

**PART III: ACTIVITY RESTRICTIONS\* (ONLY COMPLETE IF BOX 13(b) IS CHECKED)**

|  |  |   |  |  |  |
|--|--|---|--|--|--|
| <b>14. POSTURE RESTRICTIONS (if any):</b><br>Max Hours per day: 0 2 4 6 8 Other<br>Standing <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> _____<br>Sitting <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> _____<br>Kneeling/Squatting <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> _____<br>Bending/Stooping <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> _____<br>Pushing/Pulling <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> _____<br>Twisting <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> _____<br>Other: _____ <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> _____ |  | <b>17. MOTION RESTRICTIONS (if any):</b><br>Max Hours per day: 0 2 4 6 8 Other<br>Walking <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> _____<br>Climbing stairs/ladders <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> _____<br>Grasping/Squeezing <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> _____<br>Wrist flexion/extension <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> _____<br>Reaching <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> _____<br>Overhead Reaching <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> _____<br>Keyboarding <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> _____<br>Other: _____ <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> _____ |  | <b>19. MISC. RESTRICTIONS (if any):</b><br><input type="checkbox"/> Max hours per day of work: _____<br><input type="checkbox"/> Sit/Stretch breaks of _____ per _____<br><input type="checkbox"/> Must wear splint/cast at work<br><input type="checkbox"/> Must use crutches at all times<br><input type="checkbox"/> No driving/operating heavy equipment<br><input type="checkbox"/> Can only drive automatic transmission<br><input type="checkbox"/> No work / <input type="checkbox"/> _____ hours/day work:<br><input type="checkbox"/> in extreme hot/cold environments<br><input type="checkbox"/> at heights or on scaffolding<br><input type="checkbox"/> Must keep _____:<br><input type="checkbox"/> Elevated <input type="checkbox"/> Clean & Dry<br><input type="checkbox"/> No skin contact with: _____<br><input type="checkbox"/> Dressing changes necessary at work<br><input type="checkbox"/> No Running |  |
| <b>15. RESTRICTIONS SPECIFIC TO (if applicable):</b><br><input type="checkbox"/> L Hand/Wrist <input type="checkbox"/> R Hand/Wrist<br><input type="checkbox"/> L Arm <input type="checkbox"/> R Arm <input type="checkbox"/> Neck<br><input type="checkbox"/> L Leg <input type="checkbox"/> R Leg <input type="checkbox"/> Back<br><input type="checkbox"/> L Foot/Ankle <input type="checkbox"/> R Foot/Ankle<br>Other: _____   |  | <b>18. LIFT/CARRY RESTRICTIONS (if any):</b><br><input type="checkbox"/> May not lift/carry objects more than _____ lbs.<br>for more than _____ hours per day<br><input type="checkbox"/> May not perform any lifting/carrying<br>Other: _____  |  | <b>20. MEDICATION RESTRICTIONS (if any):</b><br><input type="checkbox"/> Must take prescription medication(s)<br><input type="checkbox"/> Advised to take over-the-counter meds<br><input type="checkbox"/> Medication may make drowsy (possible Safety/driving issues)  |  |

\* These restrictions are based on the doctor's best understanding of the employee's essential job functions. If a particular restriction does not apply, it should be disregarded. If modified duty that meets these restrictions is not available, the patient should be considered to be off work. Note - these restrictions should be followed outside of work as well as at work.

Details pertaining to restriction activities, if any. Including maximum, minimum hours, and lift carry limitations and other

Image source: [www.tdi.texas.gov/wc/index.html](http://www.tdi.texas.gov/wc/index.html)

# DWC 73 - Work Status Report Modified Duty

| II. WORK STATUS INFORMATION (Fully complete one box including estimated dates, and a description in 13c, if applicable)   |  |   |
|---|--|---|
| <b>13. The injured employee's medical condition resulting from the workers' compensation injury:</b><br><input type="checkbox"/> a) will allow the employee to return to work as of ___/___/___ without <u>restrictions</u> ; OR<br><input type="checkbox"/> b) will allow the employee to return to work as of ___/___/___ with <u>the restrictions</u> identified in PART III, which are expected to last through ___/___/___; OR<br><input type="checkbox"/> c) has prevented and still prevents the employee from returning to work as of ___/___/___ and is expected to continue through ___/___/___.<br>The following describes how this injury prevents the employee from returning to work:   |  |   |
| <b>III. ACTIVITY RESTRICTIONS (Only complete if box 13b is checked)</b>   |  |   |
| <b>14. Posture Restrictions (if any):</b><br>Max hours per day   0   2   4   6   8   Other:<br>Standing <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/><br>Sitting <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/><br>Kneeling/squatting <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/><br>Bending/stooping <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/><br>Pushing/pulling <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/><br>Twisting <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/><br>Other: | <b>17. Motion Restrictions (if any):</b><br>Max hours per day   0   2   4   6   8   Other:<br>Walking <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/><br>Climbing stairs/ladders <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/><br>Grasping/squeezing <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/><br>Wrist flexion/extension <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/><br>Reaching <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/><br>Overhead reaching <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/><br>Keyboarding <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/><br>Other: | <b>19. Misc. Restrictions (if any):</b><br>Max hours per day of work:<br>Sit/stretch breaks of ___ per ___<br>Must wear splint/cast at work<br>Must use crutches at all times<br>No driving/operating heavy equipment<br>Can only drive automatic transmission<br>No skin contact with:<br>No running<br>Dressing changes necessary at work |
| <b>15. Restrictions Specific To (if applicable):</b><br><input type="checkbox"/> Left hand/wrist <input type="checkbox"/> Left leg<br><input type="checkbox"/> Right hand/wrist <input type="checkbox"/> Right leg<br><input type="checkbox"/> Left arm <input type="checkbox"/> Back<br><input type="checkbox"/> Right arm <input type="checkbox"/> Left foot/ankle<br><input type="checkbox"/> Neck <input type="checkbox"/> Right foot/ankle<br>Other:   | <b>18. Lift/Carry Restrictions (if any):</b><br><input type="checkbox"/> May not lift/carry objects more than ___ lbs. for more than ___ hours per day.<br><input type="checkbox"/> May not perform any lifting/carrying.<br>Other:  | No work / ___ hours/day work:<br><input type="checkbox"/> in extreme hot/cold environments<br><input type="checkbox"/> at heights or on scaffolding<br>Must keep ___<br><input type="checkbox"/> elevated <input type="checkbox"/> clean & dry  |
| <b>16. Other Restrictions (if any)</b>  |  | <b>20. Medication Restrictions (if any):</b><br><input type="checkbox"/> Must take prescription medication(s)<br><input type="checkbox"/> Advised to take over-the-counter meds<br><input type="checkbox"/> Medication may make drowsy (possible safety/driving issues)   |

Is knowledge of your RTW efforts known?

# Temporary Income Benefits (TIBS)

- 8<sup>th</sup> day of missed work
- Pays 70% of wages = earnings over \$10.00
- Pays 75% of wages = earnings under \$10.00





# Modified Duty



Temporary accommodation



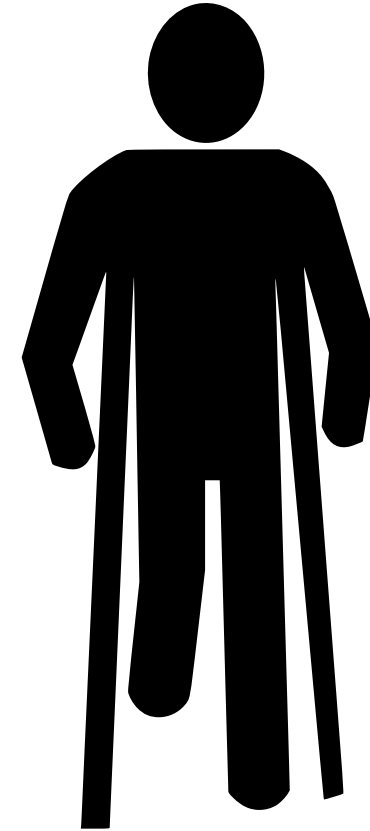
Comply with restrictions



Contribute to productivity

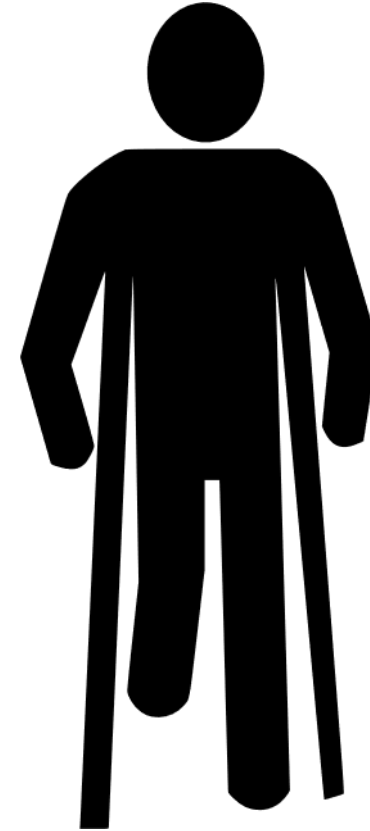
# RTW Program

- Employer plan
- Temporary work
- Adheres to restrictions

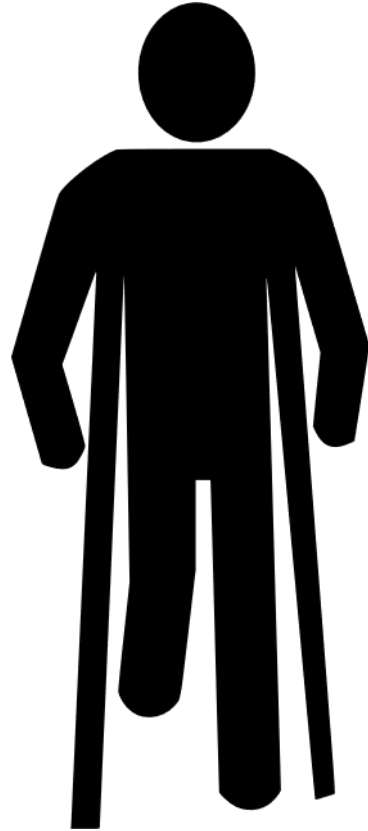


# RTW Program

- Unique to your needs
- Consistent procedures
- Written policy



# RTW Program



- Document & inform healthcare providers
- Routinely update adjuster
- Document & inform injured workers

# Making the Bona Fide Offer of Employment

Term “bona fide” refers to something that is genuine, valid, and made in good faith.



# Bona Fide Offer of Employment

- Must be in writing
- Template on employers' letterhead
- Executed in employee's familiar language
- Must meet DWC Rule 129.6 requirements

(Member Letterhead)

Date:

(Employee name and mailing address)

Dear:

We have been informed that Dr. \_\_\_\_\_ has released you to return to modified duty with restrictions as outlined in the attached **Work Status Report** dated \_\_\_\_\_. We are pleased to offer you the following temporary modified work assignment that we believe is within those restrictions.

To do this assignment, you will be required to:

1. Description of the job
2. Physical requirements of the job: (Ex: lift 10 lbs. for 2 minutes twice a day)
3. List any break suggestions listed on the DWC-073

You will be working at \_\_\_\_\_ campus located at: (physical address) and have the following work schedule (include work schedule based on the employee's limitations): \_\_\_\_\_ through \_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_. You will be paid (list wages) \$ \_\_\_\_\_ per \_\_\_\_\_.

Please be assured that we are sympathetic to your injury, and we will only assign tasks consistent with your physical abilities, limitations, job knowledge, and skills. We will provide any necessary training.

The duration of this assignment will be \_\_\_\_\_ weeks. At the end of this period, we will review our needs to determine if an extension can be made, or if other suitable work is available.

This offer will remain open for seven days from your receipt of this letter. If we do not hear from you within seven days of receipt of this letter, we will assume you have refused this offer, which may impact your Temporary Income Benefits.

We are looking forward to your return. If you have any questions regarding this offer, please contact me at (xxx) xxx-xxxx.

Employee's Acknowledgement and Response

\_\_\_\_ I have read this offer, understand the requirements of the position, and accept the position.

\_\_\_\_ I have read this offer, understand the requirements of the position, but decline the position.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Employer (Signature, Title)

\_\_\_\_\_  
Date



TASB Risk Management Fund  
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Image source: [www.tasbrmf.org](http://www.tasbrmf.org)



# DWC Rule 129.6 Requirements

- Has copy of DWC 73 attached
- Specify working location
- Specify work schedule
- Specify wages paid
- Description of physical and time requirements
- Statement regarding, “will only assign task consistent...”
- Statement regarding, “will provide training if necessary”
- Geographically accessible
- Job that is “consistent with the doctor’s certification of the employee’s work abilities”
- Offer open for 7 days following employee’s receipt

# Bona Fide Offer of Employment

- Hand-deliver
- Mailed/return-receipt

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## BONA FIDE OFFER OF EMPLOYMENT

(Employer Letterhead)

Date:

(Employee name and mailing address)

Dear:

We have been informed that Dr. \_\_\_\_\_ has released you to return to modified duty with restrictions as outlined in the **attached Work Status Report** dated \_\_\_\_\_. We are pleased to offer you the following temporary modified work assignment that we believe is within those restrictions.

To do this assignment, you will be required to:

**1. Description of the job**

**2. Physical requirements of the job: (Ex: lift 10 lbs. for 2 minutes twice a day)**



# Misconceptions



An employer cannot talk to medical providers regarding RTW initiates

# DWC 74 - Description of Injured Employee's Employment

Documents injured employee's job functions to a medical provider

**TDI** Division of Workers' Compensation  
 PO Box 12050 | Austin, TX 78711 | 800-252-7031 | tdi.texas.gov/wc

|                                  |  |
|----------------------------------|--|
| Treating Doctor Name             |  |
| Treating Doctor Telephone Number |  |
| Treating Doctor Fax Number       |  |
| Treating Doctor E-mail           |  |

**DESCRIPTION OF INJURED EMPLOYEE'S EMPLOYMENT (DWC Form-074)**  
 Send the completed DWC Form-074 to the requestor. Do not send a copy to TDI-DWC.

**I. CONTACT INFORMATION**

|   |  |   |
|---|--|---|
| 1. Injured Employee Name (First, Last, M.I.)                                | 2. Date of Injury (mm/dd/yyyy)               | 3. Social Security Number (last four digits)<br>XXX-XX- |
| 4. Employer Name  | 5. Employer Mailing Address                  |   |
| 6. Employer Telephone Number  | 7. Name of employer's contact person         |   |
| 8. Employer contact person's schedule (availability to speak to the doctor) |  | 9. Employer contact person's telephone number           |
| 10. Employer contact person's fax number                                    | 11. Employer contact person's e-mail address |   |

**II. DESCRIPTION** of the injured employee's job functions and duties, specific tasks, work activities and physical responsibilities, at time of injury. To be completed by employer representative who has knowledge of the injured employee's job.

1. Employee's Occupation/Job Title

2. Would you, the employer, consider providing modifications to current job, as described above, including schedule changes, part-time work, and reduced production requirements, as well as providing alternate work assignments in accordance with the treating doctor's instructions?  
 Yes  No (By complying with this request, the employer is not making a request for return to work, a job offer or admitting compensability.)

|  |     |                              |                       |  |                                       |
|--|-----|------------------------------|-----------------------|--|---------------------------------------|
| <b>3. POSTURE</b>                      |     | <b>4. MOTION</b>             |                       | <b>5. LIFT/CARRY REQUIREMENTS</b>  |                                       |
| Max Hours per day: 0 2 4 6 8           |     | Max Hours per day: 0 2 4 6 8 |                       | Max Hours per day: 0 2 4 6 8   |                                       |
| Standing                               |     | Walking                      |                       | Overhead reaching  |                                       |
| Sitting                                |     | Climbing stairs/ladders      |                       | Keyboarding / mouse  |                                       |
| Kneeling/Squatting                     |     | Grasping/squeezing           |                       | Driving  |                                       |
| Bending/Stooping                       |     | Wrist flexion/extension      |                       | <input type="checkbox"/> Lifts or carries objects weighing _____ lbs. _____ oz.<br>per day, week or month<br><input type="checkbox"/> Performs no lifting/carrying |                                       |
| Pushing/Pulling                        |     | Reaching                     |                       |  |                                       |
| Twisting                               |     |                              |                       |  |                                       |
| <b>6. TOOLS/EQUIPMENT OR MACHINERY</b> |     |                              | <b>7. ENVIRONMENT</b> |  |                                       |
| Frequency of use                       | N/A | Occasional                   | Frequent              | Constant   | Frequency of exposure (hours per day) |
| Hand tools, manual                     |     |                              |                       |  | 0 2 4 6 8                             |
| Hand tools, power                      |     |                              |                       |  | Heat                                  |
| Fork lift / other heavy machinery      |     |                              |                       |  | Noise                                 |
| Other                                  |     |                              |                       |  | Cold                                  |
|  |     |                              | Vibration             |  |                                       |

8. Additional information (include specific tasks, etc.; employer may attach additional information describing job functions and duties, specific tasks, work activities and physical responsibilities of the job or any other jobs that might be available for the employee.)

9. Date description of employment requested

10. Date sent to treating doctor/requestor

DWC074 Rev.09/09

Image source: [www.tdi.texas.gov/wc/index.html](http://www.tdi.texas.gov/wc/index.html)



# Job Descriptions

## Before injury:

- Evaluates employee's pre-injury task ability

## After injury:

- Modified job duties
- Aligns with restrictions

### Sample Temporary Modified Duty Job Description

Address only the sections that need changes to comply with the physical restrictions and limitations outlined on DWC Form-73. All information on this form should match the Bona Fide Offer of Employment.

|  |                   |
|--|-------------------|
| Job Title:   | Wage/Hour Status: |
| Reports to:  | Pay Grade:        |
| Dept./School:  | Date Revised:     |
| Primary Purpose: Focus on outcome of the job rather than processes. Include expectations and special requirements. |                   |

#### Qualifications:

**Education/Certification:** List required or desired licenses and certifications

**Special Knowledge/Skills:** List skill requirements

**Experience:** List required years of experience, training, and other qualifications

**Responsibilities and Duties:** List essential and marginal job duties. Be as specific as possible. Explain how frequently a task is performed and what equipment, tools, and materials are used.

**Physical Demands:** List the physical demands, including measurements, frequency, and duration. Describe body position, parts of the body used, and required exertion. Give number of hours per day spent performing each function. Describe temperature, hazards, and other conditions.

#### Supervisory Responsibilities

#### Equipment Used

**Working Conditions:** Mental and physical demands, as well as environmental factors

The statements above describe temporary modified duties in compliance with the physical restrictions and limitations outlined in the attached DWC Form-73 submitted by Dr. . The responsibilities assigned to this job are to be performed strictly as outlined and may not be amended without review and consent of the above-named treating physician.

Approved by \_\_\_\_\_

Date \_\_\_\_\_

Reviewed by \_\_\_\_\_

Date \_\_\_\_\_

# Think Outside the Box

- Administrative work (inventory, data entry, filing, answering phones, keeping records, mail processing)
- Tutoring or mentoring to students
- Event planning (coordinate school events or activities)
- Safety efforts (assist in obtaining training aids, safety checks)
- Bus/hall monitor

# Think Outside the Box

- Library assistance (book organization, check-ins/outs)
- Maintenance & custodial inventory

**IMPORTANT: ALL INJURED EMPLOYEES ASSIGNED  
MODIFIED DUTY MUST RECEIVE APPROPRIATE TRAINING**

# Challenges



# Buy In!



- Management is key
- Provide evidence
- Involve in planning
- Show leadership support

# Commitment Matters

## Sample Statement of Management Commitment

\_\_\_\_\_ is committed to providing a safe and healthy workplace for our employees. Preventing injuries and illnesses is our primary objective.

If an employee is injured or ill, we will get immediate medical attention and utilize our return-to-work program to create opportunities for the employee to return to productive as soon as medically possible.

Our goal is to return injured or sick employees to their original jobs. If a sick or injured employee is unable to perform all the tasks of the original job, we will make every effort to provide temporary modified work that meets the employee's medical restrictions.

The support and participation of management and all employees are essential for the success of our return-to-work program.

\_\_\_\_\_  
Superintendent

Image source: [www.tasbrmf.org](http://www.tasbrmf.org)





# Analytics

**RTW Savings = (Days RTW prior to PDD) x Average Weekly Wage (AWW)**

| <b>Predicted Disability Duration (PDD)</b> | <b>Days RTW prior to PDD</b> | <b>Average Weekly Wage (AWW)</b> | <b>RTW Savings</b> |
|--|------------------------------|----------------------------------|--------------------|
| 85 Days                                    | 45 Days                      | \$910                            | \$5850             |

[/fusion\_table]

**RTW Savings = (Days RTW prior to PDD) X (AWW)**

Bringing your employee back to work within 45 days before the Predicted Disability Duration, the employer avoided paying TD of \$5,850. However, the savings does not stop there. You should also consider the **Hard and Soft savings**.

- Hard savings can include reduced use of pain medication or treatment costs
  - (Average savings 7-10%)
- Soft savings could be a lower number of treatments needed.
  - (Average savings 3-5%)

Image source: [www.tasbrmf.org](http://www.tasbrmf.org)



# Analytics



If a worker is off work for 20 days, the chance of ever getting back to work is 70%

If the worker is off for 45 days, the chance of getting back to work is 50%

If the worker is off for 70 days, the chance of getting back to work is 35%

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# Positive Reinforcement

Show savings  
Great job!



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# Incentive



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# Overwhelming Response

*“For an SAW/RTW program to be successful, it is imperative that the employer make a fundamental commitment to retaining/returning employees with an injury, illness, or disability to work in a timely and safe manner,”*

***-U.S. Department of Labor’s Office of Disability Employment Policy (ODEP)***



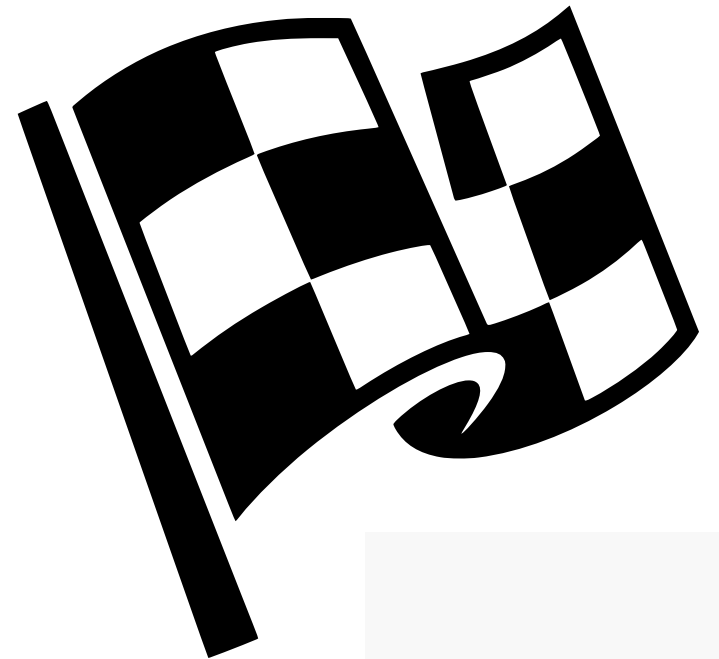
# Overwhelming Response

*“Returning to work after an injury benefits both employees and their employers,”*

***-Texas Department of Insurance (TDI)***



It's a Win-Win!



# Employees

- Heal faster
- Reduce finance losses
- Maintain their physical and emotional health





# Employers

- Benefit from productivity
- Claim cost savings
- Reduction in turnover/training costs



# Helpful Tips



# Prepare & Plan

- Policy
- Inform providers (medical/adjusters)
- Culture shift=create a RTW expectation
- Post-Injury job descriptions

*Project  
Planning  
Quality  
Management  
Development  
Analysis  
Controlling  
Plan  
System  
Resources  
Team  
Budget*



# Injury Toolkit Checklist

Serves as a checklist for supervisors to streamline the internal claim process

## Worker's Compensation Checklist

- All work-related injuries must be reported to Risk Management within 24 hours per policy. Fill out 1<sup>st</sup> Report of Injury form (DWC-1) completely. Item #51 must be signed by supervisor/manager/director, not the employee (DO NOT LEAVE BLANK). First page must be sent to Risk Management within 24 hours of incident. CURRENT & ACCURATE EMPLOYEE HOME ADDRESS, PHONE NUMBER, SOCIAL SECURITY MUST BE VERIFIED & LISTED.
- Does employee require Medical Attention?  
**YES:** Notify Risk Management immediately so that a doctor's appointment can be made. The DWC-1 form (1<sup>st</sup> page) must be completed and faxed/emailed within 24hrs; the rest of the paper work must be submitted within a 72hr period. (For more information on Doctor Choice and visits refer to Webb County Policies & Procedures 10.04 Medical Attention, pg. 32)  
**NO:** Fill out DWC-1 and submit a copy to Risk Management via interoffice mail, e-mail, or fax and note the form on top stating "no medical attention needed at this time" initial and date.
- Did Employee go to the hospital?  Yes  No Hospital Name: \_\_\_\_\_  
Is the employee a State Licensed Peace Officer?  Yes  No  
Is the employee a (Sheriff's Dept) Detention Licensed Correctional Officer in the State of TX?  Yes  No Is employee payed through Grant Funds?  Yes  No If Yes, Name of Grant: \_\_\_\_\_
- If employee has been out or will be out more than 3 days, FMLA forms needs to be submitted/filed with HR. FMLA runs concurrent with Worker's Comp. If employee has been out over 90 days, upon their return to work a Return to Duty Drug & Alcohol Exam must be completed. Therefore, Dept. AND employee must contact Human Resources. (Webb County Policies & Procedures 10.04 On-The-Job Injuries, pg. 31) to insure compliance on both items.
- If receiving worker's compensation benefits, employee must pay all Health/ancillary Benefits by calling Risk Management Benefit Division, to make payment arrangements and insure continual benefits.
- It is the employees' responsibility to conduct open communication ALL TIMES and be continuous between Department Risk Management, and adjuster regarding doctor's visits, forms (work status-DWC 73) and all other pertinent information regarding employee's work-related injury. Employee MUST COMPLY with all restrictions given by the treating physician (so long as only work related diagnosis is listed -DWC 73). He/she must advise department of date doctor has released them to return to work, immediately. (Safety Manual Policies & Procedures)
- All medical and physical therapy appointments pertaining to their on-the-job injury should be scheduled after or before work, if possible. Any time used for these appointments during regular work hours will be taken from sick, annual, comp. time (if no time available, no pay). All appointments must be kept or rescheduled accordingly. (policies & procedures)
- If an employee is released to return to work with restrictions the department MUST complete a Bona fide Offer of Employment /Transitional letter. A DWC -6 Supplement Injury Form must be completed anytime the employee is eligible to return to work full or modified duty. If employee is released to return to work with modifications, all MEANS WILL BE MADE BY to allow such accommodations. If the department CAN NOT accommodate the employee to return to work with modifications, the department must advise Risk Management in writing.
- TIBS Eligibility (Temporary Income Benefits)
  - First 7 days out of work is counted against Sick Leave, Annual Leave, Comp. Time, or No pay.
  - Worker's Comp benefits (TIBS) begins on 8<sup>th</sup> day out from work
  - Workers Comp benefits (TIBS) is 70% or 75% depending on current pay rate**Please Note: Peace officers and Sheriff's Jail Detention officers are salary continuance**
- Please provide employee with copies of Notice of Injured Employee Rights and Responsibilities in the TX Workers' Compensation System, copies of 1<sup>st</sup> Report of Injury & Aspen Comp /RX form. The Aspen Comp form is a Temporary Prescription ID form used for obtaining medications (all forms are accessible on the "T" drive & Risk Management Website). If there are any problems with obtaining medications, they must call the number listed on the form and advise TRISTAR and/or Risk Management Dept., immediately.

Employee Name (PRINT)

Name & Title of Dept. Representative

Employee Signature

Today's Date:



# Injury Toolkit Checklist

Serves as a checklist for supervisors to streamline the internal claim process

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- If an employee is released to return to work with restrictions the department **MUST** complete a Bona fide Offer of Employment /Transitional letter. A DWC -6 Supplement Injury Form must be completed anytime the employee is eligible to return to work full or modified duty. If employee is released to return to work with modifications, **all MEANS WILL BE MADE BY to allow such accommodations**. If the department **CAN NOT** accommodate the employee to return to work with modifications, the department must advise Risk Management in writing.

# Telemedicine

01

Under-  
utilized

02

Convenience

03

Efficiency

04

Accessibility

# Medical provider

- Non-compliant

## Sample Letter to the Treating Doctor

(Date)

(Doctor's name)  
(Doctor's address)

RE: Employee's Name

Dear Dr.

(Employee's name) is employed by (member name) as a (job title). (He or She) is under your care for an injury sustained on (date of injury).

(Member name) has a return-to-work (RTW) program designed to return injured employees to work safely and quickly. If (employee name) is unable to return to (his/her) original job, we will make every attempt to return (him/her) to a temporary modified duty assignment. We will also ensure that this position meets all medical restrictions you prescribe.

(Employee name) is aware of our desire to return (him/her) to the workplace. If necessary, we are willing to rearrange work schedules around diagnostic or treatment appointments.

Attached is (employee name's) current job description, including the position's physical demands. Please assist us by reviewing the job description and providing your recommendations for temporary modifications.

Please call me at (telephone number) if you have questions about our RTW program. Thank you in advance for helping (member name) return (employee's name) to a safe and productive workplace.

Sincerely,

(Employer representative)  
(Title)  
(Employer name)

Image source: <https://www.tasbrmf.org>



# Employee

Non-compliant





# Bridge the Communication



- Employer/Adjuster/Medical provider
- All play a role in a RTW program

# Monitor



**MODIFIED-DUTY  
EMPLOYEES**



**EMPLOYEES OUT  
OF WORK**

# Case Study I

An injured employee, working as a clerk, was involved in a vehicle collision. One of her restrictions was “no driving” due to an injury sustained in her leg. She was given a prescription for a motorized scooter.

Her employer offered her a BFOE (Bona Fide Offer of Employment). She stated that due to her restrictions, she could not drive to work. This was her 3<sup>rd</sup> injury claim. She lives approximately 7.3 miles from work.

**What would you do?**

# Case Study I

Explain to the employee that the job is ***sedentary***, and it aligns with her restrictions. She can stand or walk for 2 hours (in accordance with restrictions). Therefore, she qualifies for the RTW program being offered to her. Furthermore, her wages (regular employee) and leave will not be impacted. She will resume her full pre-injury pay, while her medical needs (pertaining to the injury), including the scooter will be covered.

# Case Study I

Transportation to work is a separate matter. The employer is not generally responsible for transportation. Will she need to make arrangements with public transport, ride share, or other means?

\*The job offer is geographically accessible. Her restrictions might impede this job offer.

**Is this a bona fide offer of employment?**

# Important Note

Sedentary work is generally defined as a type of work that primarily involves sitting but may also involve some amount of walking and standing for brief periods of time.

***Before assigning an injured employee to modified duties, verify the job description and functions with the medical provider and/or adjuster.***

# Case Study II

Law enforcement official had multiple restrictions, such as taking 15-minute breaks every hour, standing, stretching, and walking around. Employee stated to doctor that her restrictions were not being followed. Adjuster was advised by doctor's concern and contacted employer. Employer contacted department. However, department assumed she was taking her breaks as needed and stretching.

**What would you do?**

# Case Study II

Employer contacted injured employee and stated concern for her well being and a speedy recovery. Therefore, proposed a conference call with the adjuster, department manager, and injured employee. Together, implemented procedures. Employee was to take at least four (4) 15-minute breaks a day and while she was away from her desk, post a note stating “On break, be right back” every time she needed to step away.

It could be less; it could be more. All agreed. This was documented in email and sent to the medical provider/adjuster.



# What's Your Safety Culture?

- There, we got it!
- Almost there
- What's a safety culture?



# Know Your Team

| Name            | Phone               | E-mail   | Regions                           |
|-----------------|---------------------|--|-----------------------------------|
| Ryan Boyce      | 800.482.7276, x2899 | <a href="mailto:ryan.boyce@tasb.org">ryan.boyce@tasb.org</a>           | Regions 3, 4, 5, 6, and 7         |
| Nicole Callahan | 800.482.7276, x1136 | <a href="mailto:nicole.callahan@tasb.org">nicole.callahan@tasb.org</a> | Regions 7, 8, 10, 11, and 12      |
| Javier Cano     | 956-324-1887        | <a href="mailto:javier.cano@tasb.org">javier.cano@tasb.org</a>         | Regions 1, 2, 3, 15, and 20       |
| Jesse Gonzales  | 800.482.7276, x2841 | <a href="mailto:jesse.gonzales@tasb.org">jesse.gonzales@tasb.org</a>   | Regions 9, 14, 16, 17, and 18     |
| Charles Hueter  | 800.482.7276, x7184 | <a href="mailto:charles.hueter@tasb.org">charles.hueter@tasb.org</a>   | Regions 6, 12, 13, 15, 18, and 19 |



# Recap


- Utilize the DWC-74 form
- Draft job descriptions
- Create your plan of action, policies, and checklists
- Have your BFOE document and a job bank ready
- Incorporate telemedicine
- Communicate with **all** stakeholders

# Resources

## Return-to-Work

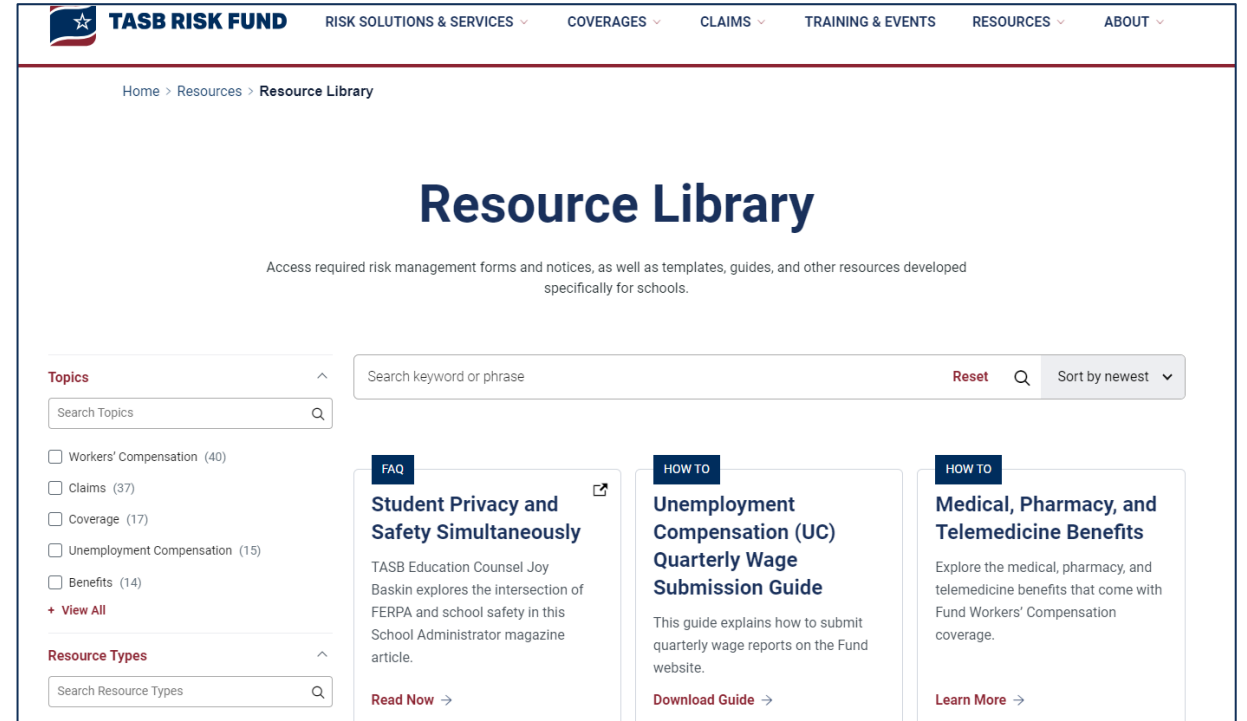
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### A Collaborative Approach to Controlling Claim Costs and Improving Productivity



[tasbrmf.org/resources/resource-library/return-to-work-guide](https://tasbrmf.org/resources/resource-library/return-to-work-guide)

[tasbrmf.org/resources/resource-library](https://tasbrmf.org/resources/resource-library)



The screenshot shows the TASB Risk Fund website's Resource Library page. At the top, there is a navigation bar with the TASB Risk Fund logo and menu items: RISK SOLUTIONS & SERVICES, COVERAGES, CLAIMS, TRAINING & EVENTS, RESOURCES, and ABOUT. Below the navigation bar, the breadcrumb trail reads "Home > Resources > Resource Library". The main heading is "Resource Library", followed by a sub-heading: "Access required risk management forms and notices, as well as templates, guides, and other resources developed specifically for schools." There is a search bar with the placeholder text "Search keyword or phrase" and a "Reset" button. To the left of the search bar is a "Topics" filter menu with a search box and a list of categories: Workers' Compensation (40), Claims (37), Coverage (17), Unemployment Compensation (15), and Benefits (14), with a "+ View All" link. Below the topics menu is a "Resource Types" filter menu with a search box. The main content area features three featured articles: "Student Privacy and Safety Simultaneously" (FAQ), "Unemployment Compensation (UC) Quarterly Wage Submission Guide" (HOW TO), and "Medical, Pharmacy, and Telemedicine Benefits" (HOW TO). Each article has a brief description and a "Read Now" or "Download Guide" link.

# Questions?



# Thank you!

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