

**Warren County**  
**SUPPORT SERVICES COMMITTEE**  
**(INSURANCE)**

April 29, 2010 10:00am

Information Submitted By: Amy Clute, Insurance Administrator

**1. Return to Work Policy**

The County's Safety Consultant, Mike Needham, Needham Risk Management will be present to discuss the implementation of a Return To Work Policy. Resolution requested approving the policy. (attached, pages 2 – 8)

**2. Health Insurance Broker Services**

As the Committee is aware, 16 proposals were received on April 1, 2010. The current Health Insurance Broker Services contract expires on September 22, 2010. Committee discussion to determine the next step in the selection process. (Tabulation sheet attached pages 9 & 10)

**3. NYSASIC**

After 4 years as the President of the NYS Association of Self-Insured Counties (NYSASIC), I hope to move into a seat on the NYSASIC Board of Directors at their upcoming meeting on May 7, 2010. Resolution requested authorizing the Administrator of Self-Insurance Department to serve as a Director on the NYSASIC Board, term shall terminate May, 2012. (R400 of 2008) (attached, page 11)

# **RESOLUTION REQUEST FORM NO. 20**

## **MISCELLANEOUS**

***\*Please List All Other Requests Not Covered by Previous Resolution Request Forms Here.  
Please attach any backup information available and be as detailed as possible.***

**DEPARTMENT NAME: Self-Insurance**

**DATE: 4/29/10**

- (a) Purpose of Request: Authorizing the adoption of the "Return to Work Process Statement"
- (b) Details: Authorizes the adoption of the policy attached implementing a Return to Work program for Warren County Departments.
- (c) Previous Resolution Number: n/a
- (d) Where are the Funds (if required)? List Budget Code, Object Code, Full Title\* and Amount: n/a

**Sample: A.8021 470 Planning & Community Development – Contract**

\* as listed in budget and LOGOS

## **Return to Work Programs – Why Have One?**

Return to work programs can assist organizations in controlling expenses while helping the injured workers to return to work as quickly as medically possible. Many injured workers expect the workers' compensation system to replace all their wages and benefits, and are often dissatisfied by the realization that it cannot.

Experience shows that injured workers recover faster when they return to work. Experience also shows that the longer an injured worker remains away from work, the more difficult it is to return. Returning to regular work usually occurs more quickly when modified duty is offered to the injured employee.

Some injuries are so severe that a return to any type of work is impossible. Yet with new advances in assistive technologies, there are fewer and fewer instances where job modifications cannot be made to accommodate even the most severe injuries.

The employer also benefits from a return to work program because the indemnity benefit that an employee receives is offset by the amount he or she is receiving in wages (WCL §15 [5-a]). The less money that an insurance company is spending to pay benefits, the better the experience modification factor, and ultimately, the lower the premium costs. In fact, according to the State Insurance Fund, companies that have return to work programs have seen savings up to 20-40 percent or more in workers' compensation costs.

### **Benefits to the Employer**

- Reduces the likelihood of malingering and/or fraudulent claims.
- Saves indemnity expenses in temporary disability payments.
- Receives some production for wages paid (when an employee is out drawing lost time benefits, there is no production derived).
- Saves the cost of hiring and training replacement employees.
- Facilitates employer/employee contact, giving the employer more control and direction, leading to a more positive resolution to the claim.
- May speed healing, saving medical expenses from a prolonged disability.

### **Benefits to the Employee**

- Increases their self-esteem, minimizing feels of guilt for having been injured.
- Promotes better moral among all workers.
- Contributes to faster recovery by keeping the injured worker mentally and physically conditioned to the regular work schedule.
- Maintains social contact with fellow employees, which enhances recovery and encourages a faster return to the job.
- Reduces the negative financial impact many injured workers experience due to lost time.

The employer benefits by minimizing workers' compensation costs by retaining the use of valuable trained employees.

The employee benefits by returning to work and avoiding the negative effects of a long-term absence.

# Warren County

## RETURN-TO-WORK PROCESS STATEMENT

Warren County is committed to providing a safe and healthy workplace for employees. The prevention of injuries and illnesses is our primary objective.

In the event an employee is injured on the job, Warren County has implemented a Return-to-work process. This process will provide the injured employee with immediate appropriate medical attention and will attempt to provide opportunities to return the employee to safe, productive work as soon as medically possible.

The ultimate goal is to return the employee to his or her original job. The Return-to-work process will attempt to provide alternative productive work that meets the injured employee's capabilities.

The support and participation of management and all employees is essential for the success of the Return-to-work process for Warren County.

# RETURN-TO-WORK POLICY and PROCEDURES

## POLICY:

To provide prompt, appropriate medical attention for employees injured while on the job and return them to productive work as soon as medically possible.

## PROCEDURE:

- I. All employees will immediately notify their supervisor or other appropriate personnel at the time of the injury and/or incident.
- II. An incident record will be completed for every reported incident whether or not medical attention is needed as per existing procedures for Workers' Compensation claim filing.
- III. If medical attention is required; the injured employee will receive medical services.
- IV. If an employee is restricted from work, his/her supervisor will maintain communication with the employee in the following manner:

- Communication on the day of the injury.
- Communication every week thereafter until the employee has returned to work.

Communication with the treating physician will be made by the Warren County Self-Insurance Plan by phone, in person, or in writing as frequently as needed.

- V. When an employee is released by the treating physician to alternative productive work (light duty), the supervisor, the Human Resources Department and the Self-Insurance Department will work together in attempting to develop alternative duty that complies with the physician's restrictions.
- VI. A copy of the work release from the physician will be kept by the employee's supervisor and the Warren County Self-Insurance Plan.
- VII. The supervisor will follow-up with the employee on a regular basis after the employee's return-to-work.

## ROLES & RESPONSIBILITIES:

### I. Insurance Administrator

- Acts as County's liaison between employee, and treating physician;
- Maintains contact with:
  - A. Health Care Provider (treating physician)
  - B. Employee and employee's supervisor
- Informs treating physician of the County Return-to work process (sample letter follows)
- Develops and maintains recordkeeping and reporting systems related to injuries

### II. The Supervisor, Management Staff, Human Resources Department, and Insurance Administrator

- Orients and trains employees on the Warren County Return-to-work process

- Maintains weekly contact with injured employee and ensures all necessary documentation and recordkeeping forms are completed appropriately
- Provides all necessary/relevant information to the Self-Insurance Plan
- Notifies employee of bona fide offer of employment
- Ensures injured employee is complying with physicians rehabilitation schedule and/or restrictions (light duty)
- Reviews employee's condition on a scheduled basis to ensure return to original duty

### III. The Employee

- Understands internal procedures for reporting a work-related injury
- Must inform treating physician that modified duty or light duty is available
- Maintains contact with Supervisor on a weekly basis
- Complies with all physician's medical restrictions while on light duty
- Returns to work the next scheduled shift after obtaining physician's release

### IV. The Health Care Provider

- Provides immediate and appropriate medical care to injured employee
- Assesses the abilities of injured employee (what can employee do?)
- Provides injured employee's physical restrictions in terms of job functions
- Provides information to the Warren County Self-Insurance Plan
- Is requested to become familiar with Warren County's Return-to-work process

### **Bona Fide Offers of Employment:**

If an employee is released by a doctor to return-to-work in any capacity, where possible the Department Head or Human Resources Department of Warren County should provide the employee with a bona fide offer of employment that meets the following requirements. In determining whether an offer of employment is bona fide, the County shall consider the following:

- The expected duration of the offered position
- The length of time the offer was kept open
- The manner in which the offer was communicated to the employee
- The physical requirements and accommodations of the position compared to the employee's physical capabilities
- A written offer of employment which was delivered to the employee during the period for which benefits are payable shall be presumed to be a bona fide offer, if the offer clearly states the position offered, the duties of the position, that the employer is aware of and will abide by the physical limitations under which the employee or his treating physician have authorized the employee to return-to-work, the maximum physical requirements of the job, the wage, and the location of employment
- Employment is "geographically accessible" to the injured employee if it is within a reasonable distance from the employee's residence unless the employee establishes through medical evidence that the employee's physical condition precludes travel of that distance

The written bona fide offer of employment shall be sent to the employee by certified mail, return receipt requested. Copies of the offer of employment shall be sent to the Warren County Self-Insurance Plan.



## WARREN COUNTY SELF-INSURANCE DEPARTMENT

1340 State Route 9 \* Lake George NY 12845 \* Phone 518-761-6528 \* Fax 518-761-6249

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April 21, 2010

### Sample Letter to Treating Physician

(Physician's name)

(Physician's address)

Dear (Physician's name):

(Employee name) is employed by Warren County as a (occupation or job title). He/she was injured on (date of injury) and you treated him/her on (date of treatment).

Warren County has implemented a Return-to-work process. This process is designed to return an injured employee to the workplace as soon as medically possible. If (employee name) is unable to return to his/her original job, we will make every attempt to return this employee to modified duties or an alternative duty position. We will also ensure that this position meets with ALL Medical Restrictions that you prescribe. (Employee's name) is aware of our desire to return him/her to the workplace. If necessary, we are willing to rearrange work schedules around diagnostic or treatment appointments.

Warren County has identified job duties that may be suitable for a "return-to-work" situation. Enclosed is a job description with attached required physical demands that may be appropriate for (employee's name) based on our knowledge of his/her injury. Please assist us by reviewing the attached position and providing your recommendations. We would also like updated recommendations after each appointment.

Please call me at 518-761-6529 if you have any questions about our Return-to-work process or on the proposed job position. Thank you in advance for your participation in our efforts to return (employee's name) to a safe and productive workplace.

Sincerely,

Insurance Administrator

## **Return to Work Programs – Statistics**

- An employee who files a Workers' Compensation claim for lost time is twice as likely to file another claim within 3 years.\*
- 26% of employees with a prior Workers' Compensation claim who remained employed with the same employer are more likely to file another claim with the same employer.\*
- The second claim filed for this employee has more than a 50% likelihood of being a back injury.\*
- After a six-month leave, there is only a 50% chance that the employee will return to work.\*\*
- After a one-year leave, the chances drop to only 25%\*\*
- 60% of employees who are away from the job beyond 14 days are already in financial trouble.
- A patient's emotional distress usually increases, and so does the resulting number of surgical procedures, as days away from work increase. This is greatly reduced when workers enter a productive role, including modified duty.
- 80-90% of workers injured on the job would rather be working than convalescing at home.
- One study conducted by the California Worker's Compensation Institute shows that the chances of litigation are reduced by 50% if the employer contacts the injured worker within one week after the injury occurs and positively reinforces the employee's self-image and value to the organization.
- Typically the claimant will contact an attorney two weeks after injury.
- 80% of all litigated claims result in higher settlements.
- Workers who retain an attorney see an average of 5.2 doctors. Those who do not retain an attorney are treated by an average of 2.0 doctors.

\*NYS Department of Labor presentation

\*\* US Department of Labor, Bureau of Labor Statistics

WARREN COUNTY  
TABULATION SHEET

NO.: WC 40-10  
 ITEM(S): RFP FOR HEALTH INSURANCE BROKER SERVICES  
 DATE: APRIL 1, 2010  
 TIME: 3:00 P.M.

**COMPANIES SUBMITTING PROPOSALS:**

Contact Name/Address	Contact Phone	Contact Fax
1 Mercer Benefits Consulting 175 Sully's Trail Suite 301 Pittsford, NY 14534	585-389-8883	585-389-8721
2 Locey & Cahill, LLC 309 South Franklin Street Armory Square Syracuse, NY 13202-1138	315-425-1424	315-425-1394
3 Benetech One Dodge Street Wynantskill, NY 12198	283-8500	880-4061
4 Travers O'Keefe 60 Railroad Place Saratoga Springs, NY 12866	587-3701	587-3862
5 Benefit Consulting Group, Inc. 5232 Witz Drive North Syracuse, NY 13212	315-474-1707	315-478-1502
6 Capital Bauer Insurance Agency 500 New Karner Road Albany, NY 12205	869-3535	533-6882
7 Jaeger & Flynn Associates, Inc. 42 South Street Glens Falls, NY 12801	792-0042	792-0233
8 STB Associates PO Box 192 Schoharie, NY 12157	295-9520	295-6077
9 Cool Insuring Agency, Inc. 2 Country Club Road, Suite 1 Queensbury, NY 12804	793-5133	783-8754
10 First Niagara Benefits Consulting 126 North Salina Street, Suite 500 Syracuse, NY 13202	315-461-1282	315-451-3009
11 Marshall & Sterling Upstate, Inc. 281 Troy-Schenectady Road Latham, NY 12110	782-9505	782-9538
12 Adirondack Trust Company Financial Services, Inc. 31 Church Street Saratoga Springs, NY 12866	584-5300	584-7306
13 Gallagher Benefit Services, Inc. 2 Gannett Drive, Suite 300 White Plains, NY 10604	914-697-6017	914-323-4517

**TABULATION SHEET**

**NO.: WC 40-10**  
**ITEM(S): RFP FOR HEALTH INSURANCE BROKER SERVICES**  
**DATE: APRIL 1, 2010**  
**TIME: 3:00 P.M.**

**COMPANIES SUBMITTING PROPOSALS:**

14 TD Insurance, Agency 103 Main Street South Glens Falls, NY 12803	761-2932	761-2967
15 Capital Financial Group, Inc. 89 Saratoga Avenue PO Box 1265 South Glens Falls, NY 12803	793-2885	793-2999
16 The Anchor Group, LLC PO Box 200 Marcellus, NY 13108	315-673-2900	315-673-4723

**AWARDED TO:**

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**JULIE A. PACYNA, PURCHASING AGENT**

# **RESOLUTION REQUEST FORM NO. 20**

## **MISCELLANEOUS**

***\*Please List All Other Requests Not Covered by Previous Resolution Request Forms Here.  
Please attach any backup information available and be as detailed as possible.***

**DEPARTMENT NAME: Self-Insurance**

**DATE: 4/29/10**

- (a) Purpose of Request: Authorizing the Administrator of Self-Insurance to serve on the NYSASIC BOD.
  
- (b) Details: Authorizing the Administrator of Self-Insurance to serve on the NYS Association of Self-Insured Counties Board as a Director for a term that shall terminate May, 2012.
  
- (c) Previous Resolution Number: 400 of 2008
  
- (d) Where are the Funds (if required)? List Budget Code, Object Code, Full Title\* and Amount: N/A

**Sample: A.8021 470 Planning & Community Development – Contract**

\* as listed in budget and LOGOS