

*Creating workplaces that work... for everyone*

## Ouch! What to Do After An Employee Gets Hurt at Work

The Bureau of labor statistics recently reported a decline in workplace injury and illness rates—down to about 4.3 million instances a year. That's a decline?

Chances are, one of your employees will get hurt at work. Do you have to take that employee back? Under what conditions? In New Hampshire, those questions are easily answered: "The Workers' Compensation Law in New Hampshire states that all employers with 5 or more full-time employees shall develop temporary alternative work opportunities for injured employees in accordance with RSA 281-A:23-b. Employers may be obligated to reinstate employees sustaining a compensable injury in accordance with RSA 281-A:25-a." That quote comes from the Notice of Compliance poster that *all* employers must post in their place(s) of business.

What is a "temporary alternative work opportunity"? It's a collection of full-time or part-time tasks that can be accomplished by an injured employee during the recuperation period. The following steps are recommended by the Department of Labor (DOL) in setting up a temporary alternative/transitional duty program:

1. Decide who will coordinate and manage the program. HR Compliance will be happy to do this if no one in your organization is comfortable with the responsibility.
2. Draft a policy statement and step-by-step procedures to be followed after an injury is reported. You can draft your own, use samples from the DOL or let HR Compliance customize a procedure for you.

3. Make sure all elements of the program comply with your current policies, procedures and/or collective bargaining agreements.

4. Collect or create accurate position descriptions that detail the present requirements of the job, the steps involved and the motor skills required.

5. Analyze the individual steps to see which ones could be assigned within the employee's restrictions. To do this, you need the cooperation of the treating health care professional. HR Compliance has worked with many medical professionals, and has found them very helpful in bringing employees back to full working capacity. They can identify tasks within the injured employees capabilities and might be able to suggest alternative duties.

6. Make sure you train employees about this program and document the training before an injury occurs.

7. When any injured employees return to work, monitor their progress and make sure they know you want them to return to full capacity. Remember, this program is intended to be temporary.

### FROM OUR CUSTOMERS

"Paula begins with the audit and tells you where you stand based on the number of employees. I continually look at the audit to find anything I haven't worked on. I'm not on human resources full time, so everything she's done has helped me."

WAYNE LAWRENCE, Office  
Manager, James Lawrence  
Electric, Keene, NH

This newsletter refers to some of the regulations that may currently apply to small businesses.

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## Compliance Alert

One of your employees gets some foreign debris in her eye and goes to the First Aid Kit for the eyewash, only to discover that it expired three years ago.

Make sure your Joint Loss Management Committee members check your First Aid Kits each quarter as part of their responsibilities. If any material in the kits has an expiration date, that date must be current. HR Compliance 101 also highly recommends that any medicines—and this includes aspirin—be removed from the kits. An allergic reaction to a medicine provided by your company could become a costly liability.



## Workplace and Training Solutions

- Q.** I have an employee who's worked for me for many years—a nice person but someone who misses more time than other employees and has more quality issues. Can I teach an old employee new tricks?
- A.** The best time to address performance issues is when they first appear. If they aren't corrected early, they continue and get worse. You have the right to expect the work you're paying for, your good employees have the right to equal treatment (or morale plummets) and even your problem employees have rights. They need to know that they aren't meeting expectations so they can fix the problem.

But no matter how long the issue has gone on, HR Compliance 101 can help you deal with the problem in a sensitive and legal way. Call us.

### FOR OUR CUSTOMERS

Did you know that an employee can refuse to file a Worker's Compensation claim, even if the injury is work related? Some people have religious or other objections. Contact HR Compliance for more details about this issue.