

# DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES

Bureau of Human Resources

May 20, 1997

## HUMAN RESOURCES MEMORANDUM 6-97

TO: Agency Heads, Directors of Administrative Services, Agency Personnel Officers and Managers, Workers Compensation Designees

SUBJECT: Transitional Duty Positions

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### Purpose

The State of Maine has incurred the considerable financial obligation of long-term Workers' Compensation claims. Claims with a date of injury two or more years old comprise over 80% of the State's annual Worker's Compensation costs. Many of these injured employees have work capacity and the State of Maine has a responsibility to make every effort to provide suitable return-to-work opportunities for these employees.

In order to facilitate return-to-work initiatives, a series of Transitional Duty Positions have been established through the Workers' Compensation central fund. This memorandum serves to outline the purpose of the Transitional Duty Positions, the objectives of using these positions, agency responsibilities, Transitional Duty Position plans, and implementation instructions.

### Definition

Transitional Duty Positions are positions established to Facilitate return-to-work initiatives for employees who have active Workers' Compensation claims and who have work capacity but whose injury or duration of incapacity may impede return-to-work efforts. The Transitional Duty Position is a tool to enable the injured employee to increase work capacity, to provide interim employment pending a more suitable long-term appointment, and/or to provide the employee with new skills.

Transitional Duty Positions are *temporary* by definition. They provide a means to employ injured workers with the expectation that the transitional duty assignment will develop the employee's capacity to return to permanent, productive employment.

Transitional Duty Positions do not replace existing "Workers' Compensation" positions budgeted on a permanent basis which have been established in various departments for longer term employment arrangements.

## **Objectives**

Transitional Duty Positions are established to accomplish the following:

1. Return employees who have an identified work capacity to productive employment with the goal of long-term appointment.
2. Assist injured employees to return to work at a level as close to possible to their pre-injury earnings and productivity.
3. Reduce the State's liability for long-term Workers' Compensation claims.

## **Transitional Duty Position Plan**

A written formal plan will be required for the use of each Transitional Duty Position. In most circumstances the plan will be developed jointly by the Workers' Compensation Case Manager, the Return-to-Work Coordinator, a Medical Case Manager, and the affected agencies.

The plan will include the following:

- The specifications of work to be performed and under what level of supervision.
- Any special accommodations or arrangements required to facilitate the assignment.
- A work capacity evaluation with periodic review.
- Total compensation costs (pay and benefits) in excess of Worker's Compensation weekly payment. These excess costs will be billed to the originating agency.
- Duration of assignment. The initial duration of assignment will not exceed six (6) months. Extensions must be approved by the Bureau of Human Resources Workers Compensation Division.
- Long-term goal. The plan must identify the job goal for the injured employee, whether it be the transition to a regular appointment in a similar position or to another successful job match.

All of these provisions are subject to periodic review and adjustment. Transitional Duty Position plans should clearly establish the frequency of reviews to ensure that the work assignment and any accommodations are consistent with the long-term job goal.

### **Responsibility of Originating Agency**

The "originating agency" is defined as the agency or department where the injury occurred and the claim was established. The costs associated with the claim are the responsibility of the originating agency and that responsibility stays in effect as long as the claim is active.

The Workers' Compensation central fund will incur the costs associated with compensation at the level of the employee's weekly Workers' Compensation payment. If it is determined that additional compensation or benefit payments are required, those additional expenses will be billed to the originating agency. For example, an employee is considered for a Transitional Duty Position with compensation identical to the weekly Workers' Compensation indemnity payment plus health, dental, and retirement benefits. The central fund will pay all costs but will be reimbursed by the originating agency for any expenses which exceed the weekly Workers' Compensation payment (i.e., health, dental and retirement benefits).

The originating agency's financial responsibility applies whether the employee is assigned to a Transitional Duty Position in the originating agency or another agency. The exact terms will be subject to the agreement reached in developing the Transitional Duty Position plan. The originating agency will be responsible for assuming the incremental costs in the Personal Services line category within available appropriation or allocation without the necessity of supplemental funds and consistent with the principal provisions of Section A-4 of the Budget Preamble.

### **Human Resource and Payroll Processing**

The Workers' Compensation central fund will provide compensation to the employee at the level of the current indemnity payment for the Workers' Compensation claim. Any additional compensation will be determined by the employing agency in consultation with the Case Manager.

### **Workers Compensation Processing Companies**

In order to accommodate human resource and payroll processing, all employees who are working in transitional duty positions will be processed under one of two new processing companies, depending on the pay cycle that is assigned to the agency in which they will be working:

Cycle A agencies: 01810

Cycle B agencies: 01820

Employees who are currently employed but out on paid workers compensation leave

Upon notification from the Workers Compensation Division, the Bureau of Human Resources Authorizations unit will place the employee on unpaid leave to accept transitional duty , leave code B.

A new record will be established for the employee under the appropriate processing company in the workers compensation fund.

Employees who have been terminated

Upon notification from the Workers Compensation Division, the Bureau of Human Resources Authorizations unit will transfer the inactive record to the appropriate processing company in the workers compensation fund.

Time and Attendance Processing

Because the hours that an employee may work in any given pay cycle may vary and automatic payment for a set number of hours may provide incorrect payments to employees, all employees who are working in transitional duty positions will require positive time and attendance processing to receive a pay check. Agencies in which the employee is working in a transitional duty capacity must provide the Workers Compensation Division with the hours worked recorded on a time sheet that will be provided to the agency when a transitional duty assignment is made. Time sheets must be received by the Workers Compensation Division, ATTN.: Sharon Patton, no later than the Monday following the close of the pay cycle for that agency.



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BUREAU OF HUMAN RESOURCES