



**SPEED, SETA, MARTIN, TRIVETT & STUBLEY, LLC**  
**ATTORNEYS AT LAW**

114 Stone Mountain Street, Lawrenceville, Georgia 30046  
Phone (770) 822-2911 Fax (770) 822-2912  
www.Speed-Seta.com

## **WC-240 PROCEDURE**

### **Returning Employee to Suitable Light-Duty Work**

#### ▶ **WHEN 240 PROCEDURE APPLIES**

- ▶ Employee is drawing TTD benefits; **and**
- ▶ Authorized treating physician has released Employee to light/modified duty work; **and**
- ▶ Employer is willing to make suitable employment available to the Employee.

#### ▶ **WHAT IT DOES**

- ▶ Returns Employee to light-duty work which meets treating physician's restrictions and has physician's approval.
- ▶ Allows suspension of TTD benefits due to Employee's return to work. Employee may still be eligible for TPD or PPD benefits.
- ▶ Allows unilateral suspension of TTD benefits if the Employee does not attempt the proffered employment for either eight cumulative hours or one scheduled workday.

#### ▶ **HOW TO DO IT**

- ▶ Upon receipt of a medical report from the authorized treating physician releasing the Employee to light (modified) duty work, contact the employer to see if employment in accordance with the work restrictions can be offered to the Employee. If so, compose a **job description** which conforms to the limitations imposed by the doctor. The job description must include: duties to be performed, hours to be worked, rate of pay and description of the essential tasks to be performed. The job description should also indicate that the effort required to perform those duties does not exceed the limitations imposed by the doctor.
- ▶ Submit the job description to the **authorized treating physician** for approval. Provide a place on the job description for the doctor to sign and date, showing his/her approval.
- ▶ At the same time a copy of the job description must be provided to **both** the Employee and his/her attorney.
- ▶ Upon receipt of the approved job description from the doctor, complete the **WC-240**.
- ▶ Within **60 days** of the physician's approval of the job description mail copies of the WC-240, with attached job description showing the physician's approval, to **both** the Employee **and** his/her attorney. The form with attachments **must** be mailed to the Employee **and** his/her attorney **at least 10 days** before the return to work date. If mailing from out of state, we recommend **13 days**.
- ▶ File a **WC-2** with the State Board suspending Employee's TTD benefits as of the date the Employee is to return to work. Attach a copy of the WC-240 (with the approved job description sent to the Employee and the Employee's attorney) to the WC-2.
- ▶ **Suspend** payment of TTD as of the date the Employee is to return to work. If appropriate, file another WC-2 showing payment of TPD and/or PPD.
- ▶ If Employee refuses to attempt light-duty job or attempts the light-duty position for fewer than 8 hours, TTD benefits may be **unilaterally** suspended. However, if Employee successfully attempts the light-duty position, but fails to continue working for 15 work days, TTD benefits must be **reinstated**.



**SPEED, SETA, MARTIN, TRIVETT & STUBLEY, LLC**  
**ATTORNEYS AT LAW**

114 Stone Mountain Street, Lawrenceville, Georgia 30046  
Phone (770) 822-2911 Fax (770) 822-2912  
www.Speed-Seta.com

## **WC-104 PROCEDURE**

### **Notice of Release to Light-Duty Work and Notification of Potential Change from TTD to TPD**

#### ▶ **WHEN 104 PROCEDURE APPLIES**

- ▶ Non-catastrophic claim; **and**
- ▶ Employee is not working, drawing weekly TTD benefits; **and**
- ▶ Employee is released to light/modified duty by the authorized treating physician.

#### ▶ **WHAT IT DOES**

- ▶ Provides formal notification to Employee of release to work with restrictions
- ▶ Limits future TTD entitlement to 52 consecutive or 78 aggregate weeks after which time the Employee can receive only TPD.

#### ▶ **HOW TO DO IT**

- ▶ Upon receipt of a medical report from the authorized treating physician wherein the Employee is released to light (modified) duty, fill out form **WC-104**.
- ▶ Attach a copy of the **medical report** to the form WC-104.
- ▶ Mail the WC-104 with attached medical report to **both** the Employee's attorney and the Employee within **60 days** of the date of the medical report.
- ▶ At the **same time**, file the WC-104 and attached medical report with the State Board of Workers' Compensation.
- ▶ Diary for **52 weeks** from the date of the medical report.
- ▶ If, after 52 weeks from the date of the medical report, the Employee remains eligible for light-duty work (has not been put on a no-work status by the authorized physician), then file a **WC-2** with the State Board showing **suspension of TTD and commencement of TPD** at the max TPD rate and check block B5. Send a copy of the WC-2 with the WC-104 and attachments, to **both** the Employee and his/her attorney.
- ▶ If, during the 52 weeks following the filing of the WC-104, the authorized treating physician has restricted the Employee from any work whatsoever (totally disabled him), you must wait to convert TTD to TPD until the Employee has received **78 aggregate weeks** of TTD while not working and while in a light-duty status. When that occurs, follow the steps shown above for filing the WC-2 with the Board and copies to both the Employee and his attorney.