

## Early-Return-to-Work or Light-Duty Programs In Your Workplace



Whether or not your workplace has a formal Early-Return-to-Work or Light-Duty Program, there are many compelling reasons why we should try to provide temporary accommodations, whenever possible, **to temporarily injured or medically disabled employees** who may not be 100% fit for duty, yet:

1. The longer an employee is away from work, the less likely they will return to work.
2. The longer an employee is out on workers' compensation, the more costly the claim. Such claims increase insurance premiums and eat into the overall budget of the company. This competes with your salaries, bonuses, and other operational needs that the money could be better spent on (i.e. improved equipment, repairs, etc.)
3. It can be a very therapeutic part of the injured worker's rehabilitation to gradually return to work, both physically, and psychologically.
4. There are advantages to working with a co-worker who may not be at 100%, but is familiar with your existing routines and/or customers, than to work with a fill-in or floater who is unfamiliar.
5. Most employees are only receiving a percentage of their paycheck when they are out, even on Workers' Compensation, and surely not when they are out on Disability.

Accommodations should be considered regardless if the employee is injured, or suffering a medical condition that originated on, or off, the job. Such Programs are not required by Law. But these are good reasons to try to implement them whenever possible. Your determination on what tasks they can do is based on their **"medical restrictions"**.

### Permanent Job Accommodations for a New Employee or Returning Employee with a Permanent Medical Condition

The Americans with Disability Act (ADA) requires that employers provide **"Reasonable Accommodations"** to the best of its ability, within reason, and without causing **"undue hardship"** to the operation to employees with **permanent disabilities**. All job accommodations, whether for temporary or permanent conditions, are all based on, and driven by, **"medical restrictions"**.

With the advent of the reformed ADA (Americans with Disability Act Amendment Act of 2008), courts are now giving wide deference to what is considered a **"permanent disability"**, and instead, focusing on how much and how well the employer has tried to provide **"reasonable accommodations"** to the best of its ability without **"causing undue hardship"** onto itself.

So, if you are ever called upon by Human Resources or Management to consider **"light duty"** for a temporary accommodation, or a **"permanent job accommodation"** for a permanent disability:

1. Clarify whether it is a temporary or a permanent accommodation that is being considered.
2. In either case, figure out what you think you can truly accommodate, considering the **"medical restrictions"** that the person has, your operations, other team members, logistics, tasks, scheduling, seasonal cycles, fairness and functionality, and for how long, if temporary, and for good, if permanent.
3. Consider that **"temporary accommodations"** are expected to gradually return to **"full duty"**, preferably within a month or so, not more than 2-3 months.
4. Remember, **"permanent job accommodations"** are permanent, and the worker is not expected to ever be able to do ALL the aspects of the job. So long as they are still qualified to do all the **"Essential Job Duties"**, even if they cannot do any of the "Non-Essential Job Duties", they are deemed qualified and accommodations should be made.
5. If you find that there are items listed under **"Non-Essential Job Duties"** in a Job Description that you believe are actually **"Essential Job Duties"**, notify Human Resources.
6. If you really feel that you are not able to provide reasonable accommodations without undue hardship to your operation, provide thorough explanations and help document the reasons why.