Policy 0507

From Human Resources

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PERSONNEL POLICY MANUAL
MoDOT Personnel Policy Title: Workers' Compensation **Policy Number**: 0507 **Chapter Title**: Employment **Effective Date**: January 1, 2011 **Supersedes Policy Number**: 0507 **Dated**: July 1, 2010
Approved By: Micki Knudsen, Human Resources Director (Signature on file)

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POLICY STATEMENT

Salaried and wage employees are covered by workers' compensation from the first day they begin work with the department. Employees injured while performing assigned duties, and as provided under the state's workers' compensation laws, may obtain workers' compensation lost time benefits, payment of medical and hospital bills, settlement for disability (temporary, permanent-partial, or total), and a survivor's death benefit (if death should occur from the incident).

PROVISIONS / REQUIREMENTS

1. Employees are covered by workers' compensation benefits as provided by the state's workers' compensation laws. In addition to having coverage while performing normal duties of their position, employees are covered when special duties are authorized that require use of vehicles (state or personal) before or after regular working hours. Employees who are assigned state owned or leased vehicles that are garaged at their homes at night (i.e., resident engineers, maintenance superintendents, etc.) are covered from the time they start to work from their homes until they return to their homes if they are performing official assigned duties during these times. Coverage will not be provided to employees while they are going from their homes to their work locations, and while returning from their work locations to their homes, if they are not performing official assigned duties during these times.

2. Employees who have on-the-job incidents should report them to their supervisors as soon as possible, regardless of whether or not immediate medical attention is required. Employees will not be retaliated against or discriminated against for filing workers' compensation claims. All authorized medical and hospital bills will be paid regardless of whether lost time occurs. Employees should not use their prescription benefit card or send any medical bills to their health insurance carrier that relate to a workers' compensation injury. Failure to report an incident within 30 days could result in loss of workers' compensation benefits.

3. Workers' compensation lost time benefits begin the first day following a three-calendar-day waiting period. If the disability extends beyond 14 calendar days, the three-calendar-day waiting period, even if not consecutive, will be paid. Salaried employees may charge the three-calendar-day waiting period to paid sick leave, annual leave, compensatory time, or sick leave without pay provided paid leave is not available. Since some wage employees earn no sick leave, they will be removed from the payroll for the waiting period. Both wage and salaried employees are carried on the payroll for a full shift on the day of injury, regardless of the hour the injury occurred.

4. Compensable work-related lost time incidents will be paid according to the amount specified by law. Any holidays occurring while employees are receiving workers' compensation lost time benefits will not be paid. Employees may elect to be paid an additional amount over the lost time benefit by using some of their accrued sick leave while receiving lost time benefits. They must complete Form A-450, "Workers' Compensation Lost Time Preference," and select one of the following to establish whether they want to be paid for some of their sick leave:

A. Apply 1/3 accrued sick leave per day to supplement workers' compensation lost time benefits not to exceed the employee's normal base salary; or,

B. Not apply accrued sick leave pay to supplement lost time benefits.

When employees elect to receive sick leave benefits in addition to workers' compensation lost time benefits, the Controller's Division will calculate the amount to supplement the workers' compensation lost time.

5. An employee may elect to receive payment for part or all of his/her accumulated, unused annual leave or compensatory time concurrently with workers' compensation lost time benefits, not to exceed the employee's total hours available for the pay period.

6. An employee who receives authorized medical treatment due to a work-related injury during a day in which he/she is working will be paid for a reasonable amount of time absent from his/her regular working hours. The employee should report back to work after the medical treatment, if time permits.

7. An employee who attends a Missouri Division of Workers' Compensation Conference or Hearing during a day in which he/she is working will be paid for time absent from his/her regular working hours. The employee should report back to work after the conference or hearing, if there is still working time left in his/her normal shift.

8. If a district/division/office receives notification that an employee has been placed on workers' compensation suspense status for refusing to return to work, the district/division/office is to notify the employee by certified mail of his/her remaining options as follows:

A. Report to work within three workdays after receipt of the certified letter;

B. If the employee believes he/she is unable to perform the proposed job duties with or without reasonable accommodation, he/she may provide a written appeal including any additional medical documentation he/she believes should be considered. This appeal must be made within three workdays of receipt of the certified letter; or

C. Be released if he/she fails to either report to work or submit a written appeal with medical support within the three workdays after receipt of the certified letter.

9. If a district/division/office receives notification an employee has medical restrictions that are temporary and the department can allow the employee to work with these temporary restrictions, the employee may be able to return to work under Personnel Policy 0509, "Temporary Modified Duty Assignments."

10. When a workers' compensation case has been settled and an employee has incurred permanent restriction(s) which substantially impair the ability to perform the essential functions of his/her position, the district/division/office should refer to Personnel Policy 0602, "Fit for Duty Review Program," concerning the employee's employment status.

CROSS REFERENCES

Personnel Policy 0509, "Temporary Modified Duty Assignments"

Personnel Policy 0602, "Fit for Duty Review Program"

PROCEDURE

Procedure 0507, "Workers' Compensation"

FORM

A-450, Workers' Compensation Lost Time Preference
(http://wwwi.gh.modot.local/intranet/ri/documents/LOSTTIMEPREFERENCEA-450.doc)

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