

WC-240 Process

Swift Currie's Step-by-Step Guide to Returning Employees to Light Duty Work Through the WC-240 Process

O.C.G.A. § 34-9-240 and Board Rule 240 provide the method for returning employees back to work when released to light duty in Georgia. Completing every procedural step is imperative to have a successful and enforceable light duty job offer. The following 10-step guide can help you navigate the common pitfalls.

- 1 Verify the claimant is capable of performing light duty work by the authorized treating physicians.
- 2 Contact the employer and verify the availability of work under the specific restrictions assigned.
- 3 Secure a description of the available light duty job from the employer either on a WC-240A form **or** a clearly worded and detailed job description.
- 4 Send the executed WC-240A form or detailed job description to the authorized treating physicians, providing at the same time, a copy to the claimant and the claimant's attorney (if represented). Ensure the authorized treating physicians approve the light duty job within 60 days of their last examination.
- 5 Upon receipt of the signed WC-240A or written approval of the detailed job description from the authorized doctor(s), contact the employer to verify the date and time of the claimant's return to work, as well as the rate of hourly pay and supervisor contact information.
- 6 Prepare a WC-240 form containing the information verified in step 5, attach the WC-240A or job description and doctor's written approval and forward a copy to the claimant and the claimant's attorney at least 10 days prior to the date of the return to work.
- 7 Contact the employer representative a few days before the return to work date to confirm readiness for claimant's return to work.
- 8 On the date of the scheduled return to work, confirm the claimant actually returned to work. Once confirmed, or if the claimant refuses to/does not return to work, immediately file a WC-2 with the State Board of Workers' Compensation to document the suspension of the claimant's income benefits. Be sure to attach the WC-240 and WC-240A. Be sure to commence permanent partial disability benefits if applicable.
- 9 If the claimant works more than eight cumulative hours or one scheduled workday, **whichever is greater**, but less than 15 days, income benefits must be reinstated immediately (**FAILURE TO REINSTATE INCOME BENEFITS, REGARDLESS OF THE REASON, RESULTS IN THE WAIVER OF THE "SUITABLE EMPLOYMENT" DEFENSE**). A WC-2 should be filed reflecting the recommencement of income benefits.
- 10 Seeking further suspension of income benefits for failure to accept suitable light duty work should be considered. Contact a Swift Currie attorney to discuss your options as there is further action we can take if we have to reinstate benefits that can help bring the claim to a resolution.

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WORKERS' COMPENSATION PARTNERS

John F. Sacha	404.888.6103	john.sacha@swiftcurrie.com
Robert R. Potter	404.888.6105	robert.potter@swiftcurrie.com
Mark J. Goodman	404.888.6107	mark.goodman@swiftcurrie.com
R. Briggs Peery	404.888.6112	briggs.peery@swiftcurrie.com
Michael Ryder	404.888.6114	mike.ryder@swiftcurrie.com
Debra D. Chambers	404.888.6124	debra.chambers@swiftcurrie.com
Richard A. Watts	404.888.6113	richard.watts@swiftcurrie.com
Lisa A. Wade	404.888.6110	lisa.wade@swiftcurrie.com
Douglas W. Brown, Jr.	404.888.6117	doug.brown@swiftcurrie.com
Timothy C. Lemke	404.888.6125	tim.lemke@swiftcurrie.com
Cristine K. Huffine	404.888.6119	cristine.huffine@swiftcurrie.com
James D. Johnson	404.888.6139	jim.johnson@swiftcurrie.com
Cabell D. Townsend	404.888.6104	cab.townsend@swiftcurrie.com
Todd A. Brooks	404.888.6205	todd.brooks@swiftcurrie.com
Charles E. Harris, IV	404.888.6108	chad.harris@swiftcurrie.com
Michael Rosetti	404.888.6121	michael.rosetti@swiftcurrie.com
S. Elizabeth Wilson	404.888.6211	beth.wilson@swiftcurrie.com
K. Martine Cumbermack	404.888.6224	martine.cumbermack@swiftcurrie.com
Ann M. Joiner	404.888.6210	ann.joiner@swiftcurrie.com
R. Alex Ficker	404.888.6215	alex.ficker@swiftcurrie.com
K. Mark Webb	404.888.6217	mark.webb@swiftcurrie.com
Preston D. Holloway	404.888.6229	preston.holloway@swiftcurrie.com
Jeff K. Stinson	404.888.6207	jeff.stinson@swiftcurrie.com
Marion H. Martin	404.888.6143	marion.martin@swiftcurrie.com
Mark E. Irby	404.888.6118	mark.irby@swiftcurrie.com
C. Blake Staten	404.888.6206	blake.staten@swiftcurrie.com
Joanna S. Jang	404.888.6228	joanna.jang@swiftcurrie.com
Jonathan G. Wilson	404.888.6227	jonathan.wilson@swiftcurrie.com

For a complete list of our other practice areas and attorneys, please visit www.swiftcurrie.com.