Housekeeping

• Closed Captioning
  – streamtext.net/text.aspx?event=CFI-CSG

• Cameras and Microphones

• Recording
  – seed.csg.org/ada30/

• Participation
Stay-at-Work/Return-to-Work Policy and Practice

Dr. Kathy Sheppard-Jones,
Executive Director of the UK Human Development Institute
KY RETAIN

Assemblywoman Nily Rozic, New York

Victoria Kennedy,
Assistant Director for Insurance Services,
Washington’s Department of Labor and Industries
Stay-at-Work/Return-to-Work Policy and Practice

Dr. Kathy Sheppard-Jones, PhD, CRC
Executive Director of the UK Human Development Institute
KY RETAIN
Defining Disability

Physical or mental impairment that substantially limits one or more major life activity, a person with a record of such an impairment, or who is regarded as having a disability

-Amerians with Disabilities Act, Sec 12102
Social Model of Disability

Disability is a collection of conditions, created by the social environment. In this model, people have physical and/or mental impairments, but are disabled by society.
Impact of COVID Environment

• Isolation
• Equity
  o Healthcare
  o Education
  o Employment
• Loneliness
• Opportunity to Reassess Inclusive Workforce
The State of Workforce Participation

Millions of American workers leave the workforce annually after experiencing an injury or illness.

Non-occupational injuries and illnesses (off-the-job) are eight times more common than those that occur on-the-job.

Hundreds of thousands of workers receiving state or federal disability benefits has a negative impact on our workers, employers, and states.
Work Disruptions Impact Employee’s Lives

- Transportation Issues
- Food Security
- Child Care
- Home Stability
State Benefits of Stay at Work/Return to Work

- Workforce more likely to remain employed
- Decreased benefits rolls
- Increased tax revenue
Employer Benefits of Stay at Work/Return to Work

- Reduced costs associated with staff turnover
- Improved productivity
- Improved processes
- Improved morale
- Improved profits
Employee Benefits of Stay at Work/Return to Work

- Maintain worker identity
- Maintain economic self sufficiency
- Improved health outcomes
- Reduced risk of relapse/reinjury/secondary conditions
- Improved quality of life
- Improved satisfaction
- Maintain or enhance skills
- Reduced stress on the family
Policy Framework

• Return to Work Programs
• Disability Benefits Programs
• Employer Actions
  • Subsidies, incentives and Grants
  • Job Modifications
Policy Framework

• Additional Policy Options
  • Public Sector
    • Programs for State Employees
    • Programs Operated by State Vocational Rehabilitation
  • Private Sector Employer Subsidy, Incentive and Grant Programs
  • Employee Incentive Programs
  • Wellness And Injury Prevention Programs
The US Department of Labor Office of Disability Employment Policy, Employment and Training Administration and Social Security Administration have launched the RETAIN Demonstration Project initiative.

8 RETAIN states are implementing and evaluating new and early intervention strategies to help injured or ill employees keep their jobs.
RETAIIN Kentucky Phase 1

1. Awarded $3.5 million for a multi-systems community change approach to retain job talent within Kentucky.

2. Led by Kentucky Department of Workforce Investment, University of Kentucky Human Development Institute and CSG.

3. Implementing SAW/RTW strategies across health, employment, and public health to support individuals as they experience an injury of illness that impacts their ability to keep working.

4. Providing immediate support and assistance to maximize likelihood of employee staying or returning to work.

RETAIIN KY Partners
Coalition for Workforce Diversity
Frazier Rehabilitation Institute/University of Louisville Division of Physical Medicine & Rehabilitation
KentuckyOne Health
Kent State University
KentuckianaWorks Regional Workforce Development Board
Kentucky Cabinet for Health and Family Services
Kentucky Department for Public Health
Kentucky Department of Workers’ Claims
Kentucky Disability Determination Services
Kentucky Hospital Association
Kentucky Labor Cabinet
Kentucky Office of Vocational Rehabilitation
Kentucky Workforce Innovation Board
The Council of State Governments
University of Kentucky Human Development Institute and
University of Kentucky
Early Intervention Strategies

- Assistive Technology
- Peer Support
- Universal Design & Training
Universal Design

Broad set of strategies around the design of spaces, products and policies that are usable to the broadest array of people.

Universal Design maximizes environmental fit to benefit everyone, thus reducing the need for accommodations.
RETAIN Supports Ultimate Workforce Goals

KY Disability Inclusive Initiatives

KY Strategic Plan for Workforce

Inclusive Workforce
Ways to Engage

1. Know that you can influence attitudes and understanding
2. Promote Return to Work Focus
3. Utilize the SAW/RTW Toolkit
4. Recognize work as an expectation for everyone
5. Promote principles of universal design as best practice
6. Understand accommodations
7. Align policies with Employment First
Utilize the Existing Strengths in Your State

1. State Vocational Rehabilitation Agency
2. Centers for Independent Living
3. State Assistive Technology projects
4. Job Accommodation Network
5. University Centers for Excellence in Disability
A Culture of Vocational Recovery and RTW in Washington Workers’ Compensation System

Vickie Kennedy,
Assistant Director for Insurance Services, Washington’s Department of Labor and Industries
New focus on return to work has increased positive employable outcomes for all first vocational service referrals

Outcome distribution, first vocational service referrals, select outcomes (12-month average)

- Able to work job of injury
- Return to work
- Eligible for Retraining
- Able to work transferable skills
“Not Surprisingly, return to work is often less dependent on the medical factors surrounding the actual injury than it is about the unique characteristics of an injured employee and his or her employer.”

How to Negotiate Return to Work
Melhorn MD, Rainville MD

AMA Guides to the Evaluation of Work Ability and Return to Work, Second Edition,
Talmage MD, Melhorn MD, Hyman MD 2011
What is “Work Disability”?

Work disability occurs “when a worker is unable to stay at work or return to work because of an injury or disease. Work disability is the result of a decision by a worker who for potential physical, psychological, social, administrative, or cultural reasons does not return to work. While the worker may want to return to work, he or she feels incapable of returning to normal working life. Therefore, after the triggering accident or disease has activated a work absence, various determinants can influence some workers to remain temporarily out of the workplace, while others return, and others may finally not return to work at all.”

Handbook of Work Disability Prevention and Management - Loisel and Anema 2013
Work Disability: a separate condition...

“...directly address the work disability problem as a central issue independent of the condition...”

Handbook of Work Disability Prevention and Management - Loisel and Anema 2013
Impacts of Work Disability

“Only recently, the insight has grown and convincing evidence has been amassed that indicates that long-term work disability contributes to 2–3 times increased risk of poor general health, 2–3 times increased risk of mental health problems, and 20% excess mortality.”

Loisel and Anema, Handbook of Work Disability Prevention and Management, 2013
Work Disability: Individual Risk Elements

- Low expectations of return to work
  - ("...prior studies have shown that workers’ expectations of ability to return to work are highly predictive of eventual work outcome")
- Low perceived value of work
- High level of concerns about returning to work
- Unclear process, roles, and pathway(s) to return to work
- Fear and avoidance

Pransky, 2011
Journal of Occupational Rehabilitation
Are medical providers at risk of causing unnecessary work disability?

• Yes!
• There are 3 types of work absence:
  – Medically necessary
  – Medically discretionary
  – Medically unnecessary

  – “…Increase awareness of how rarely disability is medically required”

Preventing Needless Work Disability by Helping People Stay Employed, American College Of Occupational And Environment Medicine, 2006
What is “Work Disability”? 

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Handbook of Work Disability Prevention and Management – Loisel and Anema 2013
## Work Disability & Contributing Risk Elements

Preventing Needless Work Disability by Helping People Stay Employed, American College Of Occupational And Environmental Medicine, 2006

<table>
<thead>
<tr>
<th>Escalation Level</th>
<th>Who is involved?</th>
<th>How is current work capacity determined?</th>
<th>How are job demands determined (both usual job and alternatives)?</th>
<th>What triggers the actual return to work?</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>Worker</td>
<td>Personal knowledge</td>
<td>Personal knowledge</td>
<td><strong>Personal decision</strong></td>
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<tr>
<td>1</td>
<td>Worker and Supervisor</td>
<td>Discussion</td>
<td>Discussion</td>
<td>Discussion</td>
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<tr>
<td></td>
<td>Worker and Physician</td>
<td>Discussion RTW note from physician</td>
<td>Verbal description of usual job</td>
<td>Discussion</td>
</tr>
<tr>
<td></td>
<td>Worker, Physician Claims adjuster/case manager</td>
<td>Formal inquiry Simple physical capacities form completed by MD</td>
<td>List of job’s functional demands</td>
<td>Discussion</td>
</tr>
<tr>
<td></td>
<td>Worker, Physician Claims adjuster/case manager, Physical therapist, Ergonomist or vocational consultant, IME examiner, Union steward, Lawyer</td>
<td>Objective testing Functional capacity evaluation Independent medical opinion</td>
<td>Video of job Ergonomic analysis of job On-site workplace visit</td>
<td>Written offer of employment Formal return to work plan Sign-off by all parties</td>
</tr>
</tbody>
</table>
Worker Centric Means We...

put the worker in the lead role and make it easy for them to choose to return to work

are engaging and activating workers based on what they think needs to happen through goal planning and attainment to enable them to successfully return to work or progress through the process

develop relationships and trust with workers to help them identify their motivations, concerns, and risks with returning to work
Supporting Systems and Policies

Return to Work supported through workers’ compensation law, rules

Centers for Occupational Health and Education (COHEs)
Occupational health best practices
Coordination with vocational providers, other care providers

Financial incentives for employers
Stay at Work Program (limited to employer of injury)
Preferred Worker Program (available to any employer)
Stay-at-Work/Return-to-Work Policy and Practice: Telework and Flexible Work Arrangements

Assemblywoman Nily Rozic,
New York
Stay-at-Work/Return-to-Work Policy and Practice

Dr. Kathy Sheppard-Jones, Executive Director of the UK Human Development Institute
KY RETAIN

Assemblywoman Nily Rozic, New York

Victoria Kennedy, Assistant Director for Insurance Services, Washington’s Department of Labor and Industries
Questions?
Additional Webinar Opportunities

- **Webinar 5: Accessible Transportation and Workplace Technology** (October 15th)
- **Webinar 6: Ensuring a Disability Perspective in State Policy** (November 19th)
- **CSG National Conference:**
  - The Effect of COVID-19 on Transition Age Youth and Young Adults with Disabilities (October 29th)
  - Disability Etiquette (December 11th)
  - Telework: Adapting to the COVID-19 Economy (December 16th)
Contact Us

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National Disability Employment Awareness Month (NDEAM)

• Nationwide observance each October
  – 2020 theme: "Increasing Access & Opportunity"
• Employers of all sizes and in all industries encouraged to take part
• Ideas and inspiration at dol.gov/ndeam
Celebrating 30 Years of the ADA

#ADA30 | #CSGCelebratesADA30