

Return-to-Work / Modified Duty Program

Guy's Construction
123 Main Street, Anytown, TX 75001

RTW Coordinator: Guy Foreman
Effective Date: June 08, 2026

REDUCING WORKERS COMP COSTS THROUGH EARLY RTW

1. PURPOSE AND POLICY STATEMENT

Guy's Construction is committed to the safe and timely return to work of employees who have been injured or become ill. This Return-to-Work (RTW) / Modified Duty Program establishes procedures to facilitate the earliest possible return to productive employment while respecting medical restrictions.

Why This Program Matters

- Injured workers who return to work within 2 weeks have a 55% chance of successful full recovery
- Workers out 6+ months have only a 32% chance of returning to their pre-injury job
- Workers out 2+ years have less than a 5% chance of returning to the workforce
- Early contact and modified duty are the single most effective interventions to reduce workers' compensation costs and duration

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2. SCOPE AND APPLICABILITY

This program applies to all Guy's Construction employees who sustain a work-related injury or illness and are released by their treating physician to perform modified or light duty work. Covered trades and job classifications: Laborers, operators, carpenters.

Regulatory Basis

- Americans with Disabilities Act (ADA) / ADAAA - Work-related injuries that create permanent restrictions may require reasonable accommodation under the ADA. This RTW program supports ADA compliance by documenting good-faith accommodation efforts.
- FMLA / California Family Rights Act (CFRA) - Workers' compensation leave may run concurrently with FMLA/CFRA. This program coordinates both to avoid unintended leave extensions.
- 29 CFR 1904 - OSHA recordkeeping requirements may be affected by whether an injury involves days away from work or restricted/transferred work.

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3. ROLES AND RESPONSIBILITIES

RTW Coordinator

The RTW Coordinator is: Guy Foreman

- Contact injured employee within 24-48 hours of injury notification
- Communicate modified duty opportunities to the treating physician
- Coordinate with supervisors to identify available modified duty assignments
- Track recovery progress and adjust modified duty assignments as restrictions change
- Maintain all RTW documentation
- Interface with workers' compensation insurer and defense counsel as needed

Supervisors

- Report all injuries to the RTW Coordinator immediately
- Identify modified duty assignments within their crew that fit work restrictions
- Accommodate the returning employee within medical restrictions - do not assign work exceeding restrictions
- Maintain normal supervision and performance standards for the modified duty assignment
- Report any concerns about the employee's ability to perform modified duty to the RTW Coordinator

Injured Employee

- Report the injury to their supervisor immediately
- Attend all scheduled medical appointments and provide work status reports to the RTW Coordinator within 24 hours of each appointment
- Accept modified duty assignments that are within medical restrictions and within reasonable commuting distance
- Communicate any change in condition, restrictions, or ability to perform modified duty

Treating Physician

- Provide work status reports (work release forms) at each appointment specifying restrictions
- Review and approve or disapprove modified duty job descriptions provided by the employer
- Provide estimated date of return to full duty

4. EARLY INTERVENTION PROTOCOL

The single most important factor in successful RTW is early contact. The following timeline governs our response to all work-related injuries:

Timeframe	Required Action
Same Day	Supervisor reports injury. Employee receives first aid or medical care. Injury documented on incident report.
Within 24 Hours	RTW Coordinator contacts injured employee - express concern for their recovery, explain the RTW program, provide contact information.
Within 48 Hours	RTW Coordinator contacts treating physician (or case manager) with modified duty job descriptions. Request work status report.
Within 3-5 Days	Review available modified duty assignments with supervisor. Prepare written modified duty offer if medically released for light duty.
Within 30 Days	First RTW status review - is employee progressing toward full duty? Are restrictions changing? Adjust modified duty assignment if needed.
Day 60 (CA)	Formal modified duty offer letter deadline (California - required to qualify for 15% premium reduction under Labor Code 4658.1).
Ongoing	Weekly check-ins until return to full duty. Monthly status review with supervisor and workers' comp insurer.

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5. JOB DUTY BANK - AVAILABLE MODIFIED DUTY ASSIGNMENTS

The following modified duty assignments are available at Guy's Construction for injured workers. These assignments are pre-approved for employees with physical restrictions. The RTW Coordinator maintains this list and updates it quarterly.

IMPORTANT: All modified duty assignments must be within the employee's medical restrictions as specified by their treating physician. Never assign work that exceeds stated restrictions.

Assignment	Physical Demands	Skills Required	Duration Limit
Safety Observer	Light - standing/walking, no lifting > 10 lbs	Safety awareness, communication	As needed
Material Handling / Parts Runner	Light - driving, minimal lifting	Valid driver license	As needed
Site Cleanliness / Housekeeping	Light - walking, bending, no lifting > 20 lbs	None specific	As needed
Document Control / Filing	Sedentary - sitting, light computer use	Basic literacy	As needed
Flagging / Traffic Control	Light - standing, hand signals	Flagging certification	As needed
Tool and Equipment Inventory	Light - walking, minimal lifting	Organizational skills	As needed
Safety Orientation / Training Assistant	Light - standing, speaking	Familiarity with safety program	As needed
Warehouse / Storage Duties	Light/Medium - per physician restriction	Basic math, organization	As needed

Additional modified duty assignments may be identified based on project needs and the specific restrictions of the injured worker. The RTW Coordinator documents all modified duty assignments not listed above.

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6. MODIFIED DUTY OFFER AND DOCUMENTATION

Modified Duty Offer Letter Requirements

- Written offer provided to injured employee specifying the modified duty assignment
- Offer must describe: job title, duties, physical demands, work schedule, wage rate
- Offer must confirm the assignment is within all stated medical restrictions

Functional Job Description

A functional job description is provided to the treating physician for any modified duty offer. It must include:

- Specific tasks and duties
- Weight lifting requirements (no lifting, or specific pound limits)
- Postural requirements (sitting, standing, walking, bending, reaching, climbing)
- Duration of activity requirements (continuous, frequent, occasional)
- Environmental conditions (indoor/outdoor, temperature, noise level)

Modified Duty Tracking Form

Field	Information
Employee Name	
Date of Injury	
Treating Physician	
Date Released to Modified Duty	
Restrictions	
Modified Duty Assignment	
Start Date	
Wage Rate	
Scheduled Hours	
Estimated Full Duty Return Date	
Physician Approval of Assignment	Yes / No / Pending

7. ADA, FMLA, AND WORKERS' COMPENSATION COORDINATION

ADA / ADAAA

A work-related injury that results in a long-term or permanent impairment may constitute a disability under the Americans with Disabilities Act. In such cases:

- The employer must engage in the interactive process to identify reasonable accommodations
- Modified duty offered during workers' compensation recovery may count as reasonable accommodation
- If an employee cannot return to their pre-injury position, the employer must consider reassignment to a vacant position as an accommodation
- Document all interactive process communications

FMLA / CFRA Coordination

Workers' compensation leave may run concurrently with FMLA and/or California Family Rights Act (CFRA) leave:

- Notify HR when workers' compensation leave begins so FMLA/CFRA leave designation can be assessed
- If the injury qualifies as a serious health condition, designate FMLA/CFRA leave concurrently
- FMLA provides 12 weeks of protected leave; CFRA also provides 12 weeks (not always concurrent with FMLA)
- An employee cannot be terminated for taking FMLA/CFRA leave even if workers' compensation claim is disputed
- Consult HR and legal counsel before taking adverse action against an employee on workers' compensation leave

8. HEALTHCARE PROVIDER COMMUNICATION

Communication with the treating physician is the most critical factor in successful RTW. The RTW Coordinator is responsible for all physician communication.

Required Communication Steps

- Within 48 hours of injury: Contact physician's office, introduce the RTW program, provide company contact information
- Within 3-5 days: Provide the physician with a written description of available modified duty assignments
- At each appointment: Request a work status report specifying any/all restrictions
- When restrictions change: Request updated functional job description approval
- Returning to full duty: Obtain physician's written release for full duty before removing all restrictions

When Employee Refuses Modified Duty

If an employee refuses a legitimate modified duty offer that is within their restrictions:

- Document the offer and refusal in writing immediately
- Notify the workers' compensation insurer of the refusal
- Workers' compensation benefits may be affected - consult with your insurer and legal counsel

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9. RECORDKEEPING AND OSHA 300 LOG

Proper recordkeeping protects the company and ensures accurate workers' compensation records.

Documents to Maintain

- All incident reports - duration of employment
- Medical records (maintain separately from personnel files) - duration of employment + 30 years
- Work status reports from physician - duration of claim + 5 years
- Modified duty offer letters and employee acknowledgments - duration of claim + 5 years
- RTW tracking forms - duration of claim + 5 years
- OSHA 300 log entries - 5 years

OSHA 300 Log Impact

Work-related injuries that result in days away from work must be recorded on the OSHA 300 log. Modified duty affects this recording:

- If the injured employee works ANY modified duty (restricted/transferred work) instead of being completely removed from work - the case is recorded as 'restricted work or job transfer' rather than 'days away from work'
- Days of restricted/transferred work count toward the DART rate but NOT the DAFWII rate - modified duty typically reduces your reportable metrics
- Record each calendar day the employee is on modified duty as a 'restricted' day
- When the employee returns to full duty, close the case on the OSHA 300 log

10. PROGRAM REVIEW AND ANNUAL CERTIFICATION

This Return-to-Work Program is reviewed annually by Guy Foreman and the HR/Safety team. The program is also reviewed following:

- Any workers' compensation claim that exceeds 90 days of modified duty
- Any unsuccessful return to work (employee unable to return to pre-injury position)
- Changes in California labor code or workers' compensation regulations
- Changes in available modified duty assignments

RTW Program Coordinator: _____ Date: _____

Management Representative: _____ Date: _____

Next scheduled review date: _____

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