

## ARTICLE IX WORKERS' COMPENSATION POLICY

### SECTION 1. PURPOSE

The purpose of this policy is to outline the medical benefits and disability compensation in accordance with the North Carolina Workers' Compensation Act. Compensation is provided to employees who sustain 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, regardless of employment status, are covered by the North Carolina Workers' Compensation Act and are entitled to medical attention and appropriate weekly indemnity for injuries or illnesses 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 associated costs 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 qualifying under the Occupational Safety & Health Administration may or may not qualify as Workers' Compensation. The accident status for OSHA recordkeeping will be determined by Human Resources and the Incident Investigator.

C. Third-Party Administrator. Alexander County contracts with a third-party administrator to handle all Workers' Compensation claims. The third-party administrator is responsible for determination of liability, authorization of treatment, bill processing, weekly compensation benefits and forms filing.

### SECTION 4. REPORTING REQUIREMENTS

- A. Employee Responsibilities: It is the employee's responsibility to:
- Notify the Department Head and Risk Management of the accident immediately and complete a First Report of Injury or Illness Form. A delay in reporting injury/illness may result in the loss of benefits.
  - Contact the Department Head and Risk Management **prior** to receiving any non life-threatening medical treatment. Life-threatening accidents or accidents occurring after normal 8am-5pm working hours may be directed to the nearest hospital.
  - Follow orders of the approved medical professional.
  - Provide all medical correspondences to the Department Head or Risk Management immediately.

B. Department Head Responsibilities (or Designee): It is the Department Head's responsibility to:

- Evaluate the injury and contact Risk Management to arrange for medical treatment. Life-threatening accidents or accidents occurring after normal 8am-5pm working hours may be directed to the nearest hospital.
- Complete a First Report of Injury or Illness Form and forward to Risk Management within 24 hours of the incident.
- Notify Human Resources and Risk Management for the specifics of restricted or modified return to work duty. Only Human Resources or the County Manager may authorize waiver and allow employee to miss work excluding the day of the injury.
- Maintain complete confidentiality of all work related injuries.
- Investigate the incident and recommend measures to eliminate or reduce the hazards.
- Submit a completed Incident Investigation Report Form to Risk Management within 48 hours of the incident.
- Assist in controlling the cost associated with work related injuries and illnesses.
- Post proper procedures in an area visible to all employees at each work location.

C. Risk Management Responsibilities: It is Risk Management's responsibility to:

- Ensure the injured employee receives benefits provided by the North Carolina Workers' Compensation Act if applicable.
- Oversee costs associated with work related injuries and illnesses.
- Ensure effective processing and monitoring of all claims with the third party administrator.
- Communicate Workers' Compensation Policy and procedures to all employees and management.
- Oversee Workers' Compensation program.
- Participate in the North Carolina Industrial Commission hearings or mediations where appropriate.
- Report all injuries to the third party administrator via completion of Industrial Commission Form 19 within the timeframe as required by law.
- Communicate with the third party administrator to pre-approve all medical treatment for injured employee.
- Maintain all medical records for an injured employee, OSHA 300, 301 and 300A forms as required by law.
- Serve as the appointed HIPAA representative for all Workers' Compensation injuries and records excluding communication with designated medical professional, third party administrator and those on a need-to-know basis.
- Report 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 procedures shall be followed when an on-the-job accident occurs:

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

Step 2: Supervisor will contact Risk Management for pre-approval of medical treatment. Life threatening accidents should be directed to the nearest emergency room. Nonlife-threatening accidents which occur after normal 8am-5pm working hours should be referred to the appropriate medical facility as directed by Risk Management and listed in Attachment A. Notify the emergency room staff that it is a workers' compensation claim for Alexander County Government.

Step 3: Supervisor must notify Risk Management (primary contact) or the Human Resources Office (secondary contact) and submit a Form 19 within 24 hours of the injury whether or not medical treatment extends beyond first aid.

Step 4: Supervisors must investigate all accidents and injuries using an Incident Investigation Report Form and forward the completed documentation immediately to Risk Management. Risk Management will complete a new Form 19 and send the form to the employee and the third-party administrator. If the employee does not agree with the description and/or time of the accident given on the Form 19, the employee should make a written report to their Supervisor within 30 days of the injury. A follow-up investigation will be conducted by the Safety Committee.

Step 5: If the injured employee is placed on light duty work by an authorized medical professional, contact the Risk Management office prior to returning to work for specific instructions.

Step 6: The employee must report to their department head after each doctor's visit and provide medical documentation to Risk Management prior to returning to work.

Step 7: If medical treatment is required, alert the medical facility it is Workers' Compensation. Except for emergencies or after-hours injuries, all treatment must be pre-approved by Risk Management and the Workers' Compensation provider. The employee should not use their medical insurance card.

Step 8: If prescriptions are issued, notify the pharmacist it is a Workers' Compensation claim. Every reasonable effort should be made to use approved pharmacies. A list of approved pharmacies may be obtained by contacting the Risk Management Office. The employee should not file prescription medications on their medical insurance.

## **SECTION 6. LIGHT DUTY**

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

Only work related accidents or injuries are eligible for light duty. In order for an employee to be considered for light/modified duty, a written signed authorization form from a county approved medical professional must be submitted to Risk Management. The authorization must detail specific physical duties the employee can and cannot perform along with the anticipated duration

of the condition. It is the responsibility of Risk Management, in conjunction with the Human Resources Department and the Department Head to accommodate for the employee's limitations, either by minimizing the physical demands of the assigned job or identifying another position within the County which meets the 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 assignment, medical certification must be provided to Risk Management 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 contained herein.

## **SECTION 7. WORKERS' COMPENSATION LEAVE**

A. Leave Procedures: 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 or annual leave for the first seven (7) 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 Risk Management of their decision for the pay period involving the seven day waiting period. Timesheets must reflect the decision and be marked Workers' Compensation 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) for lost time due to the injury or illness. The employee may select to supplement Workers' Compensation payments by using compensatory, sick or annual leave after they begin disability provided the combination of leave and Workers' Compensation payments do not exceed normal compensation. If the employee elects to use compensatory time as a supplement, it shall be paid at the employee's hourly rate of pay. It will be subject to State and Federal tax withholdings and Social Security, but will not be subject to the six percent (6%) retirement withholdings.

C. Use of Leave for Additional Medical Treatment: Medical appointments as a result of a workers' compensated injury during regularly scheduled working hours shall not be charged sick leave or annual leave for time away from work. Time should be reasonable for treatment and travel. An abuse in leave provisions 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 the authorized healthcare provider prohibited their return to work.

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

## **SECTION 8. BENEFITS WHILE ON LEAVE**

The following benefits are 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.
- Employees eligible for longevity pay while on leave will continue to receive their annual payments.
- Any cost of living increases, bonuses, etc. which the employee did not receive due to leave will be reinstated upon returning to work.
- The employee shall continue to accumulate annual and sick leave.
- All other payroll deductions for optional benefits will be the responsibility of the employee.
- Employee is entitled to collect reimbursement at the NCIC regulations and effective rate for medical treatment. It is the responsibility of the employee to notify Risk Management of possible travel reimbursement.

## **SECTION 9. TEMPORARY AND PART-TIME EMPLOYEES**

All employees classified as part-time no benefits, temporary or seasonal positions will be placed on inactive status and will receive the benefits eligible under Workers' Compensation Act. All employees classified as part-time with 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 or not the accident results in an injury, shall be reported immediately to the department head. In the absence of the department head, the Risk Management Office or County Manager shall be notified. All county policies and procedures for reporting 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 involving one or more of the following: a fatality, injury to an employee or other individual, a motor vehicle accident, or after a sequence of minor accidents or injuries which 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 County property, including parking lots, at job sites, driving or riding as a passenger in a County vehicle or private vehicle for which the County authorized reimbursement, on County time even if off County premises (including lunch and rest breaks).

Following an accident, the employee(s) shall be tested as soon as possible, but not to exceed eight (8) hours, for alcohol testing and 32 hours for drug testing. Any employee involved in an accident must refrain from alcohol use for eight (8) hours following the accident or until the employee 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.alexandercountync.gov](http://www.alexandercountync.gov) 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. The employee also risks 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 obtain prior approval of medical treatment (excluding life threatening accidents and after normal business hour 8am-5pm accidents) will jeopardize payment of accident related expenses. 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: An employee who tests positive for a drug or alcohol screen as defined by the Substance Abuse Policy will be terminated. In addition, an employee who refuses to submit to an alcohol and drug test after a qualifying incident will be considered positive and will be terminated.

D. Additional Policy Information: Additional information is located in the Alexander County Personnel Policy at [www.alexandercountync.gov](http://www.alexandercountync.gov) or a hard copy will be provided at the employee's request.

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