

# NORTHEAST COMMUNITY COLLEGE

ADMINISTRATIVE PROCEDURE NUMBER: AP-7540.0

FOR POLICY NUMBER: BP-7540

## WORKERS' COMPENSATION

### 1. PROCEDURE SUMMARY STATEMENT

To establish protocol to ensure compliance with Nebraska Workers' Compensation Law, to facilitate recovery from occupational injury or illnesses, and to provide meaningful modified duty employment, thereby reducing worker's compensation costs.

### 2. DEFINITIONS

N/A

### 3. PROCEDURE

#### 3.1 General

3.1.1 Employees who sustain injuries or illnesses arising out of their employment with Northeast Community College are entitled to compensation under the Nebraska Workers' Compensation Law. Immediate reporting of injuries, illnesses or occupational disease exposures is important in ensuring that employees are covered by Workers' Compensation law. Employees must have a physician's work release or written prescribed physician's restrictions in order to return to work, following a visit to a physician.

#### 3.2 Worker's Compensation Benefits

3.2.1 According to the Nebraska Workers' Compensation Law, when it is determined that an employee is entitled to Nebraska Workers' Compensation benefits, Northeast is responsible for all reasonable medical services and lost wages.

#### 3.3 Medical Benefits

3.3.1 Medical treatment prescribed for the injured or ill employee by the attending physician is generally covered in full. However, in order to avoid being charged for treatment, employees must have their physician's office verify that it is a workers' compensation claim for which they are receiving treatment. Verification can be obtained from the Human Resources Office. Employees and physicians should also check with the Human Resources Office before proceeding with medical tests, as the College has the right to require a second opinion under the Nebraska Workers' Compensation Law. Employees are required to clock out for all medical appointments.

### 3.4 Wage-Replacement Benefits

- 3.4.1 On the day of the injury, the College will pay for scheduled hours at the employee's base salary rate if the employee is unable to complete his or her shift. If an employee's injury or illness keeps the employee off of work for more than seven (7) calendar days, the employee is eligible to receive wage-replacement benefits for as long as the physician indicates the employee remains unable to work as a result of the injury or illness. These wage-replacement benefits are equal to two-thirds (2/3) of the employee's average weekly base salary wage at the time of the injury and are subject to the maximum and minimum payment per week, for as long as the physician indicates the employee remains unable to work as a result of the injury. Employees shall submit to the College all Workers' Compensation payments received by the employee.
- 3.4.2 If the employee returns to work with restrictions resulting in modified duty, their wage replacement will be supplemented by the College's paid sick leave benefits.

### 3.5 Incident Reporting Responsibilities

- 3.5.1 Employees will immediately report all work-related injuries, illnesses, or occupational disease exposures to their immediate supervisor within twenty-four (24) hours of the incident. Employees will also notify the Human Resources Office of their injury or illness by submitting the Occurrence Report as soon as possible, if treatment beyond first aid was required. Employees are encouraged to complete the Occurrence Report even if the incident was a near miss or only required first aid.
- 3.5.2 The employee is responsible for ensuring that the Attending Physician's Physical Capacity Report is completed by their physician at each visit and shared with the Human Resources Office and their immediate supervisor. In addition, the employee is responsible for communicating about their medical treatment, follow up appointments and physician's notes with their immediate supervisor and the Human Resources Office. The employee is also responsible for making and attending all related medical appointments, and following the limitations specified by the physician.
- 3.5.3 If the injury results in lost time or restricted time, the employee will receive information regarding their rights and obligations under the Nebraska Workers' Compensation Law.
- 3.5.4 It is the responsibility of the immediate supervisor, witness and/or bystander to advise the injured or ill employee that they receive necessary medical attention if the injury appears to require more than first aid. Immediate supervisors are also responsible for ensuring that employees complete an Occurrence Report. Immediate supervisors are responsible for reviewing and signing the report.

Immediate supervisors must document incident-related details the employee did not include on the Occurrence Report (e.g., which body part, specific location of the incident, witnesses), action taken to prevent a similar incident in the future, comments, signature, and date of completion. The original Occurrence Report should be completed and forwarded by the immediate supervisor to the Human Resources Office within twenty-four (24) hours of the incident. In addition, immediate supervisors are also responsible for ensuring that employees who return to work with limitations, work within the limitations prescribed. Immediate supervisors must initiate a prompt and thorough investigation of all work-related incidents involving a worker's injury. Immediate supervisors are also responsible for enforcing any and all requirements of this procedure.

- 3.5.5 After an employee is sent or transported for medical services, the employee will receive a workers' compensation packet which includes the employee's right to choose a doctor, information regarding the Workers' Compensation Managed Care Plan and generic information regarding Workers' Compensation and employee rights and obligations.
- 3.5.6 The Notice of Employee's Right to Choose a Doctor Form defines the employee's choice of treating physician, such as the family doctor. To be considered the family doctor, the employee must have been treated previously by this physician. If the employee was treated in the Emergency Department, the choice of doctor would be denoted as the treating Emergency Department physician.
- 3.5.7 The Attending Physician's Physical Capacity Report must be given to the physician to denote the following:
  - 3.5.7.1 Diagnosis
  - 3.5.7.2 Treatment rendered
  - 3.5.7.3 Estimated recovery time
  - 3.5.7.4 Referrals to specialists/preferred provider
  - 3.5.7.5 Hospitalization requirements
  - 3.5.7.6 Medication/prescriptions
- 3.5.8 Once the physician completes the Attending Physician's Physical Capacity Report, the employee in collaboration with the Human Resources Office, is responsible for providing a copy to their immediate supervisor. A copy of the Attending Physician's Physical Capacity Report, the Notice of Employee's Right to Choose a Doctor form and the Occurrence Report must be forwarded to the Human Resources Office in order to process the claim. To avoid delay or denial of the claim, all forms must be completed in full.

3.5.9 The Human Resources Office is responsible for interacting the College's contracted workers' compensation insurance carrier to process claims. Human Resources must prepare the First Notice of Injury Report, submit it to the carrier, explain workers' compensation benefits to the employee, and denote if the employee is restricted from working three (3) or more days. The Human Resources Office will supply Family Medical Leave Act (FMLA) paperwork, if applicable. In addition, the Human Resources Office must track all claims, coordinate incident investigations, submit bills to the carrier, and maintain regular contact with the injured employee and their immediate supervisor. The Human Resources Office acts as a resource to the employee and their immediate supervisor until a claim is closed. If the injury results in lost time or restricted time, the Human Resources Office will supply the employee with information regarding Nebraska Workers' Compensation Law and the College's paid leave benefits.

### 3.6 Coordination with Paid Leave Policies and Procedures

3.6.1 During the post injury period, an employee will utilize the College's supplied sick leave time to cover their absence. If the injury or illness results in a disability of more than ninety (90) calendar days, the employee is paid workers' compensation benefits from the date of the original injury or illness.

3.6.2 If modified duty work is available, it may be offered temporarily to an employee. Modified duty is restricted to useful or productive work and limited to twelve (12) weeks per injury or illness, unless significant progress is made in the employee's condition and/or the need for the work being performed has value to the College. An employee who returns to work in a modified-duty position while receiving workers' compensation wage-replacement benefits is not permitted to supplement those benefits with paid leave hours. Overtime is not permitted for modified duty. The immediate supervisor of the restricted duty employee is responsible to assure the work is performed within the limitations provided by the employee's physician. Upon a maximum twelve (12) week expiration of modified duty and the injured employee is not released for full duty, the employee will be offered FMLA if applicable. If FMLA is not applicable, a permanent replacement may be sought for the employee's original position and the injured employee may apply for any job openings for which they meet the physical requirements.

### 3.7 Fraud

3.7.1 Filing a fraudulent workers' compensation claim or engaging in fraudulent representations to workers' compensation claims or benefits, are serious criminal offenses. Employees found to have engaged in fraudulent activities are subject to disciplinary action up to and including termination of employment. Employees who file fraudulent claims can also be criminally prosecuted. The College's insurance carrier reviews and audits medical claims for indications of fraud.

3.7.2 If employees are aware of or suspect fraud, they should contact the Human Resources Office.

3.8 Retribution/Retaliation

3.8.1 Under no circumstances will any person who in good faith files a workers' compensation claim be subject to any form of retribution or retaliation. Any person who makes or participates in such retribution or retaliation, directly or indirectly, will be subject to disciplinary action.

3.8.2 A person who believes they have been or are being subjected to retribution or retaliation should immediately notify the Associate Vice President of Human Resources or their designee.

**4. APPLICABILITY**

N/A

**ISSUE DATE:** 06/03//2020

**EFFECTIVE DATE:** 06/03/2020

**REVISION DATE(S):** N/A

**PRIOR POLICY/PROCEDURE NUMBER:** N/A

**SCHEDULE FOR REVIEW:** 2025

**DIVISIONS/DEPARTMENT RESPONSIBLE FOR REVIEW & UPDATE:** Human Resources

**SPONSORING DIVISION/DEPARTMENT:** Human Resources

**RELATED PROCEDURES/ REFERENCE:** AP-7410.3; AP-7410.8

**PROCEDURE KEY WORDS:** Workers' Compensation; Modified Duty Work; Occurrence Report; Attending Physician's Physical Capacity Report