

WCLA MCLE 5-30-19

- The Rebirth of TTE? Stegan v. Reladyne
- May 30 , 2019
- 12:00 noon to 1 pm
- James R. Thompson Center Auditorium, Chicago, IL
- 1 hour general MCLE credit

Interstate Scaffolding

236 Ill.2d 132 (2010)

- **Determinative inquiry for deciding entitlement to TTD** benefits remains, as always, **whether the claimant's condition has stabilized**. If the injured employee is able to show that he continues to be temporarily totally disabled as a result of his work-related injury, the employee is entitled to TTD benefits.
- When determining whether an employee is entitled to TTD benefits, the test is whether the employee remains temporarily totally disabled as a result of a work-related injury and whether the employee is capable of returning to the work force. The Act provides incentive for the injured employee to strive toward recovery and the goal of returning to gainful employment by providing that TTD benefits may be suspended or terminated...**if the employee refuses work falling within the physical restrictions prescribed by his doctor.**

WCLA August 2015 Return To Work Programs AKA Temporary Transitional Employment (TTE)

- Richard Lee v. Fluid Management, 11WC048656, final: “There is no statutory authority in the State of Illinois for Temporary Transitional Employment and the Act does not refer to Temporary Transitional Employment.”
- Anthony Berndt v. Hibar, 12WC010057, 14IWCC0152: “(E)ntity called ReEmployability sent a letter ...referencing Petitioner’s work restrictions and indicating a transitional full-time job as thrift store sales assistant...extension of Petitioner’s employment with Respondent.” Petitioner presents and advises thrift store of restrictions. “(A)cted in good faith” TTD awarded for time after offer.
- Robert Przanowski v. Des Plaines, 11WC035540, 14IWCC1122: “temporary” is not “bona fide” offer of employment.
- Eric Alvarez v. Foodliner, 13WC020686, 15IWCC0443 : “temporary transitional employment...YMCA...Toys for Kids...senior center” Petitioner followed up in each case. Testimony of TTE vendor found to be “less than credible.” “The Illinois Workers’ Compensation Act no mention of TTE.” TTD & penalties awarded.
- Dan Perkins v. Turner Industries, 09WC044791, 15IWCC0468: The position with AllFacilities (CATALYST) was wholly subsidized by the workers' compensation insurance company and was clearly not found in a competitive job market. This is not competitive or real employment.

Gary Stagen v. Reladyne LLC

17WC07749

- “Only contested issue”: entitlement to ongoing TTD benefits
- Restrictions not disputed; unable to work at former job for Respondent
- Offered position at Northern Fox Valley Habitat for Humanity
- Dina Snyder, President of Transitional Work Solutions, testified
- Arbitrator notes Habitat is not Petitioner’s employer
- “Not the equivalent of an offer of accommodated duty”
- Saineghi v. Demar, 12WC39022; Kildruff v. Tri-County, 12WC3884; Lee v. Fluid Mgmt, 11WC48656
- TTD awarded

Gary Stagen v. Reladyne LLC

19IWCC0174

- Respondent engaged Transitional Work Solutions to enroll Petitioner
- Petitioner chose “not to participate”
- “Offered no explanation”
- “In stating that Respondent and not Habitat was his employer, Petitioner advances a distinction without a difference.”
- Petitioner was to be paid his “regular” salary
- Petitioner remained “subject to Respondent’s human resources and attendance policies”
- “No inference can be reasonably made...of any changes to Petitioner’s employment with Respondent”
- “Petitioner’s claim to be entitled to continued TTD simply because the *offered light duty* is not with the Respondent does not comport with the remedial purpose of the Act.”