

NEW HAMPSHIRE DEPARTMENT OF LABOR

Temporary Alternative Duty

RSA 281-A:23-b

All employers with 5 or more employees shall develop temporary alternative work opportunities for injured employees. The insurance adjuster handling a claim should determine if the insured employer does have temporary alternative duty available to the injured employee.

A task analysis is a valuable tool in the development of temporary alternative duty. The task analysis form should reflect the daily tasks performed by the employee prior to the injury. This task analysis form mirrors the New Hampshire Medical Report form and can provide the doctor with a realistic picture as to what the employee did prior to the injury. This can aid the doctor in advising the employee of limitations that have resulted due to the injury and can help the employer develop an alternative duty plan to bring the employee back to work.

Some employers have certain positions strictly set aside for temporary alternative duty and the task analysis of these positions can be forwarded to the treating physician for approval by the doctor as to whether the employee can perform the tasks.

If an offer of physician-approved temporary alternative duty is refused by the injured employee, the carrier can write to the Department of Labor, copy to the employee, requesting a termination or a reduction of benefits.

The key to a successful temporary alternative duty program is communication between the parties. If the employee, physician and adjuster are aware that there is light-duty work available, there can be a smooth transition from total disability to a successful return to work.