

# WINNING YOUR CASE

The Role of Modified and Light Duty Job Offers



# Employee Retention After Injury

- Is the Employee's Position Available?
- Will the Employee's Position remain available.
- Has the Employee been separated from the employer?

# Employee Termination

- The inherent Conflict between the Business needs of the Employer, and the Workers' Compensation Return to Work Program.

# Employee Termination

- Relinquish an Element Of Control

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- Relinquish an Element Of Control
- Lose Cost Containment Opportunities

# Employee Termination Consequences

- No Return to Work
- No Light Duty
- No Modified Duty
- No Termination of Benefits based upon a Release

# The Ongoing Employee-Employer Relationship

- Return to Work at Full Duties
- Return to Work at Modified Duty
- Return to Work at Transitional Duty

# Modified Work

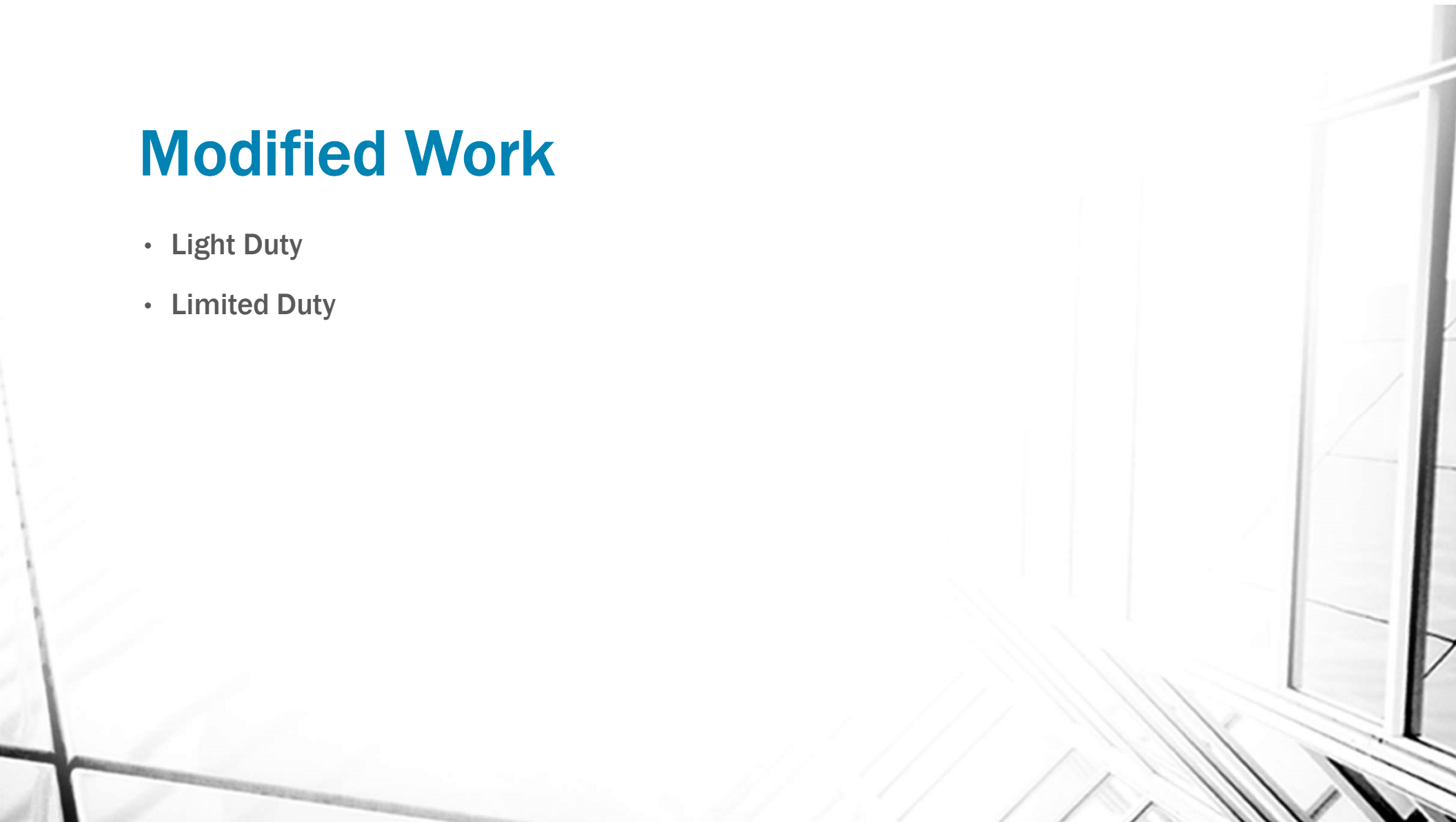
- Light Duty





# Modified Work

- Light Duty
- Limited Duty



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# Modified Work

- Light Duty
  - Limited Duty
  - Modified Duty
- Can be a Temporary Position

# Modified Work

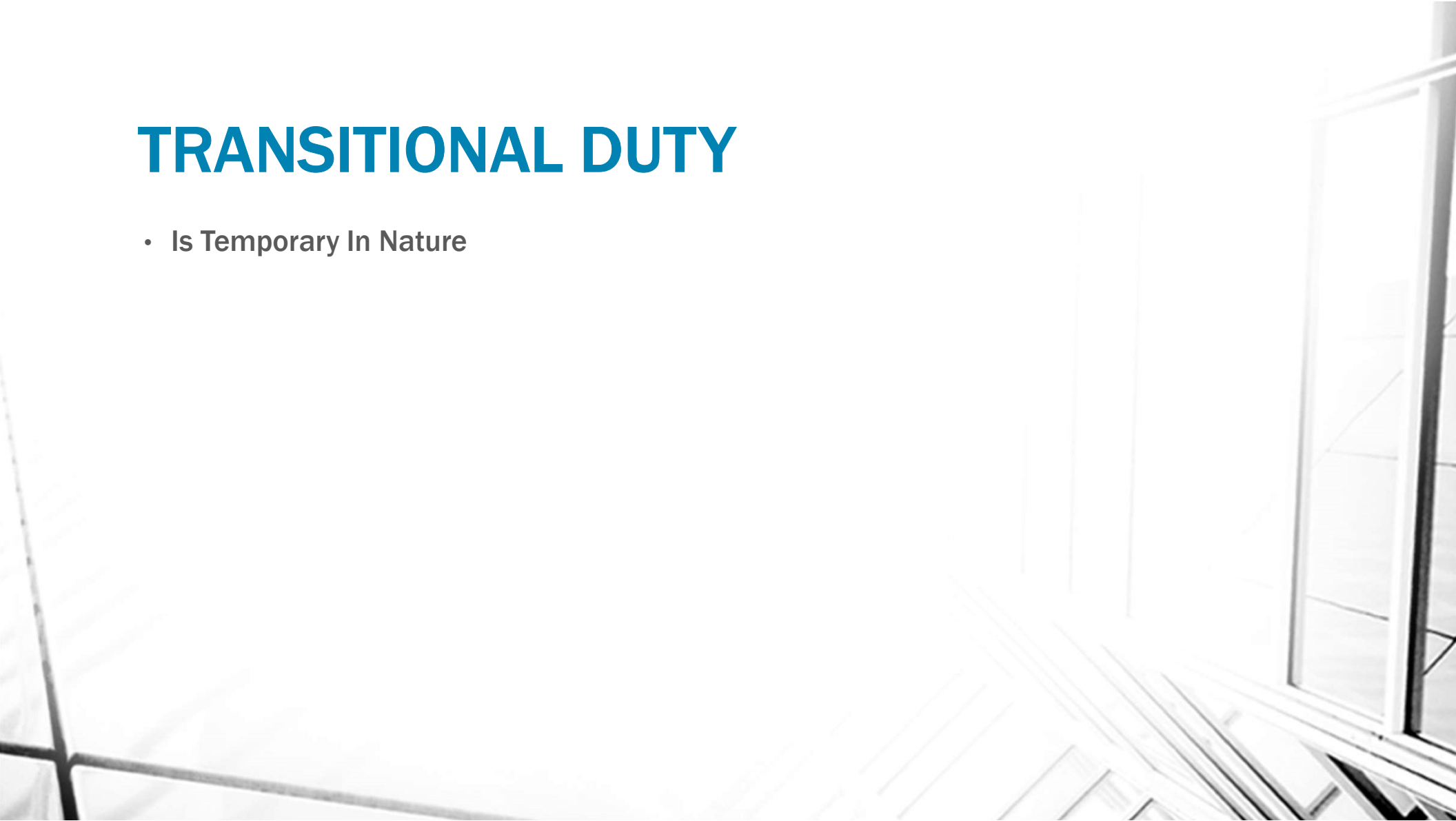
- Light Duty
  - Limited Duty
  - Modified Duty
- 
- Can be a Temporary Position
  - Can be a Permanent Position

# Modified Work

- Light Duty
  - Limited Duty
  - Modified Duty
- 
- **Can be a Temporary Position**
  - **Can be a Permanent Position**
  - **Can be Full or Part-Time Work.**

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- Can be Full Time or Part Time

# Suitable Work

- Must be a “real job”
- Needs to be “Non-Trivial”
- Must Be Meaningful Work

# Litigation Goal

- Full Duty Release

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- Reduction of Benefits From Total Disability to Partial Disability

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- Garner Goodwill with the Administrative Judge

# Light/Transitional Duty Letter

- The Most Important Non-Medical Document at Conference And Hearing



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- Friendly

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- Describe the Work Available

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- State the Hours of Work – Start Time and End Time – Breaks Available

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- The Most Important Non-Medical Document at Conference And Hearing
- Friendly
- Describe the Work Available
- Comport with Physical Restrictions
- Document the Salary to be Paid
- State the Hours of Work – Start Time and End Time – Breaks Available
- Describe Accommodations Available.

# The Physician's Role

- The Objective Documentation of the Employee's Abilities

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- The Objective Documentation of the Employee's Abilities
- No Need to list onerous restrictions
- Synthesis of the employee's abilities with the Job Offer

# The Physician's Role

- Review of the Light Duty Offer

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# The Physician And The Light Duty Job

Teamwork

# The Physician And The Light Duty Job

Teamwork + Synthesis

# The Physician And The Light Duty Job

Teamwork + Synthesis = Persuasiveness

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