

**Article IX Workers' Compensation**

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**Section 1. Purpose of Workers' Compensation Policy**

The purpose of this policy is to provide medical benefits and disability compensation in accordance with the North Carolina Workers' Compensation Act to employees who sustain compensable injuries or illnesses, which arise out of or are found to be within the course and scope of their employment.

**Section 2. Covered Employees under the Workers' Compensation Act**

All employees of the county (probation and regular established full-time, part-time, elected official and temporary) are covered by the North Carolina Workers' Compensation Act and are entitled to medical attention and appropriate weekly indemnity for injuries or illnesses, which arise out of or are found to be within the course and scope of their employment.

**Section 3. Coordination with other Agencies**

**A. North Carolina Industrial Commission:**

This agency establishes the rules and regulations under which the Workers' Compensation Act is administered. Determination of liability and all bills for payments as a result of the injury will be processed according to these rules and regulations. In cases where the county and the injured employee cannot agree on liability or compensation, the Commission will hold hearings.

**B. North Carolina Occupational Safety & Health Administration (OSHA):**

Workplace injuries and illnesses that may qualify under the Occupational Safety & Health Administration may or may not be qualified as Workers' Compensation. With the assistance of Human Resources and the reporting department, the accident status for OSHA recordkeeping will be determined.

**C. Third-Party Administrator:**

Alexander County has contracted a third-party administrator to handle Workers' Compensation claims. The third-party administrator is responsible for determination of liability, authorization of treatment, bill processing, weekly compensation benefits and forms filing. Contact Human Resources for the name and telephone number of the current third-party administrator.

## **Section 4. Reporting Requirements**

### **A. Employee Responsibility:**

- Notifying the Department Head and Human Resources of the accident immediately and completing a First Report of Injury or Illness Form (delay in reporting injury/illness may result in the loss of benefits).
- Contacting Department Head and Human Resources **PRIOR** to receiving any medical treatment (life threatening accidents or accidents occurring after normal 8-5 working hours may be directed to the nearest hospital).
- Following the orders of the approved treating medical professional.
- Providing all medical correspondences to the Department Head or Human Resources immediately.

### **B. Department Head Responsibility (or Designee):**

- Evaluating the injury and contacting Human Resources to arrange for medical treatment (life threatening accidents or accidents occurring after normal 8-5 working hours may be directed to the nearest hospital).
- Completing a First Report of Injury or Illness Form and forwarding to Human Resources within 24 hours from the date and time of the injury.
- Notifying Human Resources for the specifics on restricted or modified return to work duty (ONLY Human Resources or County Manager may authorize waiver and allow employee to miss work excluding the day of the injury).
- Maintaining complete confidentiality of all work related injuries.
- Investigating the accident or unsafe act and recommending measures to eliminate or reduce the hazard and completing an Incident Investigation Report Form to Human Resources within 48 hours of the accident.
- Assisting in controlling the cost associated with work related injuries and illnesses.
- Ensure procedural notifications are posted at all work locations and visible to all employees

### **C. Human Resources Responsibility:**

- Shall ensure the injured employee receives benefits provided by the North Carolina Workers' Compensation Act if applicable.
- Shall oversee costs associated with work related injuries and illnesses.
- Shall monitor designated Workers' Compensation administrator for ensuring effective processing and monitoring of all claims.
- Communicate Workers' Compensation Policy and procedures to all employees and management and oversee Workers' Compensation program.
- Shall participate in the North Carolina Industrial Commission hearings or mediations where appropriate.

- Responsible for reporting all injuries to the third party administrator via completion of Industrial Commission Form 19 requirement within five days from the date of knowledge of any injury as required by law.
- Shall communicate with third party administrator to pre-approve all medical treatment for injured employee.
- Shall be responsible for all medical recordkeeping for injured employee and maintenance of OSHA 300, 301 and 300A forms as required by law.
- Shall serve as the appointed HIPPA representative for all Workers' Compensation injuries and medical records excluding communication with treating medical professional and third party administrator and those that are on a need-to-know basis.
- Reporting fatalities and/or hospitalization of three or more employees to the North Carolina Occupational Health and Safety Administration (OSHA).

### **Section 5. Accident Reporting and Medical Treatment Procedures**

The following are step by step procedures that shall be followed when an accident on the job occurs:

**Step 1:** When an accident occurs, report the accident to the Supervisor immediately. In the absence of direct Supervisor, the Department Head, Human Resources or the County Manager's administrative assistant should be contacted immediately.

**Step 2:** Supervisor will contact Human Resources for pre-approval of medical treatment. Life threatening accidents or accidents occurring after normal 8-5 working hours should be referred to Frye Medical Center emergency room. Notify the emergency room staff that it is a workers' compensation claim for Alexander County Government.

**Step 3:** Supervisor must notify the Human Resources Office at (828) 632-1132 or (828) 632-9332 within 24 hours of the injury whether medical treatment beyond first aid is necessary or not.

**Step 4:** All injuries are to be investigated by the Supervisor using an Incident Investigation Report Form. This form needs to be forwarded to Human Resources immediately when completed. A Form 19 will be completed by Human Resources and sent to the employee and the third-party administrator. If the employee does not agree with the description or time of the accident given on the Form 19, the employee should make a written report to the employer within thirty (30) days of the injury. A follow-up investigation will be conducted.

**Step 5:** If the injured employee is placed on light duty work by the authorized medical staff, contact the Human Resources office for specific return to work instructions.

**Step 6:** Employee needs to report to their department head after each doctor's visit and provide medical notes to Human Resources prior to returning to work.

**Step 7:** If medical treatment is required, notify the treating authority that it is Workers' Compensation. **EMPLOYEE SHOULD NOT USE MEDICAL INSURANCE CARD.**

**Step 8:** If prescriptions are issued, notify the pharmacist that it is Workers' Compensation. **DO NOT FILE ON MEDICAL INSURANCE.**

## **Section 6. Light Duty Policy**

Light duty is defined as a change in an employee's physical requirements, hours of work, etc. caused by a medical condition as certified by an authorized health care provider that prevents an employee from performing one or more of the essential physical duties of his/her regular position with the County. Only medically authorized and specifically defined duties will be considered by Alexander County for light duty.

**Only work related accidents or injuries will be eligible for light duty.** In order for an employee to be considered for light/modified duty, a written signed authorization from a county approved medical professional must be furnished. The authorization must detail specific physical duties the employee can and cannot perform along with anticipated duration of the condition. It is the responsibility of the Human Resources Department and the Department Head to accommodate for the employee's limitations, either by minimizing the physical demands of his/her regular job or seeking another position within the County which meets the specific recommendations as specified by the authorized health care provider. The employee may not use sick leave, annual leave, or leave without pay in lieu of returning to work while on light duty status.

Upon completion of the light duty period, medical certification must be provided to the Human Resources Department PRIOR to returning to regular duty.

In the event the county cannot provide light duty work or lost time from work is required by the authorized medical professional, the employee will be placed on Workers' Compensation Leave as discussed in Section 7 of the Workers' Compensation Policy.

## **Section 7: Workers' Compensation Leave Policy**

**A. Leave Benefits:** An employee absent from duty because of a sickness or disability covered by the North Carolina Workers' Compensation Act may elect to use accrued sick leave or vacation for the first seven days of an injury. Workers' Compensation does not pay for leave time for the first seven days unless the employee is required by treating authority to be out for at least 21 days (after being absent for 21 days, Workers' Compensation will pay the first seven day waiting period). It will be the employees' responsibility to notify their Department Head and Human Resources of their decision for the pay period involving the

seven day waiting period. Timesheets must reflect the decision and be marked **Workers' Comp** on the days in which leave is taken.

**B. Additional Leave Options:** On the eighth day of the authorized absence, the employee will automatically be placed on Workers' Compensation leave. The employee will receive 66 2/3% of gross wages (wages calculated from date of injury to one year prior to injury, not current gross salary) for lost time due to the injury or illness. The employee may select to supplement Workers' Compensation payments by using compensatory sick leave or annual leave after they begin disability provided that the combination of leave supplement and Workers Compensation payments do not exceed normal compensation. If the employee elects to use compensatory time as a supplement, it shall be paid on a temporary payroll at the employee's hourly rate of pay. It will be subject to State and Federal tax withholdings and Social Security.

**C. Use of Leave for Additional Medical Treatment:** Employees injured on the job and have medical appointments during regularly scheduled working hours shall not be charged sick leave or annual leave for time away from work. Paid time should be limited to reasonable time for treatment and travel. Any time in excess of this will be charged as sick leave, annual leave or leave without pay. Employees should try to schedule appointments at a time most convenient for their work unit. The employee is expected to return to work after medical treatment unless approved by authorized healthcare provider has prohibited return to work.

**D. FMLA:** Qualified employees will be placed on FMLA which it will run concurrent with Workers' Compensation. See FMLA policy for additional details of qualifications.

## **Section 8: Benefits While on Leave**

The following is benefit information available to the injured employee while on approved Workers' Compensation Leave:

- Medical and dental insurance premiums will be paid by the County. Premiums for any dependant coverage must be paid by the employee directly to the County.
- Employees eligible for longevity pay while on leave will continue to receive their annual payments.
- Any cost of living increases, bonuses, etc. in which the employee did not receive due to leave will be reinstated to the employee upon returning to work.
- The employee shall continue to accumulate annual and sick leave for use upon returning to work.

- All other payroll deductions for optional benefits (AFLAC, 401K, Life Insurance, etc.) will be the responsibility of the employee. Payments should be made by the employee directly to the County.
- Employee is entitled to collect 31 cents a mile for medical treatment provided they travel 20 miles or more roundtrip. It is the responsibility of the employee to notify Human Resources of possible travel reimbursement.

### **Section 9: Temporary and Part-Time Employees**

All temporary employees and all part-time employees ineligible for benefits will be placed on inactive status and will receive only benefits which they may be eligible for under the Workers' Compensation Law. All part-time employees eligible for benefits will receive pro-rated benefits as discussed in the Benefits While on Leave, Section 8 of the Workers' Compensation Policy.

### **Section 10: Accidents Involving County Vehicles**

Accidents involving the use of County vehicles whether the accident results in an injury or not, shall be reported immediately to Department Head. In the absence of the Department Head, the Human Resources department or County Manager should be notified. All county policies and procedures for reporting the accidents must be followed.

### **Section 11. Alcohol and Controlled Substance Testing**

Employees will be tested for the presence of drugs and alcohol following an on-the-job accident or illness requiring treatment by a licensed physician and/or involves one or more of the following: a fatality, an injury to an employee or other individual, accident involving a county owned vehicle, after a sequence of minor accidents or injuries that may not require medical treatment from a licensed physician; any injury or illness receiving authorized medical treatment from a licensed physician.

***On-the-job is defined as:*** on company property, including parking lots; at job sites; driving or riding as a passenger in a company vehicle or private vehicle for which the company has authorized reimbursement; on company time even if off company premises (including lunch and rest breaks).

Following an accident, the employee(s) will be tested as soon as possible, but not to exceed eight hours, for alcohol testing and 32 hours for drug testing. Any employee involved in an accident must refrain from alcohol use for eight hours (8) following the accident or until he/she undergoes a post accident alcohol test. It is the employees' responsibility to refrain from the legal use of alcoholic beverages until testing is completed. There will be No Exceptions. Refer to Section 12 Discipline and Consequences for positive testing.

For more details regarding alcohol and substance abuse testing see Alexander County's Substance Abuse Policy located at [www.co.alexander.nc.us](http://www.co.alexander.nc.us) or a hard copy may be provided at the employee's request.

## **Section 12. Discipline and Consequences**

**A. Failure to Report Injury:** Any employee involved in an on-the-job injury or illness who does not report it immediately will receive disciplinary action up to and including termination and may be subject to denial of benefits under the North Carolina Workers' Compensation Act.

**B. Failure to Seek Authorized Medical Treatment:** It is the County's responsibility to provide appropriate medical treatment for all work related injuries and illnesses. Any employee injured on-the-job who does not get prior approval on medical treatment (excluding life threatening accidents and after normal business hour 8-5 accidents) will jeopardize payment of bills incurred related to the accident. In addition, failure to follow procedures as set forth in the Workers' Compensation Policy will result in disciplinary action up to and including termination.

**C. Positive Drug Test and Alcohol Test:** Any employee testing positive for drug and alcohol testing will be subject to termination. Any employee refusing to submit to alcohol and drug testing after an on-the-job injury will be considered positive and will be subject to termination.

**D. Additional Policy Information:** Additional information regarding discipline, grievance procedures and substance abuse policies is located in the Alexander County Personnel Policy at [www.co.alexander.nc.us](http://www.co.alexander.nc.us) or a hard copy may be provided at the employee's request.