

# Workers' Compensation 2009

*presented by the*

**Personnel Services**

**Department of Human Resources**

# Workers' Compensation

- **What is workers' compensation?**
- **Who is covered?**
- **Employee & Supervisor Responsibility**
- **Benefits**
  - **Wage Employees**
  - **Full Time Employees**
    - **Traditional Sick Leave Program**
    - **Virginia Sickness & Disability Program**

# What is Workers' Compensation?

- **Program which protects state employees from financial loss due to lost work (wages), medical expenses, and other cost associated with a covered injury**
- **Injury/Illness must arise out of and in the course and scope of employment subject to the Workers' Compensation Act**

# Who is Covered?

- **Part-time Employees**
  - Wage Employees
  - Student Wage
  - Part-time Faculty
  - 120-day hires, one-time pays, etc.
- **Full-time Employees**
  - Classified Staff
  - Teaching & Research Faculty
  - Administrative & Professional Faculty

# Employee Responsibility

- **Seek medical treatment, if required**
- **Report Injury/Illness to Supervisor**
- **Select physician from approved list**
- **Keep all appointments & follow medical instructions**
- **Get doctor excuses for time missed**
- **Work with & keep supervisor informed**
- **If VSDP participant call UNUM**

**1-800-652-5602**

# Supervisor's Responsibilities

- **Ensure medical attention is provided**
- **Complete Employer's Accident Report (EAR)**
  - **Preparation instructions on HR website under FORMS**
  - **Mail or Handcarry EAR to arrive in HR within 24 hours**
- **Investigate accident**
  - **Provide photograph w/detailed description**
  - **Request assistance from Safety**

# Supervisor's Responsibilities

- **Provide *Panel Physician List***
- **Provide *Workers' Compensation Fact Sheet***
- **Have employee complete Employee Description of Incident portion of *Supervisor's Incident Report for Worker's Compensation***
- **Obtain witness statements if required**
- **If injured/ill employee is a VSDP participant he/she must call UNUM 1-800-652-5602**

# Supervisor's Responsibilities

- **Send supporting documents to HR**
- **Send all original work excuses to HR**
- **Follow-up with injured employee**
- **If employee is returned to work...**
  - **Are job accommodations required?**
  - **Can department accommodate worker's restrictions?**

# Supervisor's Responsibility

- **Complete *Workers' Compensation Time Missed/Return to Work Notification***
  - *If cannot accommodate job modifications must provide specific work related reason*
  - *If accommodation is possible must provide information supporting decision*
  - *List date employee returns to full-duty*
- **Attach original return-to-work slip**

# Workers Compensation - Forms

- **Employer's Accident Report (EAR)**
- **Panel Physician Form**
- **Fact Sheet**
- **Supervisor Statement**
- **Time Missed/Return to Work Notification**
  - **Workers' Compensation Packet for Supervisors available on HR web site:**  
**[www.radford.edu/~pers-web/forms-word.htm](http://www.radford.edu/~pers-web/forms-word.htm)**

# Workers Compensation Benefits

## All Employees

- **Protection for lost wages**
  - Benefits for lost wages are payable after a 7 calendar day waiting period
  - Lost wage benefit =  $\frac{2}{3}$  of average weekly wage for 52 week period preceding the injury
- **Pays for medically necessary expenses**
- **Protection against other losses attributed to the work related injury or illness**

# Workers Compensation Benefits

## Wage Employees

- **After waiting period, eligible for 2/3 average weekly wage (AWW)**
  - **Beginning with 8<sup>th</sup> day of absence**
  - **Benefits paid directly by MCI**
  - **Benefits paid after claim certified as compensable by MCI**
  - **No pay check from the University**
- **After missing 21 days, eligible for 2/3 AWW for the 7- day waiting period**
- **Must provide return-to-work release**

# Full-Time Employees Traditional Sick Leave

- **Use leave/LWOP for time missed until injury accepted as compensable**
- **Benefits for lost time as follows:**
- **Day 1-7 (accepted claim)**
  - **Agency pays full salary**
  - **Leave used for medically documented absences is restored**

# Full-Time Employees Traditional Sick Leave

## Day 8 – 92

- Agency pays full salary
- Agency reimbursed by MCI for 2/3 of AWW
- Agency pays remaining 1/3 as a supplement
- After 21 days, agency is reimbursed for 2/3 AWW for first 7-calendar days
- Employee does not earn leave after missing 90 consecutive calendar days

# Full-Time Employees Traditional Sick Leave

## Day 93 and beyond

- Agency 1/3 supplement ends
- Employee must use leave balances to cover 1/3 time missed (2.7 hours per day)
- After exhausting leave, employee no longer receives pay check from agency
- MCI pays 2/3 AWW directly to employee
- Employee placed on LWOP

# WC and VSDP

- **VSDP & WC are different programs**
  - **coordinate with each other**
  - **independent of each other**
- **WC is primary & offsets short-term disability (STD) benefits**

# Full-Time Employees - VSDP

- **May qualify for STD benefits while WC claim is being processed**
  - **miss more than 7 calendar days?**
  - **initiate STD claim by contacting UNUM-Provident at (800) 652-5602**
- **7-calendar day waiting period**
- **Use leave/LWOP for time missed pending STD/WC approval**

# Full-Time Employees - VSDP

- **Leave used during waiting period is not restored unless employee misses more than 21 days**
- **WC benefits retroactive to 8<sup>th</sup> day missed**
- **WC 2/3 AWW paid to the agency**
- **University pays employee STD payments IAW UNUM instructions**

# Full-Time Employee - VSDP

<b>State Service (months)</b>	<b>Workdays at 100%</b>	<b>Workdays at 80%</b>	<b>Workdays at 60%</b>
<b>Less than 60</b>	<b>65</b>	<b>25</b>	<b>35</b>
<b>60 – 119</b>	<b>85</b>	<b>25</b>	<b>15</b>
<b>120 – 179</b>	<b>85</b>	<b>40</b>	<b>0</b>
<b>180 or more</b>	<b>85</b>	<b>40</b>	<b>0</b>

# Full-Time Employee - VSDP

- **If no return-to-work with/without modifications, employee enters long-term disability (LTD) at 60% income replacement beginning on day 126.**
- **WC pays 2/3 AWW as primary payer and offsets LTD benefits.**
- **After 500 weeks WC benefits end, LTD may continue at 60% pre-disability salary**

# Summary

- **Seek medical treatment**
- **Report injury to supervisor**
- **Supervisor completes EFR**
- **Panel Physician Form**
- **Statements**
- **Return to Work/Time Missed Notification**
  - **Must have business reasons if job modifications denied**
- **Follow-up with injured employee**
- **Employee uses personal leave/LWOP pending approval of claim**

# Workers' Compensation

## Questions?

call

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