**I-CORE SYSTEMS, INC.**

41 Apache Drive, Manalapan, NJ 07726

Phone: (732) 446-5958

Fax: (732) 446-2926

Email: coresafe@optonline.net

**ESTABLISHING A**

**RETURN-TO-WORK PROGRAM**

Developing a formal return-to-work program will benefit an organization by reducing worker’s compensation costs. More importantly, it will improve employee morale by allowing an injured worker to become a productive member of the workforce earlier than might have been possible without the availability of such a program. The following steps can be taken to assist in the development and implementation of such a program:

1. ***Commitment -*** Ensure that management is committed to implement the changes required for the success of this program. This requires communicating the goals of the return-to-work program with management and employees, assigning a return-to-work coordinator whose responsibilities are documented, and developing procedures on how to handle work related injuries.
2. ***Education -*** Educate management and employees regarding the return-to-work program. In some cases it may take a great deal of effort to dispel myths regarding assignment of “light duty” jobs. These assignments should be referred to as “modified duty” or “alternative job” assignments. Explain to management and employees the importance of the success of the program, which will help to improve employee morale and productivity, both for the injured employee and co-workers. It will also benefit the organization by reducing worker’s compensation and other insurance related costs.
3. ***Agreement -*** Negotiate a return-to-work agreement with the union. The following is a sample agreement:

The organization and the union agree that it is in their best interests to endeavor to provide temporary modified duty assignments for employees who are unable to perform their regular job for medical reasons. If a suitable current job becomes vacant in the normal way or if a suitable new job occurs this may be classified as a modified duty job.

1. ***Regulatory Compliance -*** Management must clearly define the organization’s policies regarding compliance with applicable federal and state laws (i.e. Americans With Disabilities Act, Family Medical Leave Act, etc.), and how these impact the worker’s compensation coverage for an injured employee, and ensure that this is clearly conveyed to employees.
2. ***Policy -*** Wording should also be provided in the personnel policy manual indicating that in order to qualify for worker’s compensation benefits, the injured employee must report the incident immediately, and no later than (24 hours) after occurrence, and that a formal accident investigation report will be completed. The employee must seek medical attention from the organization’s designated physician(s). The employee must report to his/her supervisor on a regular basis regarding medical status until released from treatment. The organization shall retain the right to assign alternative duties to employees who have been determined medically fit for alternative work assignments.
3. ***Claim Handling -*** Stress early management of injuries, by requiring immediate reporting of any incident, regardless of severity. Employees should complete an Injury Report form detailing the incident and sign this. Ensure proper first-aid response and initial medical treatment. Obtain proper diagnosis/prognosis. Conduct thorough investigation and follow up. Ensure communication with injured employee, family, claims representatives, medical providers, supervisors, and management.
4. ***Accident Investigation -*** Supervisor must conduct a thorough accident investigation to determine the “root cause” of the incident and take appropriate corrective action to reduce the potential for recurrence (attachment).
5. ***Job Descriptions -*** Ensure that the treating physician is familiar with the nature of the workplace and jobs performed there. Communicate the circumstances surrounding the employee’s injury, the employee’s work and prior injury history, and the employee’s specific job requirements with the physician. Written job descriptions should be developed, and should include the “essential functions of the job”. Modified duty job descriptions should also be developed and provided to the physician for review and approval.
6. ***Medical Qualification -*** Conduct a post-offer medical exam to ensure that the applicant can perform the physical duties and essential functions of the proposed job.
7. ***Modified Work Duties -*** Create alternative or “modified” duties. The employee’s existing position may need to be modified to meet the employee’s capabilities based on the medical evaluation form (attachment). This may require restricting physical or cognitive activity, modifying work hours, or developing alternative solutions to get the individual back to work. The modified duty assignment will be limited in both scope and duration with a definitive starting and ending point based on the medical diagnosis and prognosis. Specific modified duty jobs may also be developed and used as needed to accommodate an employee’s injury.
8. ***Return-to-Work -*** Assign appropriate modified job. An alternative job can be developed based on the employee’s limitations as reported by the physician. In all cases, the injured employee’s abilities should be considered, not their disabilities. Review the job and safety requirements with the employee. Reinforce the goals of the return-to-work program and maintain a positive and supportive attitude.
9. ***Return-to-Work Physical Exam -*** Utilize fitness for duty examinations, to determine through medical analysis whether a worker can safely continue to perform the job. With knowledge of the job description, the medical examiner should complete a functional capacity exam to determine the employee’s abilities and tolerances. A detailed medical report addressing the employee’s abilities and restrictions should be provided along with an evaluation of the future risk of harm to the worker or others if he performs the job.
10. ***Communication -*** Ensure that any information discovered regarding part-time work and non-work activity is communicated to management. This will help physicians and claims representatives in evaluating the injured employee’s abilities.
11. ***Attitude -*** The injured employee’s supervisor must remain positive, refrain from criticizing the injured employee or the employee’s limitations. The supervisor must assist in the return-to-work program by ensuring the employee is seen as a needed part of the team, monitor the employee’s condition and performance, reinforce the benefit of having the employee back at work and provide for the medically approved duties of the modified assignments. As with any job, safety rules should be reinforced.
12. ***Legal*** - Make sure you check with your attorney to evaluate compliance with applicable laws prior to implementing this policy.

**Any such changes should be reviewed by your municipal attorney.**

**Sample Personnel Manual Revision**

1. In order to qualify for workers’ compensation benefits, an injured employee must complete an official xxxxxx Township Accident Report and seek medical attention form the Township’s designated medical panel provider(s). The employee must report to Administration on a regular basis regarding medical status until released from treatment by the attending physician.

XXXXXX Township shall regain the right to assign alternative duties to employees who have been determined medically fit for alternative work assignments.

**Any such changes should be reviewed by your municipal attorney.**

**Sample Personnel Manual Revision**

Employees injured on the job and entitled to receive Workers’ Compensation Insurance shall continue to receive their regular xxxxx salary, so long as the employee returns to work to his/her normally assigned duties or alternate duties which the employee is capable of performing. If the employee is medically determined to be unable to return to work, he/she will receive Workers’ Compensation checks from the xxxxx Workers’ Compensation Insurance carrier. The xxxx agrees to pay the employee his/her full salary to a maximum of 6 (six) months, providing the employee expeditiously surrenders to the xxxxx Workers’ Compensation Insurance carrier. After which time the employee shall discontinue receiving wages paid from the xxxxx and retain any insurance benefits due him/her.

Should the employee fail to expeditiously surrender all payments received from the xxxxx Workers’ Compensation Insurance carrier, the xxxxx will immediately terminate payment of the employee’s salary during the remainder of his/her absence, and shall deduct the amount of said monies overpaid from future paychecks of the employee.

In those instances where the employee is receiving his/her salary from the xxxxx, his/her Benefit Leave shall not be charged with any absence because the absence is work related. He/she shall be considered an active employee and continue to receive all xxxxx benefits. If the employee is not paid his/her salary, he/she will be considered an inactive employee and no Benefit Leave will accrue.

In order to qualify for Workers’ Compensation benefits, the injured employee must complete an official xxxxx Accident Report and seek medical attention from the xxxxx designated physician(s). The employee must report to his/her Supervisor on a regular basis regarding medical status until released from treatment by the attending physician.

The xxxxx shall retain the right to assign alternative duties to employees who have been determined medically fit for alternative work assignment.

**Any such changes should be reviewed by your municipal attorney.**

**Sample Wording in Ordinance to Amend Township Code:**

Volume I, Chapter IX, Section 9-8.8 - Modified Duty, Medical Treatment and/or Physical Therapy, Requirement to Return to Full Duty; Procedures is hereby amended in its entirety to read as follows:

9-8.8 Modified Duty, Medical Treatment and/or Physical Therapy, Requirements to Return to Full Duty after Injury or Illness; Procedures

When employees who are injured on the job, who are not capable of returning to work full duty but are physically capable to perform modified duty, will be required to report to work for modified duty as assigned by the Business Administrator or Department Head until they are reasonably able to transition to their previous position or transfer to a permanent position within the Township that does not exceed their capabilities. In the event such modified duty includes classroom training, such training shall occur at sites designated by the Township and comprehensive training examinations will be conducted daily. Any employee required therapy during the work day would be released to attend such therapy. Once an employee is returned to work full duty, any employee who requires further therapy will not be released to attend such therapy during the regular work day. Such therapy must be scheduled on the employee’s personal time.

Any employee who has a stable non-work or work related injury or illness will be required to return to work full duty within 30 days past injury or be subject to termination unless significant progress has been documented by the attending physician, by the transitional work program, or by the physician or therapist performing WorkSTEPS Fit for Duty Employment Testing no more than every 30 days as status changes after the injury or illness. Employees who continue to show significant progress up to 30 days, but still cannot perform “full duty”, may have up to three 30 day extensions to this policy as determined by the attending physician, by the transitional work program, or by the physician or therapist performing WorkSTEPS Fit for Duty Employment Testing. Furthermore, employees who have reached maximum medical improvement (MMI) as determined by their physician and have not demonstrated adequate capability to perform the essential functions of the job held prior to the injury or illness with or without reasonable accommodation will be terminated unless there are vacant permanent positions the employee is qualified for outside of modified duty that do not exceed their physical capabilities. Federal District Court has held that a “return to work program does not violate the Americans With Disabilities Act (ADA) when it permits the employer to place on medical layoff injured employees who reach MMI!” It is the Township’s policy that modified duty positions be available for recently injured employees needing transitional return to work.

**JOB DESCRIPTIONS**

Job descriptions can be a useful management tool. They are developed by conducting a job analysis which entails interviewing employees, observing the performance of tasks, questionnaires, and any secondary sources of information.

**Advantages of job descriptions include:**

* hiring the right employees
* orientating new employees
* clarifying work functions
* motivating employees
* determining pay rates
* evaluating performance
* making fair employment decisions

Although not mandated, they can be used as a defensive employment practice. By listing requirements and responsibilities, wrongful termination suits can be decreased.

**Components of a job description include:**

* an organizational chart of where the job falls within the organization
* a summary of the job’s general purpose
* a list of tasks and responsibilities
* authority roles within the job
* minimum education and experience requirements

Job description sentences should be brief and concise. The items that should be included are:

* the date the job description was written
* job status
* job title
* job summary
* detailed duties and responsibilities
* skills required
* importance of duties and tasks
* when and how often tasks should be performed
* job environment

Avoid discriminatory wording of job descriptions and unnecessary conditions that make it difficult for a particular party to apply. They should not include preferred gender or marital status, unless it is a required occupational qualification.

**Potential Disadvantages of Formalizing Job Descriptions**

* In a fast changing environment, by the time they are written, they are out of date. They might only be updated every several years.
* They are almost always “past focused” (what have you BEEN doing?) rather than future focused (what do we NEED to be doing?)
* They should be replaced by weekly/monthly measurable performance goals drawn up between the employee and the manager.
* They can force individuals into “my job/your job” conflicts and inhibit “Thinking outside the box” creativity, which can actually decrease productivity.
* They are expensive to do, if you include management review time.
* They are often done by Human Resources/Administrative staff people who know little about the technical aspects of the job.
* They usually end up in a drawer gathering dust. Many employees never see their own job description.
* They are usually “vague” (most job duties don’t have weights or output measures). They include meaningless or vague statements such as “Other duties as assigned”, “Work with”, “contribute to”.
* Many are created using a single source of information or a job analysis questionnaire.
* They often do not include a distinction between “essential and non-essential” functions. (ADA)
* They are often done on “paper” and thus are not easily available to others in the organization.
* They are not legally required, and their mere existence and/or their inaccuracy have served as great evidence in wrongful termination suits against the firm.
* They are often not related to the employee’s performance appraisal and are less important in determining the compensation.
* There is no evidence that they work, and are often disliked.
* They are not required by law and don’t measurably impact performance.
* “Role ambiguity” due to perceptions of the ACTUAL duties versus Job Description

If done properly, job descriptions can be an asset to an organization, and advantages will typically outweigh potential disadvantages. Due to the legal nature of the job description, it must be reviewed and approved by counsel prior to implementation.

The attached sample job description formats will help to guide your efforts in developing job descriptions for your organization.

**Job Description Form**

**Position Description**

Date: 3/1/99

Job Title: Sanitation Worker Employment Status:

Regular [ ]

Department: DPW Temporary [ ]

Full-time [ X ]

Supervisor’s Name/Title: Part-time [ ]

Intern [ ]

Reg. hours worked:

/week

Exempt [ ] Non-exempt [ ]

A position description is written to describe work currently organized and performed by a fully qualified employee (who possesses knowledge, skills, and experience required by the position). One should be on file for each regular full- and part-time position. Attach a copy of the last position description prepared for this position.

When was the last time this position description was updated? Date: 3/1/99

What is the overall purpose and objective of this position (why does the position exist)?

List in order of importance the major responsibilities of the job and estimate the percentage of time spent on each responsibility (the main function of the job may or may not be the one where the most time is spent).

1. Collects household solid waste and recyclables %
2. Operates sites for the disposal of solid waste %

3. controls the discharge of wastewater and industrial wastes %

4. maintains, operates, and repairs all sanitary sewers, wastewater and %

storm water pumping plants, and sewer ventilating plants

5. operates and maintains wastewater treatment plants %

6. %

1. Able to react to change productively and handle other essential tasks as assigned.

Total: 100%

Is this position closely, moderately, or minimally supervised?

Please explain:

Does this position have supervisory responsibility (i.e., responsible for hiring, firing, performance appraisals, etc.)? Yes No If yes, list the number and title for positions that directly or indirectly report to this position (i.e., three secretaries, four laborers, etc.):

Does this position have access to confidential information? Yes No If yes, please explain:

Does this position have access to or handle company funds? Yes No If yes, please explain:

Is it important to this position that the incumbent be able to communicate fluently in English?

Yes No If yes, please explain:

What kind of work experience (including length of time), training, and/or level of education is necessary for this position?

List any required technical skills (typing, computer skills, etc.):

What other special training and/or abilities are necessary to qualify for this position?

Check any of the following factors that are important to successful performance in this position:

Problem Solving [ ] Bilingual [ ]

Analytical Ability [ ] Interpersonal Skills [ ]

Communication Skills [ ] Dexterity [ ]

Describe the requirements of this position that make these factors important:

**Working Conditions**

Are there particular working conditions associates with this position that should be noted (i.e., working environment, hours of work, work space, etc.)? Yes No If yes, please explain:

**Analysis of Physical Demands of Position**

Check physical demands that apply. Describe job responsibilities that require physical demands checked.

1. Strength

a. Standing [ ] % of

time

Walking [ ] % of

time

Sitting [ ] % of

time

1. Lifting [ ] lbs.

Carrying [ ] lbs.

Pushing [ ] lbs.

Pulling [ ] lbs.

1. Climbing [ ]

Balancing [ ]

1. Stooping [ ]

Kneeling [ ]

Crouching [ ]

Crawling [ ]

4. Reaching [ ]

Handling [ ]

5. Speaking [ ]

Hearing [ ]

6. Seeing [ ]

Depth [ ]

Perception [ ]

Color Vision [ ]

**Job Description Form**

**Position Description**

Date: 3/1/99

Job Title: Laborer Employment Status:

Regular [ ]

Department: DPW Temporary [ ]

Full-time [ X ]

Supervisor’s Name/Title: Part-time [ ]

Intern [ ]

Reg. hours worked:

/week

Exempt [ ] Non-exempt [ ]

A position description is written to describe work currently organized and performed by a fully qualified employee (who possesses knowledge, skills, and experience required by the position). One should be on file for each regular full- and part-time position. Attach a copy of the last position description prepared for this position.

When was the last time this position description was updated? Date: 3/1/99

What is the overall purpose and objective of this position (why does the position exist)?

List in order of importance the major responsibilities of the job and estimate the percentage of time spent on each responsibility (the main function of the job may or may not be the one where the most time is spent).

1. Maintains, repairs, and cleans improved roadways, sidewalks and %

related structures

1. Cleans unimproved lots and removes brush from public %

properties

3. resurfaces and reconstructs streets %

4. Enforces street tree ordinances and sprays and trims trees; leaf %

removal

5. Enforces street use ordinances %

6. ice and snow removal on roads and at municipal facilities %

1. Able to react to change productively and handle other essential tasks as assigned.

Total: 100%

Is this position closely, moderately, or minimally supervised?

Please explain:

Does this position have supervisory responsibility (i.e., responsible for hiring, firing, performance appraisals, etc.)? Yes No If yes, list the number and title for positions that directly or indirectly report to this position (i.e., three secretaries, four laborers, etc.):

Does this position have access to confidential information? Yes No If yes, please explain:

Does this position have access to or handle company funds? Yes No If yes, please explain:

Is it important to this position that the incumbent be able to communicate fluently in English?

Yes No If yes, please explain:

What kind of work experience (including length of time), training, and/or level of education is necessary for this position?

List any required technical skills (typing, computer skills, etc.):

What other special training and/or abilities are necessary to qualify for this position?

Check any of the following factors that are important to successful performance in this position:

Problem Solving [ ] Bilingual [ ]

Analytical Ability [ ] Interpersonal Skills [ ]

Communication Skills [ ] Dexterity [ ]

Describe the requirements of this position that make these factors important:

**Working Conditions**

Are there particular working conditions associates with this position that should be noted (i.e., working environment, hours of work, work space, etc.)? Yes No If yes, please explain:

**Analysis of Physical Demands of Position**

Check physical demands that apply. Describe job responsibilities that require physical demands checked.

1. Strength

a. Standing [ ] % of

time

Walking [ ] % of

time

Sitting [ ] % of

time

1. Lifting [ ] lbs.

Carrying [ ] lbs.

Pushing [ ] lbs.

Pulling [ ] lbs.

1. Climbing [ ]

Balancing [ ]

1. Stooping [ ]

Kneeling [ ]

Crouching [ ]

Crawling [ ]

4. Reaching [ ]

Handling [ ]

5. Speaking [ ]

Hearing [ ]

6. Seeing [ ]

Depth [ ]

Perception [ ]

Color Vision [ ]

**JOB DESCRIPTION**

JOB TITLE sanitation WORK TEAM LEADER? DIVISION/ DPW

worker yes no DEPARTMENT

LOCATION part-time: hours DATE WRITTEN

full-time

REPORTS TO

Name Title

SALARY GRADE SALARY RANGE SHIFT

PURPOSE (Include primary accomplishments, products, and services who benefits from them and how.)

Collects household solid waste and recyclables; operates sites for the disposal of solid waste; controls the discharge of wastewater and industrial wastes; maintains, operates, and repairs all sanitary sewers, wastewater and storm water pumping plants, sewer ventilating plants, and operates and maintains wastewater treatment plants.

ESSENTIAL DUTIES (What do you have to be able to do to achieve the desired results of your job? Include management and leadership responsibilities for work team leaders.)

GENERAL DESCRIPTION (How would you describe this job to someone who has never done it?)

MINIMUM REQUIREMENTS (What is required to perform the Essential Duties?)

I have reviewed and determined that this job description accurately reflects the position.

Work team leader signature Date Employee Signature Date

FOR STAFFING USE ONLY

Posting # Posting Date

EEO Job Group

**JOB DESCRIPTION**

JOB TITLE laborer WORK TEAM LEADER? DIVISION/ DPW

yes no DEPARTMENT

LOCATION part-time: hours DATE WRITTEN

full-time

REPORTS TO

Name Title

SALARY GRADE SALARY RANGE SHIFT

PURPOSE (Include primary accomplishments, products, and services who benefits from them and how.)

Maintains, repairs, and cleans improved roadways, sidewalks, and related structures; cleans unimproved lots and removes brush from public properties; resurfaces and reconstructs streets; enforces street tree ordinances and sprays and trims

trees; leaf removal; ice and snow removal on roads and at municipal facilities; and enforces street use ordinances.

ESSENTIAL DUTIES (What do you have to be able to do to achieve the desired results of your job? Include management and leadership responsibilities for work team leaders.)

GENERAL DESCRIPTION (How would you describe this job to someone who has never done it?)

MINIMUM REQUIREMENTS (What is required to perform the Essential Duties?)

I have reviewed and determined that this job description accurately reflects the position.

Work team leader signature Date Employee Signature Date

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