

University Policy 200.23
WORKERS' COMPENSATION

Responsible Administrator: Executive Vice President

Responsible Office: Office of Human Resources

Originally Issued: March 2009

Revision Date:

Authority: Office of the President

Policy Statement

It is the policy of Claflin University to comply with the South Carolina Workers' Compensation Act (WCA). This Act provides specific benefits in the event of a work-related accident (injury or occupational disease) or a death occurring during the regular course of employment.

Statement of Purpose

This policy sets forth guidelines for adherence and administration of the Workers' Compensation Act for the employees of Claflin University. In the event of any inconsistencies between this policy and the WCA, and rules and regulations promulgated there under, the provisions of the WCA and rules and regulations will control.

DEFINITIONS

A. Compensation benefits

The compensation an injured employee is entitled to receive for lost wages after being out of work for more than seven (7) calendar days. The compensation rate for lost wages is two-thirds of the employee's average weekly wage.

B. Disfigurement

A disfiguring condition is one that is serious, permanent and of such a character that it substantially detracts from a person's appearance (refer to serious illness or injury).

C. First aid

First aid is a one-time treatment and any follow-up visit for the purpose of observation of minor scratches, cuts, burns, splinters, or other minor industrial injuries, which do not ordinarily require medical care. This one-time treatment and follow-up visit for the purpose of observation is considered first aid even though it is provided by a physician or registered professional personnel.

D. Injury

An accident arising out of and in the course of employment (official University business) is an injury.

E. Light Duty

A temporary job that is consistent with medical restrictions placed on an employee.

F. Occupational disease

This is a disease arising out of and in the course of employment, but unless otherwise provided by the WCA, not an ordinary disease of life to which the general public is exposed outside of the employment. It is characteristic of, and peculiar to, the particular trade, occupation, process, or employment.

G. Official business

Applies to University business on or off-campus (including out-of-state/country traveling).

H. Permanent partial disability

A permanent loss to the body that was caused by an injury or occupational disease and that the WCA does not consider to result in the employee's total incapacity. The loss of a finger is an example of a permanent partial disability.

I. Regular salary (supplemental pay is excluded)

The salary an employee normally earns per week, based on the salary amount specified on the University Contract/Letter (excludes Temporary Employment Agreement Forms, etc.).

J. Serious injury or illness

Any injury or illness occurring in a place of employment or in connection with any employment which requires inpatient hospitalization for a period in excess of 24 hours for other than medical observation, or in which an employee suffers a loss of any member of the body, or suffers any serious degree of permanent disfigurement.

K. Total disability benefits

The loss of two major body parts usually is considered a total disability. Total disability benefits are recoverable for up to 500 weeks except in cases of disability resulting from paraplegia, quadriplegia or physical brain damage, where benefits are payable for the life of the employee.

L. Workers' compensation leave

A type of leave from employment which results from an employee's incapacity to work, which has been determined to have resulted from an injury or occupational disease such that the employee is entitled to benefits required by the WCA.

Workers' compensation leave must be denoted under the category of "Other" on the Request for Leave Application Form.

Applicability

This policy is applicable to all employees of Claflin University which includes full-time, part-time, temporary hires and work-study students. Contractors, sub-contractors, volunteers, etc., are not covered by Claflin University's workers' compensation insurance.

PROCEDURES

It is the responsibility of the immediate supervisor or supervisor on duty to submit the Accident Report/First Report of Injury form within 24 hours to the Office of Human Resources and appropriate Vice President of the work-related accident with *immediate* notification of any serious injury or death resulting from an on-the-job accident. The most important thing to remember when a serious injury occurs is to get the injured employee to the nearest appropriate medical facility. The Policy on Medical Emergencies (Policy Number: 700.01) should be followed for work-related medical emergencies.

The Assistant Director of Human Resources or designee is responsible for reporting all work-related injury claims to the insurance carrier. The insurance representative records the incident and assigns a claim number to establish a case. A workers' compensation adjuster is assigned to investigate the reported injury. The adjuster will determine if the claim is "compensable" or "non-compensable." **Should the determination of the claim be classified as "non-compensable," the employee will be responsible for all expenses reported as a work-related injury.**

The Workers' Compensation Act specifies that the employer is **not** responsible for unauthorized medical expenses. Accordingly, the employee shall be responsible for paying any unauthorized medical treatment expenses.

Falsification and abuse of workers' compensation claims are illegal. Any employee who has knowledge of fraudulent claims shall report it to the immediate supervisor and the Office of Human Resources within 24 hours.

Medical Treatment/Providers

The University reserves the right to use internal medical services (University Nurse/Physician) for injuries classified as "First Aid."

For off-campus treatment, employees are referred to the University's in-network provider, Orangeburg Family Health Center. If that facility is not convenient for required services, employees may go to an emergency room or urgent care facility. The injured employee is responsible for informing the treating physician/facility of the

work-related injury. Specialists, surgeons, etc. shall be assigned/approved by the insurance carrier.

The Assistant Director of Human Resources or designee will provide the injured employee with the claim number and name, address and telephone number of the insurance carrier so the injured employee can be treated and the claim filed accordingly. In some instances, the Human Resources representative will fax the information to the medical provider.

Compensation Benefits for Employees with Compensable Claims under the WCA

Pursuant to the South Carolina Workers' Compensation Act an employee with a compensable claim is entitled to compensation for lost wages (at rate of two-thirds of the employee's average weekly wage) for absences beyond seven (7) calendar days for compensable claims. Claflin University will provide compensation for the first seven calendar days for an employee with a compensable claim under the WCA (**Exception:** if the employee is out for more than 14 calendar days, the insurance carrier will pay for the first (7) calendar days).

Compensation Benefits for Employees with Twelve-Month Contracts with Compensable Claims under the WCA

On the eighth (8) calendar day, following a compensable claim, an employee with a twelve-month employee will be required to use one-third sick leave or vacation leave (2.67 hours per day) to receive 100% compensation. If the employee has exhausted his/her leave time, the employee will only be entitled to two-thirds of their average weekly wage (excluding supplemental pay).

The employee will remain on Claflin University's payroll and receive 100% compensation for such period of time he/she has sufficient leave time (2.67 hours per day) during the period of a WCA compensable claim. The insurance carrier will mail the reimbursement check to the Office of Human Resources. The employee will be required to endorse the check and it will be deposited into the appropriate departmental account. Should the employee **refuse to endorse** the workers' compensation check for deposit into the University's departmental account; the University reserves the right to dock the employee's payroll check for workers' compensation funds received.

Special Note: Should a claim be ruled non-compensable after receipt of compensation, the employee will be docked or leave time will be deducted for the total period of absence.

Employees should contact the Office of Human Resources regarding compensation benefits for total disability, disfigurement, permanent partial disability, or death benefits.

Light Duty/Release to Return-to-Work

If a work-related injury prevents an employee from performing normal duties, Claflin University reserves the right to determine the availability of light duty assignments. Refusal of a light duty assignment is grounds for termination of WCA and University benefits under this policy. If a light duty assignment is not available, the employee may not return to work until a **Release of Full Duty Notice** has been received and approved. The Office of Human Resources will coordinate the light duty/return to work process.

Injured employees requiring off-campus medical treatment must bring a medical release to the Office of Human Resources prior to returning to light or full duty.

Conditions

The Workers' Compensation Policy will operate concurrently with the Family and Medical Leave Act (FMLA), Leave without Pay for Disability (Staff Guidelines) and Sick Leave Policy, and applicable provisions of the Faculty Handbook.

