

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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Having represented clients in Georgia and throughout the country for 60 years, Swift, Currie, McGhee & Hiers, LLP, has evolved into a law firm capable of handling all areas of civil law and litigation. With approximately 160 attorneys, Swift Currie possesses the resources and abilities to tackle the most complex legal problems, while at the same time, providing its clients with individualized, prompt and cost-effective service. Our law firm has a wealth of experience across numerous practice areas, and our depth of legal talent allows us to tailor such strengths to individual cases.

Our firm's philosophy is to provide our clients with creative, aggressive and professional representation of their interests. We also strive to conduct ourselves in a manner consistent with the legacy of our four founding partners.

No matter what the issue is in dispute, Swift Currie has attorneys ready to assist you. We believe we have a well-deserved reputation for high-quality legal services and dedicated attorneys.

Finding creative solutions to complex problems – that is our commitment to our clients.

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