Creating a successful return-to-work (RTW) program.

An employer's guide.

New York Life Group Benefit Solutions (NYL GBS) has developed this guide for employers who wish to create a RTW program and seek general guidance in the process. We strive to help employers successfully return employees with disabilities to productivity as soon as their capabilities allow. Toward that end, we have developed tools and resources for employers who need assistance creating their internal RTW program. We cannot develop the program or engage in drafting internal documents for the employer, but through the provision of this Employers' Guide and the consultation of our subject matter experts, we will assist your internal staff in developing the RTW program.

Contents

In order for New York Life Group Benefit Solutions to engage in an RTW consultative process, the employer must have an internal "Program Owner" to assume primary responsibility for the development of the RTW program and to engage in the work of developing the program and the supporting documentation. NYL GBS will provide sample documents that reflect known best practices and may be used as templates for the employer to create internal program documents and training materials. Employers looking for an external party to do the bulk of the work might benefit more from outsourcing RTW program development by engaging NYL GBS or a consultant to help develop policies and procedures and create infrastructure for the program. Please note that NYL GBS cannot provide legal advice and this guide and the sample policies and program documents are no substitute for the assistance of your own qualified legal counsel in establishing policy for your organization and complying with any applicable laws or regulations. Because of the variations and continuing evolution in state Family Medical Leave (FML) and Paid Family Leave (PFL) laws, this guide and the supporting sample documents do not address RTW program compliance with those laws and regulations. With respect to FML, PFL or other state and federal laws, please have your counsel review your program to ensure compliance.

Section A — Overview.

In today's environment, many employers are doing more with less, and struggling to stay competitive. These employers know that without a healthy and productive workforce, their corporate vision and goals are at significant risk. That's why keeping people at work in the first place – and bringing employees who have experienced a disability back to work as soon as they are able – is more important than ever.

One of the largest barriers to returning to work following a disability is that the longer people are away from work, the more their chances of returning to productive employment diminish.

For many individuals with a disability, work is therapeutic and promotes healing and recovery. Being productive improves the quality of life and provides a sense of normalcy for a person who has suffered a disabling illness or injury. But every individual is different, and his or her ability to participate in the RTW program depends on both functional ability and the restrictions and limitations outlined by the medical provider.

We believe an early RTW is valuable because:

› Work is therapeutic and speeds the healing and recovery process for many individuals.

› Any absence can result in reduced income for employees, but also bears a cost to the employer – when an employee is out on disability you may be paying for them anyway, and there is a cost associated with lost productivity.

› Keeping people at work improves a department's morale.

› Healing occurs over time, and there should be progressive, incremental improvement in the individual's condition and ability to perform his or her job duties.

› Modified work heightens expectations of hardiness and performance over time, commensurate with the employee's functional capacity.

In keeping with these beliefs, and relying on best practices, NYL GBS has developed a step-by-step approach to help you create your RTW program. This approach includes:

› Assistance from our in-house experts.

› This employer guide.

› Sample written materials and templates reflecting best practices.

› Online access to Absence Management Resource Center – A Toolkit for Managers.

Section B — Steps to creating the RTW program.

We recommend a systematic approach to creating a successful RTW program, which includes:

› Getting support from the top down

› Establishing program leadership

› Developing an infrastructure

› Identifying transitional work opportunities

› Implementing, communicating and training

Here are additional details about these program components.

1. Get support from the top down

A successful RTW program starts with securing organizational support from senior management for development of the program, then engaging the support of all the various organizational stakeholders. Senior management may initiate the request that the program be developed – even so, you may still need to develop a business case and a cost benefit analysis for the RTW program to present to management and reaffirm their commitment before implementation of the new program.

2. Establish program leadership

A successful RTW program starts with assignment of ownership and responsibility for the program to a RTW coordinator. Ideally, executing your return-to-work program should be the major focus of the RTW coordinator's job. The RTW coordinator should be granted the appropriate authority to develop a "RTW team," build an infrastructure, establish protocol, and make decisions about the program. The RTW coordinator should guide the infrastructure development, define roles and responsibilities of constituents, and establish policy and procedures, eligibility requirements, program documentation, communication and training, and ongoing program stewardship.

The RTW coordinator helps to ensure consistency and support to company operations as individual RTW plans are developed by:

› Partnering with key internal experts.

› Relying on standard vocational best practices.

› Leveraging a common technical platform.

3. Develop an infrastructure

A formal return-to-work process helps ensure that all employees are treated consistently and fairly, with respect and demonstrated concern for their well-being throughout the return-to-work process.

Creating an infrastructure means the program must be formalized with:

› Written and approved policies and procedures.

› Clearly documented job descriptions.

› Identified and documented transitional or modified work.

› Training and organization-wide communication of the program.

› The ability to track, quantify, and report on results.

Historically, occupational and nonoccupational disabilities have been treated as separate entities. Many employers are finding they benefit from using a common platform for RTW, whether an employee is disabled on or off the job.

Whether policies, tools, and forms are developed in-house or adopted from industry best practices, having consistent methods of documentation in each phase of the program will be important in establishing the formality and significance of the RTW program. Also, leveraging the learning from your workers' compensation program can save time and effort in creating your RTW program.

A RTW policy begins with a statement of the company's return-to-work philosophy. The philosophy statement explains the company's position on return-to-work and sets the tone for the rest of the policy and processes you will establish. Each company site, division, or department may be unique and transitional or modified work assignments will vary. The RTW philosophy and processes, however, must remain consistent to promote success. The policy should be thorough and explicit to reduce the possibility of misunderstandings.

The RTW policy should address:

› Collective bargaining agreements.
› Infractions or performance problems during transitional assignments.
› Attendance problems.
› Consequences of failure to accept assignments.
› Interface of the RTW program with other company policies – workers' compensation, family medical leave, other paid leave.
› The need for permanent accommodation if the employee is unable to return to regular work.

Forms, documentation, and reports are key tools in a formal RTW program and are invaluable support for actions on the part of decision makers. Samples of these tools should accompany the written policy and procedure with instructions for completion and record storage.

These tools may include:

› Job descriptions
› Job analyses
› Assessment tools
› Workflows
› Surveys
› Questionnaires
› Correspondence
› Educational/presentation materials
› RTW program reporting
  – RTW program metrics
  – Claims experience benchmarking data

4. Identify transitional work opportunities

RTW programs provide employees who have temporary work restrictions the opportunity to continue working in a modified version of their usual job ("modified work") or in temporary transitional work assignments ("transitional work") until they are able to return to a regular position. By definition, all transitional and modified work is time-limited.

Transitional work is intended to ensure rapid return to the employee's regular work, but only when such work is medically appropriate. Each employee's transitional work plan should be consistent with his or her medical treatment plan, such as accommodating the individual's rehabilitation or therapy schedule, if any.

Maintaining as much continuity as possible in work location and schedule for the returning employee eases the transition process. If at all possible, have the employee work in their work unit or department. Have the employee do as much of his or her regular job functions as possible. Engage the use of work aids or modify the employee's work station before considering work in a different department.

Think creatively about alternatives for temporary or modified duty. Consider the following:

› Assign the employee to his or her regular job for an hour a day, with other duties the rest of the time.

› For part-time work, you can have the employee work Monday, Wednesday and Friday with days to rest between.

› Assign the injured or ill individual to assist the person who is covering for him or her.

› Figure out what isn't getting done within the organization or facility and determine how the employee can assist with these tasks.

› Assign the employee to projects that will increase his or her knowledge or skills.

› Try something new despite the fact, or just because, it has not been tried before.

5. Implement, communicate, and training

The initial rollout of the RTW program must be accompanied, at minimum, by manager training and formal organization-wide communication. The announcement of the program should be both in writing and verbally, ideally delivered first by senior management.

The RTW coordinator should consider conducting "Train the Trainer" sessions for managers, especially if setting up training sessions in small groups is not possible. Then, managers can communicate the program to the workforce using the same training materials available from these sessions.

	Modified work options	Transitional work options
Definition	Modifications to physical or cognitive demands of the employee's regular job	Work assignments that are not otherwise part of anyone's regular job, such as tasks that may be needed and are unassigned or were filled by a position that has been eliminated
Examples	› Performing all tasks involved in the employee's regular job on a reduced time schedule › Performing some tasks involved in their regular job on a regular time schedule › Performing some tasks involved in their regular job on a reduced time schedule	› Performing some tasks in the employee's regular job and some different tasks on a regular or reduced time schedule › Performing different tasks that are temporarily assigned at the regular worksite › Performing different tasks that are temporarily assigned at another company site › Performing different tasks that are temporarily assigned at a non-company site

Section C — Components of an RTW program.

A well designed RTW program should consist of several features, which include:

1. Define RTW program eligibility

Employee eligibility for the RTW program should be agreed upon and defined in writing as part of the RTW policy. For example, "Employees who experience temporary work limitations that prohibit them from performing their regular job are eligible for the RTW program."

Employees must be released by their medical provider to participate in transitional work, and they should have the potential to return to their regular job within a period of time defined by the employer. It is a prudent practice to limit eligibility to employees who are in good standing with the company (e.g., by performance and/or good attendance record).

Employees in the RTW program should only perform tasks based on their medical provider's opinion of their functional capacity for work. Employees should not be considered for the RTW program if they cannot return to regular work as defined by the company's transition period and based on their medical provider's projected time frames.

2. Establish the RTW program duration

Each transitional work assignment is temporary by its design and characterized by progressive incremental improvements in the employee's functional capacity. Failure to establish a maximum time limit for the transitional work plan can turn a temporary position into a permanent one. Any plan that continues beyond 30 calendar days should be reviewed to ensure it remains suitable.

A best practice for the duration of a transitional work plan is 90 days, but the RTW policy defines how long employees can participate in the program. At the end of the period they must be able to return to their pre-disability position, find an alternate permanent position, or be considered for reinstatement of disability. If program extensions are deemed necessary, the RTW policy should define who may approve the extension.

Each case is reviewed to determine if the modified or transitional work is helping the employee's recovery. The employee, the manager, and the RTW coordinator together should review the transitional work plan and the employee's functional capacity at least every two weeks and no less than every 30 days, or whenever there is a change in the employee's medical condition or functional capacity. The employer reserves the right to end the employee's participation if the assignment is no longer helping recovery. In that case, RTW assignments end and the employee may be eligible for continued disability benefits.

3. Communicate with the employee

Employer contact should begin early and continue often throughout the duration of the employee's disability absence. Employees are most likely to return to work if they feel that their communication needs are met and if they are satisfied with how they are treated by their employer.
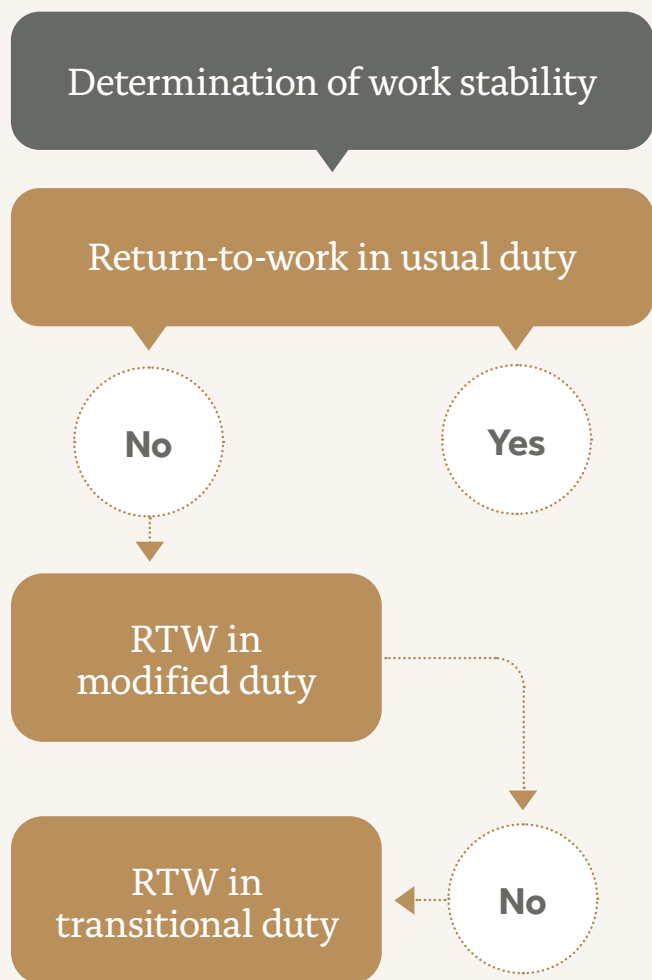
4. Maintain confidentiality

Any information about an employee in the RTW program or his or her medical condition should be discussed on a need-to-know basis only. Usually the RTW team needs to know only the employee's capabilities, and the RTW coordinator must maintain confidentiality of medical information at all times.

Return-to-work best practice decision tree

The return-to-work decision tree depicted on the right represents a best practice because it is logical and sequential. Employees are most successful when they return to the work that is as close as possible to their pre-disability function. When they are provided the opportunity to come back to work through this logical series of decisions, and they are included in the decision making, employees are more likely to be motivated and cooperative with the mission.

Determination of work stability

Return-to-work in usual duty

No

Yes

RTW in modified duty

RTW in transitional duty

No

Section D — The RTW team.

Developing and maintaining an effective RTW program is a team effort. The collaborative process benefits all, ensures everyone is "on the same page", and engages the right people as stakeholders in the success of the program.

Rather than having a single person responsible for all aspects of each employee's return-to-work plan, a collection of individuals need to work as a team to ensure success and to pool knowledge from various sources.

The RTW team consists of key participants throughout the organization, and each participant has a role on the team and a set of responsibilities for which they are accountable. These roles and responsibilities are defined in the policy and clearly understood by the RTW team members.

The RTW coordinator will lead the team that may consist of:

› Employee
› Manager
› RTW coordinator
› Human resources
› Benefits staff
› Recruiting staff
› Employee Health or Occupational Health staff
› Medical provider
› Disability administrator (external or in-house benefits manager)

Here are examples of roles and responsibilities of team members:

1. Employee

› Reports illness or injury promptly using standard disability reporting process.
› Follows the medical provider's treatment plan.
› Works within his or her functional capacity defined by the medical provider.
› Cooperates with his or her manager, disability administrator, RTW coordinator, and others during recovery and return-to-work.
› Learns to recognize symptoms, their cause and effect, and assumes responsibility for symptom management strategies (e.g., body mechanics, energy conservation, pacing self).
› Notifies the manager if he or she experiences difficulty with the transitional work assignment.

2. Manager

› Assists the RTW coordinator in identifying temporary work opportunities for an eligible employee.
› Monitors and documents the employee's progress during the transitional assignment(s).
› Works with the RTW team throughout the return-to-work process.

3. RTW coordinator

› Serves as the facilitator of the RTW team – manages the internal program, develops the transitional work plan, identifies and works through obstacles, serves as a liaison with internal and external partners, and communicates the plan and relevant updates to all parties.
› Provides RTW program orientation to employees and manages RTW for employees who enter the program, including monitoring progress and adjusting the plan as needed.
› Works closely with HR and the manager on RTW opportunities, any disciplinary actions, and terminations (if required).

› Orients the medical provider regarding the RTW program.

› Serves as the main contact for the disability administrator and engages claims and clinical assistance with difficult cases.

› Leads case staffing sessions as appropriate to promote consistent best practices among the team, and tracks results as required.

4. Human resources

› Works closely with the RTW coordinator and local management to assist in returning the employee to work.

› Participates in any discussions with the employee on the RTW program and exhaustion of benefits, and provides written notification to the employee as appropriate.

› Helps manage the process in the event that any conflict arises with the injured employee in the RTW process.

› In the event that a case is closed and employee's claim resolves via settlement, HR should be notified prior to case closure to ensure that HR issues, including any relevant releases, are obtained at the time of termination.

5. Medical provider

› Provides disability administrator with information about an individual's capabilities in light of his or her medical condition.

› Understands the employee's work environment and job tasks.

› Assists in determining if the physical/cognitive demands of modified jobs are appropriate for the recovering individual and is routinely engaged in dialogue with the employee about RTW.

› Documents the employee's functional capabilities in a timely manner.

6. Disability administrator

› Ensures claims are investigated and evaluated promptly, thoroughly, and realistically.

› Acts as the employee's primary point of contact during the disability absence.

› Secures medical information from the medical provider.

› Supplies the provider with a job description and essential duties for the employee's regular work, as well as for any alternative/transitional work that could be available.

› Reviews medical provider's defined physical capacity for work with the RTW coordinator and helps identify appropriate work.

› Requires that the medical provider identify what the employee "can do" rather than focusing on restrictions or limitations.

› Reviews employee's physical capacity for work, as defined by the medical provider, with the employer and helps to identify appropriate work.

› Maintains three-way communication with employee, employer, and medical provider.

› Alerts the RTW coordinator when the employee in medical management achieves some functional ability to return to work.

› Engages clinical and vocational assistance with RTW as needed.

Section E — Transitional work assignments.

In order to provide a consistent return-to-work opportunity to all employees, the company needs to document customized transitional work assignments.

Transitional work is temporary by design and transitional work assignments are incrementally challenging commensurate with the functional capacity and hardiness of the individual.

Transitional work assignments should be productive, meaningful work, and tasks must never be demeaning or appear worthless in any way.

A best practice is to have transitional work information in a database, readily available when absences occur and accessible to the RTW coordinator and appropriate members of the RTW team.

The RTW coordinator should be responsible to load the database with key detailed job task analyses for the work assignments within the key locations or departments they serve. In collaboration with managers and HR, the RTW coordinator develops and maintains the database of key transitional task assignments that can be performed given a variety of disabling conditions.

Each of these job task analyses should be loaded by essential duty, with the functional demands required to perform the essential duty included. This step is important because it provides early and expedient access to detailed job information at the onset of disability.

Depending on the employee's functional capabilities, the steps listed below, in order of priority, are applied to help determine the transitional work plan.

1. Keep employee in his or her usual position on a reduced task and/or time schedule.

2. Assign tasks that most closely resemble the employee's normal job duties.

3. Assign tasks that will return productivity to the area or operation that has lost productivity due to the employee's injury or illness.

4. Assign other tasks that will result in productivity for company operations.

In other words:

› If the employee's capabilities allow, **follow step 1.**

› If step 1 cannot be applied due to employee capabilities, **then apply step 2.**

› If step 2 cannot be followed due to functional restrictions and/or employee capabilities, **then apply step 3, and so forth.**

Section F — RTW program effect on compensation.

A best practice and what is most commonly done by employers during the RTW program is that the employee receives full wages based on his or her regular schedule while performing modified or transitional work. This may be a combination of disability income and regular wages, depending on your disability benefit plan.

Depending on your benefit policies, a best practice is that once in the program, if an employee remains in an alternative work assignment for more than 90 to 120 days, his or her hourly rate and benefits may be adjusted for the position/work assignment as determined by HR. Overtime, vacation time, and any incentive pay or bonuses generally need to be considered separately.

The program should define division or departmental responsibility for payment of the employee's salary during the transitional work period, and how wages offset disability income.

Managers should not be penalized for not meeting quotas, payroll, or headcount while accommodating return-to-work.

The company may want to consider establishing a transitional work budget/cost center from which to pay wages to participants in the program greater than 90 to 120 days. The company also needs to address continuation of group health/life/disability benefits premiums for program participants reduced from full-time to part-time hours.

The policy should address other benefits or paid time off that is affected by the RTW program. Examples would include (among other company-specific and federal and/or state-mandated benefits):

› Family Medical Leave.

› Other time off programs (e.g., paid family leave, paid time off, vacation, personal leave, disability leave).

› Continuation of medical benefits.

Because of the variations and continuing evolution in state Family Medical Leave (FML) and Paid Family Leave (PFL) laws, have your legal counsel review the program to ensure compliance with applicable federal and state laws in your region.

Appendix — "Transitional work" versus "Light duty."

"Light duty," as we have known it in the past, has for many employers tended to become a permanent accommodation for may employers. Transitional work is temporary, productive and has built-in functional upgrades. The table below will help you understand how the light duty used in the past differs from the current transitional work approach.

	Light duty approach	RTW/transitional work approach
Length of assignment	Indefinite or unknown	Specific, with start and end date set at time of assignment
Duties	Based on the employee's limitations	Tailored to meet each employee's physical abilities and intended to maximize recovery, resulting in increased productivity
Nature of duties	Constant, unchanging – creates perception duties are permanent	Flexible, may change daily or weekly depending on the employee's medical progress and the company's need
Who designs work	Varies – and this drives inconsistency	RTW team led by RTW coordinator with input from the employee and his/her manager
Capacity of program	Limited by number of predetermined "light duty" jobs created	Expanded opportunities for incremental returns to the workplace based on employee capabilities and company needs
Goals of program	Nonspecific to the employee	Transitional work plan developed for the employee with clearly defined responsibilities and expectations
Results	Often ineffective – and can negatively impact operational efficiency	Increases productivity and potential for employee recovery

All models are used for illustrative purposes only.

New York Life Group Benefit Solutions products and services are provided by Life Insurance Company of North America and New York Life Group Insurance Company of NY, subsidiaries of New York Life Insurance Company. Life Insurance Company of North America is not authorized in NY and does not conduct business in NY.

New York Life Insurance Company

51 Madison Avenue
New York, NY 10010