

RISK ITEM/ISSUE:

Work Injury Leave Management



PROBLEMS:

- Involves Work Comp, ADA, FMLA, and other laws
- Significant indirect costs of at least 1:1
- No-fault attendance policies cause compliance problems
- Minimal claims management from underwriters
- Highest percentage of claims filed against employers with 50-249 employees

QUANTIFY CURRENT AND POTENTIAL COSTS (NON-INSURANCE):

- Most claims filed in health care, social assistance, and manufacturing
- Transportation and warehousing had the highest percentage of lost days from work
- Cost of lost work time
- Increased experience modifier (MOD)
- Work Comp, ADA and FMLA claim exposures
- Pre-claim non-productivity
- Retaliation based claims
- Legal fees, stress, additional exposures, etc.
- Impact on reputation related to all stakeholders – priceless

SOLUTIONS:

- Safety training, inspections, and incentives
- Occupational medicine physician relationship
- Pre-hire physicals
- Return-to-work programs
- Leave management – ADA if 15 or more (5 or more in California), FMLA if 50 or more.

QUESTIONS TO ASK TO IDENTIFY NEED:

- What type of injuries have occurred over the last few years?
- What is your current Work Comp modifier?
- Do you have a formal return-to-work (RTW) program?
- Do you understand how the interaction of the ADA and FMLA affect RTW obligations?
- How do you handle employees out on long term leave?