

Nevada Workers' Compensation Law Blog

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Light Duty Question About Temporary Work

What should I do when my employer gives me work that is not within my temporary work restrictions?

1. Make sure that your supervisor has a copy of your current work restrictions that are written on your most recent physician progress report. Your employer is entitled to rely on what the doctor has written as your restrictions. If your employer contends that the work is not outside the particular restrictions as written, then you may need to return to see your doctor as soon as possible to have more restrictions added. Ask your doctor to be very specific in writing your restrictions. Meanwhile, you must try to do the job assigned until you get new restrictions.
2. If it is clear that the work you are asked to do is outside the restrictions written on the physician progress report, talk to your supervisor first. Then, go up the chain of command, or to your human resource person to further discuss the problem.
3. If the employer persists in asking you to do work beyond what the doctor has written you can do, then contact your workers' comp adjuster. In addition to calling the adjuster, fax or mail a note to the adjuster telling him that your employer is not cooperating with your work restrictions. Attach a copy of the physician progress report with your restrictions, state what the employer was insisting that you do, and state when you discussed the problem with your supervisor. Mail or fax a copy of this letter to your employer.
4. After you have gone through the above 3 steps, give the employer a reasonable period of time to correct the problem. If the employer persists in asking you to do work that your doctor does not want you to do, then give your employer written notice that you will not report to work until the employer gives you suitable light duty work. Do not quit your job. Simply state that you cannot return to work until temporary light duty work is provided that falls within the written work restrictions. At the same time, request in writing that the adjuster pay you temporary total disability benefits. If the adjuster denies benefits, file an appeal.

The above steps should document that you handled the situation correctly, and that you are entitled to payment of temporary total disability benefits if the employer never does offer appropriate temporary light duty work.

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