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Transitional Work Policies Quicken the Return to Work of Injured Employees for
Medium Sized Police Departments in Texas

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ABSTRACT

Police agencies today are starting to realize that their primary assets are not the cars, guns, radar units, or other equipment that have long been viewed as assets. Instead, departments are seeing that their most valuable assets are the personnel that fill the ranks and actualize the mission of the department. With the changing economic realities of the 21st century, police department leaders must learn to manage their people to provide the same level of service for their communities with limited to zero growth in staffing levels. Losing officers for an extended time to injury or illness has become a luxury that most departments cannot afford. This study reviewed the current literature on the subject of transitional work policies and programs and then surveyed the limited or “light” duty policies of six departments in Texas. Departments were surveyed based on a cross-section of size, image as being progressive, and geographic diversity. The data indicates that departments are beginning to utilize transitional work policies but still view them as a way of controlling employees rather than a means of cost cutting and benefiting morale. Industry studies indicate that the transitional work policy has become a standard in private industry and has a proven track record of enhancing employee morale and lowering overall worker’s compensation claims. This study indicates that government entities need to begin utilizing transitional work policies as a method of cost cutting in their worker’s compensation and overtime budgets. Data also indicates that returning employees to productive work rapidly has a positive impact on both budgets and employee morale.

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Introduction

Police departments have long viewed their resources as being tangible assets like vehicles, radar units, shotguns, nightsticks, handcuffs, etc. Only in the last ten to fifteen years have police department managers begun to realize that their most critical assets are the personnel they employ to put the tangible equipment assets to use. When departments lose their valued personnel, even for a limited time, the results can be disastrous for both budgets and morale. This paper is intended to explore the use of transitional work policies as a way for police departments in Texas to more quickly return injured or sick employees back to full duty and minimize those losses.

During the decade of the 1990s, many law enforcement leaders in Texas enjoyed the luxury of working in a climate of rapid growth. As a result, many of them worked under the philosophy of “ask and ye shall receive” when it came to budgets and personnel. However, with the economic slowdown of the early 21st century, law enforcement leaders have been faced with the hard reality that the period of unbridled growth is over. Most municipal and county governments are now expecting their law enforcement leaders to begin producing more work in the agency without any corresponding increase in either their budgets or their number of authorized personnel. As a result, whenever an officer is temporarily lost to an injury or illness, the department must find a way to pick up the additional workload and spread it out among the remaining employees who share the injured officer’s duty assignment. When the injury or illness extends past several days, the corresponding problems can include increased overtime, extended shifts, and low morale. Additionally, injured employees not placed into some type of “light duty” or transitional work at their department begin to feel cut

off from their department “family” and can suffer depression that has the potential to further lengthen their time of recovery (Margoshes, 2000).

The purpose of this paper is to show that if departments utilize transitional work policies they can save money and maintain or heighten morale when they return employees to the department in progressively more demanding work until the employee is deemed to be at “full” duty status. It is expected that findings will show that departments can reduce their overall expenses by putting injured employees to work performing duties that become progressively more demanding as the employee’s physician releases the employee in progressive steps to a full and final discharge. It is further expected to find that employees actually return to full duty quicker using a transitional system since they are plugged back into the department earlier than those employees that are required to stay home until they receive a full release from their physician. It is also expected to find that departments may see less morale problems when injured employees are brought back into the department quickly even though the employee is working at less than full duty status (Caldwell, 2001).

In pursuing this information, current literature on the subject of transitional work policies and the rules laid out in both the Fair Labor Standards Act (FLSA) and the Family Medical Leave Act (FMLA) were reviewed. Several mid-sized and large police and sheriff’s departments across Texas were also surveyed about their return to work policies for injured employees and the effect of those policies on budgets and morale.

If research shows that employees are returned to work quicker and with fewer problems in departments with transitional work policies, the implications for all departments not using such systems are positive. If this is the case, then those departments not currently using such a policy can have a positive effect not only on

morale issues but also on their bottom line by adopting and implementing a transitional work policy.

Review of Literature

The benefits of transitional return to work policies in American industry have been recognized since the mid-nineties (Olin, 1995). As transitional work programs began to catch on, their benefit was recognized. Rundquist (1998) reported that proactive programs and modified duty jobs helped people return to full duty status in their jobs more quickly. In fact, the psychological benefits from the act of coming to work, maintaining a work schedule, and interacting with co-workers were documented (Margoshes, 2000). Dr. Margoshes (2000) further related that the benefits of getting workers back on the job quickly are so great that companies should locate alternative work that fits the employee's abilities as quickly as the company is able. In an interview in 2001, Care Network senior Vice President and medical director Jay Betz recognized that larger companies tend to recognize the financial benefits of bringing back workers even if they cannot handle the full responsibilities of their job (Caldwell, 2001). Mr. Betz also advised in his interview that it becomes costly for smaller employers to wait until an employee is "full strength" before bringing the employee back to work. His findings indicate that traditional managed care does little to help with workers compensation and other injured worker issues. Kellerman (1999) noted that one of the key parts of holding the line on worker's compensation costs was for companies to adopt a non-adversarial method of dealing with injured workers. The thrust of this argument is that workers will respond more effectively to working with and receiving assistance and advice from the company than they will to being left on their own to wade through the maze of worker's compensation forms and information. In another study, Martin (2001) found that the

longer an injured worker was away from the workplace, the less likely that employee was to be contacted by company representatives. Her study bolstered a former work that found that keeping in touch with recuperating employees was one of the most important steps in developing an effective return to work policy (Holland, 1998). Steven Levin continued this train of thought in a short study in 2000. Levin (2000) concluded that each injured worker is not just a blip on the chart but that each injured worker has specific needs that are associated with his/her injury. He further found that protecting the well-being of the injured worker paid off for the company in morale and getting the worker back on the job quickly. This feeling of well-being issue was also documented by Ramage (1999). The importance of transitional work, as she found it, was in helping workers see themselves as still able to do things, rather than focusing on their injuries. Another study that seems to support this idea is one completed by Prince (2000). In an issue of Business Week he reported that teamwork and motivating the employee to work hard have together been shown to be an excellent method for returning injured people to their original health quickly.

Industry has also recognized the importance of transitional work policies in dealing with worker's compensation claims. A team concept that includes the injured worker in a non-adversarial management approach to dealing with the injury is seen as a key part in keeping worker's compensation costs under control (Kellman, 1999). Creating a relationship manager to manage the transitional process and maintain a strong employer/employee relationship from the date of the injury through resolution was found to help resolve worker's compensation claims more quickly (Rippens, 2001). Armentano (2001) found that training employees to understand worker's compensation enabled the

employee to help manage their own return to work program and thus motivated the employee to return as quickly as possible.

All of the Human Resource information reviewed also pointed to the success of building a complete program for managing transitional return to work issues. As early as 1997, Pimentel reported that the keys to a successful return to work program were to: create a written program; record in policy a management decision to implement and allow transitional work; give authority to implement the program to the person responsible for running it; educate employees in the fundamentals of the program; review claims services; audit indirect costs; and be supportive and respectful of injured employees and all of the attendant problems that resulted from the injury. Greenwald (1999) expanded this theory when she reported that transitional duty should involve the employee, a third party administrator, the employer, and the physician. She went on to point out that flexibility and communication are the keys to making the program work. In a related article Greenwald (1999) further pointed out that to make the transitional work policy function best, build it on written agreements between the employee and the employer that outline what is permitted and what restrictions are placed on the employee. All of these agreements would, of course, be monitored by a program coordinator. Additionally, it is important to know the essential job function of every position and update the job description periodically (Maslanka, 2001). Lee (2001) also found that providing “value added” jobs for light duty created a positive benefit for the injured or sick worker as they began to return to the work force. She found that one of the most positive ways to deal with these jobs was to create a “task bank” of light duty jobs for employees prior to any injuries or extended illnesses. This aided by creating a consistent approach to the employees and gave them an idea of the type of work they could expect

as they began to return to the company. Even the Federal Bureau of Investigation found that light duty was an injury management option that insured that the department was getting some production out of officers that couldn't perform all of the essential job functions for a limited period of time (McNaught & Schofield, 1998). However, the FBI article failed to elaborate on using transitional work as a tool for keeping the employee plugged into the system and rather described it only as a way to keep track of employees and ensure that they weren't getting paid for doing "nothing".

A review of the policies of several cities, specifically looking at their "light duty" or "limited duty" policies, was then conducted. Reviewing policies for the Cities of Austin, Fort Worth, Plano, Round Rock, Temple, and Houston found that all addressed the issue in a similar manner. Each city required the officer to provide documentation of the specific injury as well as documentation from a physician describing the exact nature of the injury and the limitations of the officer during any recovery period. None of the policies reviewed, however, provided for "transitional" work as commonly defined in industry today. None of the policies created lists of recognized "light duty" positions for physicians with the specific essential job functions for each of the jobs listed. In fact, none of the polled cities had lists of the essential job functions for any position that could be viewed as a "light duty" job. Each city chose a limited duty or light duty job based on the limitations recommended by a physician. Unfortunately, these jobs seemed to be capriciously chosen at the time of the injury based on the desires or needs of a divisional commander or chief of police.

Methodology

The purpose of this research is to examine the question of the value of using transitional work policies by police departments when dealing with injured or sick

employees. It is hypothesized that the utilization of transitional work policies can help reduce costs and heighten morale among a department's personnel by returning injured or sick employees to the workforce more quickly and with less stress. A review of current literature in the Human Resources field was conducted to determine if industry in general views the idea of transitional work as a relevant and dynamic concept in dealing with injured or sick employees. An evaluation of the "light duty" or "limited duty" policies of six departments in the State of Texas was then conducted. The departments were chosen based on three criteria: 1) size of the department to insure a cross section of department sizes; 2) the department's image as being far-sighted or progressive within the law enforcement community in Texas; and 3) the department's geographic diversity in the State. Each policy was reviewed and compared against the others to determine if any of the cities actually implement a transitional work policy and to determine if that policy follows the generally accepted practice and guidelines as outlined in current Human Resources literature.

Findings

In reviewing limited or light duty policies from the selected police agencies, it became obvious that while departments have tried to address the issues of transitional work they have not yet implemented the type of programs that are working for the private sector. While most departments have begun utilizing a type of transitional work program, departments on the whole still view this as a means of controlling an employee or keeping track of an employee. In Table 1, Light Duty Policy Comparison, the policies of the six reviewed departments are compared to the list of the industry suggestions for transitional work policies. All of the departments have some type of written policy. However, only two of the departments come fairly close to having the type of program

that industry recognizes as productive to both the company and the employee. The Cities of Plano and Round Rock have both created programs that meet six of the nine criteria suggested in private industry. Both of these cities, however, fail to review their claims service for workers' compensation, fail to audit indirect costs, and fail to provide progressively more demanding transitional work as the employee's condition improves over the course of their recovery. None of the policies reviewed allow for the review of claims services or for the auditing of indirect costs. Interestingly, only one city allowed indefinite "light duty" or transitional duty work that could only be modified or altered by the Chief of Police.

Table 1. Light Duty Policy Comparison.

City Reviewed	Austin	Ft. Worth	Plano	Round Rock	Temple	Houston
Dimension Reviewed						
Formal, Written Policy	Yes	Yes	Yes	Yes	Yes	Yes
Dedicated Authority to Run Program	No-Chief Override	City HR	Yes	Yes	No-Chief Decision	No-Chief Decision
Management Decision to Use	No-Chief Decision	No	Yes	Yes	No-Chief Option	No-Chief Decision
Employee Training	Yes	Yes	Yes	Yes	Yes	Yes
Review Claims Service	No	No	No	No	No	No
Audit Indirect Costs	No	No	No	No	No	No
Limited Duration Policy	No	Yes	Yes	Yes	Yes	Yes
Progressively More Demanding Work	No	No	No	No	No	No
Job Task Analysis	No	No	Yes	Yes	Only for Original Job	Only for Original Job

Of interest is the City of Austin's light duty policy with no limit on duration. At this time, their policy allows the Chief of Police to authorize an officer to be placed on indefinite light duty with the only requirement being a yearly physical by a physician certifying that the condition still exists with no substantial change. Austin's policy also allows an officer on indefinite light duty to transfer divisions, test for and receive promotions, work off duty jobs, and perform the duties of a police officer as best the officer can perform them. No other city surveyed allows officers on light duty to promote, work off duty jobs, or perform any of the essential duties of a peace officer until certified by a physician as capable of performing those functions without limitations.

It is of interest that all of the literature reviewed from the Human Resources field has heartily endorsed the creation and use of transitional work policies. The studies have shown that the use of transitional work policies have been beneficial, in those companies that use them, in returning sick or injured workers back to full capacity with less trauma and less problem for the company and the employee. In one of the first detailed studies of the issue, Olin (1995) concluded that companies could reduce their cost of workers' compensation by implementing transitional work policies. Olin also concluded that employees themselves benefited from the policies by being able to return to work more quickly and by suffering less psychological distress from separation from their employment. Olin detailed several benefits for the employee in his study including greater financial stability for the employee by being able to replace wages lost to workers' compensation; faster recuperation by putting the employee's muscles through a "work hardening" (Olin, p. 82) program while working in a transitional job that became increasingly more demanding as the recovery process progressed; positive social reintegration by getting the employee back into their "work family" and reducing the

feeling of being “out of the loop”(Olin, p. 82)– thus minimizing or preventing much psychosocial damage; returning the worker to a work routine habit thereby preventing the “disability syndrome” (Olin, p. 83) in which employees become accustomed to staying home and not being accountable for anything; and improving the employees feeling of self-worth by reintegrating the employee back into the workplace where he/she gains a great degree of their self-worth, self-esteem, dignity, and respect. Olin further detailed benefits for the employer that included increased productivity by having the employee doing at least some of their own job and freeing other employees to return to their primary work; sending a clear message to the employees that the company is interested in making accommodations to allow them an early return to the job thus reinforcing their importance to the company; reduced over- time by limiting the time co-workers have to fill in for the injured or sick employee; and a reduction in the number of temporary workers the company might have to hire to fill the gap left by sick or injured employees. Olin also noted that the one crucial factor in a successful return to work program was that all transitional work jobs be as meaningful as possible. The work should also be as close to the employee’s regular job as possible and should be progressive, i.e. involving a series of steps that work to restore the employee’s original capabilities while staying within the restrictions advised by the employee’s physician.

Transitional work policies in industry were further defined by Pimentel (1997) in his presentation at the Champions of Safety Conference in Pittsburgh. Pimentel defined the successful transitional work program/policy as having certain essential elements. First and foremost, Pimentel noted that the program had to be a written, formalized policy that included the structure of the program and what the employer was willing to provide for transitional employment opportunities. Second, the company had to give the

authority to implement the program to the person or group within the organization that would be ultimately responsible for running it so that the people running the program don't become frustrated with or indifferent about the program. Third, make the decision to allow transitional work a management decision, not a supervisory decision. This takes favoritism out of the mix and prevents supervisors from granting transitional work only to worker's they like and prohibiting transitional work for all other employees. Fourth, teach employees about the transitional work program from their first day on the job. Teach employees to see transitional work as an employment benefit rather than having the employee see staying home with an injury as being more rewarding. Fifth, review claims services to ensure that employees receive prompt service from the claims service, insurance carrier, or third-party provider. According to Pimentel, poor claims services can drive employees into litigation and that, in and of itself, will drive workers' compensation costs up by 30 to 40 percent. Sixth, audit indirect costs so that the company will know exactly how much injuries and illnesses really cost the department and the organization as a whole. Indirect cost audits should include costs of administering claims, training replacement workers, and lower production/worker rates so that an accurate picture of the cost of the particular injury or illness is available. Finally, Pimentel says the company must be supportive and respectful of injured employees and their problems. The company's actions following an employee injury can either foster a positive attitude in the employee about returning to work or drive the employee into the waiting arms of a litigation attorney. Pimentel suggests that while the company might believe that the injuries were caused by a stupid or thoughtless action, the employee may actually see themselves as a "fallen soldier in the industrial wars deserving a handshake and a Purple Heart" (Pimentel, 63). Maslanka and Gegen (2001)

further expanded the issue by suggesting that physicians should identify specific limitations for employees in direct relation to the written essential functions of a job. They advised that employers must have updated job descriptions and essential job functions on file for each and every position in the organization. This position was supported by Rippens (2001) who added that companies should determine in advance what jobs can be considered as light duty jobs in the organization and the listing of those jobs be available to an employees' physician.

Discussion

This paper has looked at the problem faced by departments in returning injured or sick officers back to work in a timely fashion. The purpose of the study was to determine if the use of transitional work programs could benefit medium sized police departments in Texas by helping with budgetary costs and improving morale. It was hypothesized that departments could cut costs and improve morale if they implemented transitional work policies similar to those used in private industry.

When reviewing the current literature from the private sector and Human Relations field it is apparent that the use of transitional work policies has been documented to assist in controlling costs and improving worker morale. Several detailed studies (Olin, 1995; Pimentel, 1997) documented the necessary components of successful transitional work policies. These two studies have been supported numerous times since in other studies in the private industry. However, governmental agencies have been slow to adopt this type of transitional work policy. Based on the policies of the cities reviewed, all but two of the cities leave final authority for the handling of injured or sick workers in the hands of the Chief of Police. Apparently, this is still an attempt on the part of the city to maintain some form of control and authority over the way that a sick or

injured employee interacts with the city. It also leaves the city open to the charge of favoritism if every employee is not treated in the same manner. It was also noted that only two cities (Plano and Round Rock) have detailed job task analysis available for every job and provide those to doctors treating their injured or sick employees to help in determining where the employee can best fit into the organization while recovering. Two additional cities (Temple and Houston) provide detailed job task analysis to their physicians only for determining if the injured or sick employee has recovered enough to return to their original job. Based on the way that the cities reviewed have structured their policies, none have implemented true transitional work policies similar to those used in private industry. Based on the available literature from private industry, it seems that government is not yet as concerned with its relationship to its injured or sick employees as private industry. This study points out that private industry has recognized the importance of returning sick or injured workers back to the workforce as quickly and expeditiously as possible.

Government on the other hand, as represented by the cities reviewed, has yet to fully recognize this important piece in its employee relations policies. It is evident from private industry that the use of transitional work policies is an important cost saving measure not only in terms of the actual cost but also in terms of human costs. The use of these policies in private industry has had a positive impact on both the companies utilizing them and on the individual worker who has found him/herself in the position of utilizing the program. This is relevant to government particularly in this time of budgetary shortfalls and limited funding. If police departments would adopt the same type of transitional work policy as found in private industry then they could shorten the amount of time they lose critical employees and boost the morale of the employees who

must pick up the slack for the injured or sick employee. This would allow police departments to curtail some of their current workers' compensation costs, overtime costs, and human costs from employee ill will and martyrdom. Many in industry have found that moving employees back into the workforce progressively has paid off in "human" capital. Employees that believe the company or department is trying to take care of them when they are sick or injured are less likely to become civil litigants when a small bump in the road to recovery occurs. Government must improve its relationship to its employees to stop the bitterness and antagonism that often seems to accompany the way government has traditionally responded to sick and injured employees. No longer can government afford to lose its employees indefinitely and expect others to pick up the slack without some type of compensation. Bringing injured or sick employees back quickly to a transitional job and then providing a mechanism for adding additional job responsibilities as soon as medically able accomplishes this for government. It also gives the employee a sense of value and displays to other employees that each person in the department is of value and an important part of accomplishing the department mission.

The transitional work policy is a legitimate tool in the human relations field. Its use in government can become a major cost saving tool if utilized properly and fairly. What remains to be seen is if police agencies in particular and government agencies in general can begin to revise their long held views of how they relate to their employees. Perhaps the transitional work policy can help government begin to realize that their primary assets are not to be found in their tangible property but rather in their employees themselves.

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