

**Policy Title**

Workers' Compensation Policy

Control Number

HR042

Policy Date

06/05/06

Revision Date

01/03/2022

Purpose

To establish guidelines for managed return to work, modified duty, and leave for employees who sustain a compensable work-related injuries or illnesses

Scope

All Scotland County Employees

Policy Statement

In the event of a work-related injury or illness, the County is committed to returning our employee to work, providing medical care and managing costs associated with the event.

The County requires managed return to work or modified duty for employees who suffer a work-related injury or illness. Managed return to work duty serves to:

- Support employees in their recovery by providing modified, temporary and/or transitional work assignments
- Minimize absenteeism and operational impact on both the employees and the County
- Return the employees to his or her regular job assignment as soon as safely possible

Responsibilities**Employee**

The employee is expected to engage in the process of managing the injury/illness event and return to full duty status by the following activities:

- Attend all authorized medical appointments and report back to Appropriate Supervisor the status/result of the appointment
- Follow the prescribed course of treatment as outlined by the Authorized Medical Provider
- Adhere to all physical restrictions imposed by the Authorized Medical Provider
- Return all necessary documentation to Appropriate Supervisor
- Work within designated modified, temporary and/or transitional work assignments
- Cooperate with Authorized Medical Provider, Claims Management, Supervision, Human Resources and Risk Management

Management

Supervisors/Managers and Department Heads are required to actively pursue options to safely and quickly return the employee to work. These activities include, but not limited to:

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- Maintaining open communication between the Affected Employee, Human Resources and Risk Management
- Reporting, promptly, any changes to the Affected Employee's medical situation or work assignment
- Identifying job tasks which allows for modified, temporary, and /or transitional work assignments
- Submitting job descriptions for review by the Authorized Medical Provider and/or Claims Management as needed
- Ensuring the Affected Employee does not return to full duty work without proper documentation from the Authorized Medical Provider

Risk Management/Human Resources

Risk Management and/or Human Resources serve as coordinators of the managed return to work, modified duty program and workers' compensation leave and are responsible to:

- Report the work-related injury or illness to Claims Management to initiate potential Workers' Compensation Coverage
- Ensure the employee receives appropriate, authorized initial treatment and evaluation of the work-related injury or illness
- Maintain communication with Management and assist with any necessary modified, temporary, and/or transitional work assignments
- Provide wage/salary information as required for Claims Management
- Maintain communication with Claims Management for resolution of the event
- Ensure proper documentation for return to work and release to full duty status is obtained from the Authorized Medical Provider

General Statements

Any information disclosed during the process of managing the return to work status, modified duty status, or workers' compensation leave of the employee will be treated confidentially. Only relevant and necessary information will be released on a need to know type basis.

If the County is unable to identify a work assignment appropriate for the physical limitations imposed on the employee that employee will not be allowed to return to work. The Affected Employee would be placed on workers' compensation leave.

Employees on work assignments in another unit/department are subject to the same work rules and regulations of that unit/department.

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Termination of Assignment

The modified, temporary and/or transitional assignment of the employee will end when any of the following occur:

- Employee is released to full duty.
- Workers' Compensation Claim is closed.
- Employee accepts another position.
- Employee reaches maximum medical improvement.

Day of Injury

Employees are paid for their scheduled work shift on the day of injury. Time to attend an approved healthcare provider for evaluation will be considered work time. If the healthcare provider instructs the employee not to return to work for that shift, that time will also be considered time worked.

Worker's Compensation Leave

If the healthcare provider removes the employee from work, this initiates Workers' Compensation Leave. Under the North Carolina statute there is a seven (7) day cumulative waiting period before weekly workers' compensation benefits begin. Weekly workers' compensation benefits are issued by our insurance carrier.

Waiting Period

For absences of seven (7) days or less, the employee is responsible to use their accrued paid leave to cover their scheduled shift.

Continuous Leave

If an employee is out of work beyond the seven (7) day cumulative waiting period, the employee is eligible for weekly workers' compensation benefits. During this leave, the employee's accrued paid leave will be applied at a partial rate of 2.75 hours per day. Pay will be based on the employee's hourly rate of pay. Partial pay will be paid on the normal monthly pay cycle. For modified shifts (12-hour or 24-hour), the employee will be changed to a 40-Hour week status.

Application of partial paid leave during this period is designed to supplement the weekly Workers' Compensation benefit and allow any payroll deductions to continue. If an employee exhausts all accrued paid leave, the employee will be placed in Leave Without Pay status.

If the absence exceeds twenty-one (21) days, the North Carolina statute allows for the employee to be compensated for the waiting period.

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Family and Medical Leave (FMLA)

A compensable work related injury or illness is considered a serious health condition in which the employee is unable to perform the duties of the position. FMLA will run concurrently with the Workers' Compensation Leave.

Approved Appointments

Approved healthcare provider appointments, therapy visits or diagnostic testing during regularly scheduled working hours will be treated as time worked. This will be limited to a reasonable time for treatment and travel. Any excess time will be charged to the employee's accrued paid leave.

Leave Accrual

Leave Benefits will continue to accrue while on Workers' Compensation Leave as long as the employee is in active status.

Benefits**Health and Voluntary Benefits**

The employee's benefits will continue while under Workers' Compensation Leave. The employee is responsible for any premium deductions during the leave. Should the employee's status change to Leave Without Pay, then the benefit continuance under that policy will apply.

Retirement and 401k/457b

Absences related to Workers' Compensation leave are not allowable for service credit with the Retirement System, even if accrued paid leave is used during the absence. Contributions to the Retirement System or 401k/457b are not allowed. Employees have the option to purchase credits for the period of time under Workers' Compensation Leave.

Reference

Replaces: Personnel Policy dated, June 5, 2006
Article VI, Section 16. Workers Compensation Leave Policy
Personnel Policy, dated May 1, 2015
HR002, Managed Return-To-Work and Modified Duty For Work –Related Injury/Illness