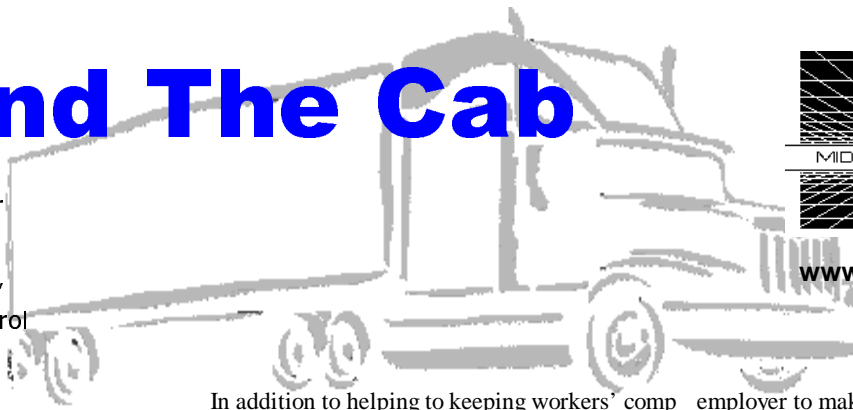


Beyond The Cab

The only safety management newsletter dedicated exclusively to addressing injury prevention and workers' compensation cost control for trucking companies.



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Modified Duty for Trucking Companies

A driver at your company just returned from the doctor after injuring his back from a fall that happened at work. He hands you a slip of paper that says he's able to return to work, but shouldn't do any lifting, climbing or pulling for several weeks. Knowing that his job involves "climbing" into his tractor, "pulling" the fifth-wheel release and occasionally "lifting" items to re-palletize some freight or position a dock plate, you come to the conclusion that he can't come back to work until he can return with no physical restrictions.

In the above scenario, you were given the option of permitting the driver to remain off work for several weeks, or getting him back to work immediately using modified duty. Your decision was not only hasty, it was costly, and was very likely was not in the best interest of your company nor the injured driver.

There's nothing new about the concept of "modified duty" (also called "light duty" or "restricted duty"). In fact, it's been a successful management tool since the very earliest days of workers' comp insurance... even among trucking companies. However, because the very nature of the trucking industry makes the use of modified duty challenging, many trucking companies have disregarded it, claiming that modified duty is not feasible for their company. Such attitudes cost trucking companies dearly.

One way it can cost is seen directly in insurance premiums. Given two identical companies, the company with more costly workers' comp claims in the past will pay a higher workers' comp premium. Indemnity (wage replacement) benefits are eliminated or at least dramatically reduced) when modified duty is used. Because indemnity benefits can have a tremendous impact on the overall cost of a claim, the ability and willingness of an employer to use "modified duty" helps to keep the cost of claims as low as possible.

In addition to helping to keep workers' comp premiums in-check, using modified duty sends a clear message to all drivers that *claiming a work-related injury is not an alternative method of getting paid "vacation" time.* Instead, the message that is sent is that *time off work is the exception rather than the rule when it comes to work-related injuries.* In fact, modified duty is such a deterrent to fraud and abuse that it not only helps "weed out" individuals looking for a "free ride," but also may keep that type of driver from applying in the first place.

Furthermore, using modified duty permits drivers to contribute to the bottom-line even if they can't perform their normal driving duties for a temporary period. By creating a modified duty work assignment for an injured driver, you are ensuring that the company will gain some productivity. Conversely, failing to use modified duty, ensures (100% of the time) that the company receives 0% productivity from the injured driver.

Although it is unquestionable that modified duty benefits employers, it provides equal benefit to drivers. Drawing upon your personal experiences with injured drivers, you may be familiar with the fears and concerns of some injured drivers. Following an injury (particularly a workers' comp claim), a driver may be uncertain of how his employer now views him. He may question if his employment is secure, if the employer will hold a truck open for him, and may have very real and immediate financial concerns. Modified duty helps ease those fears by showing him that he is valued even when he is not able to function at 100%.

Some skeptical employers still may say, "But doesn't using modified duty cause me to run a legal risk of aggravating and prolonging the injury?" In a word... no. Once the injury is determined to work-related and compensable, you're stuck with it, regardless of whether it is prolonged because of the injured driver's activities at work or at home. However, an even more compelling response to the concern voiced by the skeptical employer is that using modified duty has been shown to help get the injured employee back to his regular job more quickly. In part, this happens because work can be therapeutic and being at work enables the

employer to make sure that the physician's physical restrictions are being followed (at least while the employee is at work). Conversely, if the employee is off from work, the employer has no idea what he/she is doing. At home, the employee could be engaging in activities that significantly violate the physician's restrictions and thereby aggravating (and prolonging) the injury. Remember, the longer someone is away from work, the harder it is to get him back to work.

As it was stated previously, using modified duty in the trucking industry is a challenging task. Although your business is unique, perhaps you may benefit by knowing how some other trucking companies tackle the challenge of creating modified duty tasks for drivers who are temporarily unable to drive while they recover from a work-related injury.

(Dispatch) Have the driver perform dispatching duties. This may free the current dispatcher to take vacation, or perform other work that has been delayed. A telephone headset can be provided if the driver has an injured shoulder that would be aggravated by constantly lifting the headset.

(Log Audit) Have the driver audit hours of service logs. In addition to giving relief to the person who normally performs this task, it also serves as a great practical training exercise in maintaining logs.

(Road Tests) If the driver is permitted to get into a truck, but is not permitted to drive, consider using him to perform road tests of applicants or to ride with newly hired drivers as a trainer.

(Driver Recruiting) Have the driver make telephone calls to verify employment and references of applicants. You might even use an injured driver to distribute handbills at truck stops or to perform other driver recruiting tasks.

A little imagination and a focus on the many benefits of using modified duty can make modified duty a feasible option for just about any trucking company.