



## **POLICY AND PROCEDURE**

<b>Workers' Compensation</b>	<b>Office of Human Resources</b>
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### **BACKGROUND:**

This information guide is to clarify the procedures for reporting and processing Workers' Compensation claims. Workers' Compensation benefits are time sensitive, therefore, it is imperative that all parties involved follow these procedures and provide all necessary documentation in a timely manner.

### **POLICY STATEMENT:**

The College provides Workers' Compensation insurance to all employees for work related illnesses and injuries.

**An Accident Happens – What Now?**



### **PROCEDURE:**

#### **If you're an employee:**

- Contact the Campus Security Department by dialing 75911. If needed, first contact 911 to obtain medical treatment.
- Notify your supervisor of the accident, and where and how it occurred, as soon as possible.
- Submit a written account of the accident to your supervisor within **thirty days** of the accident. Campus Security Department will provide the Office of Human Resources (OHR) with a written accident report detailing the time, place, and nature of the accident.

- If any injuries sustained are serious enough to require further medical attention, other than aid or assistance from the Campus nurse, the attending physician must be notified that this is a probable workers' compensation claim in order for the appropriate forms to be completed for submission to the Law Department as Workers' Compensation.
- Alerting the attending physician to the fact that your claim is related to a Workers' Compensation case should direct all payment requests to the Law Department automatically. However, should you receive a bill in the mail, forward it to OHR, and OHR will re-direct it to the Law Department-Workers' Compensation Unit.
- Upon receipt of the accident report, OHR will mail to you a Workers' Compensation packet containing all of the necessary forms for completion. **It is important that these forms be completed and returned to OHR as soon as possible.** OHR is located at: 65-30 Kissena Boulevard, Flushing, NY 11367.
- If you do not wish to pursue a Workers' Compensation claim, you should notify OHR in writing of this decision.
- Any Workers' Compensation communication requests made of you by the Workers' Compensation Board, such as medical records or facilitating medical appointments is your responsibility; OHR cannot participate in these dialogues.
- If time is lost from work due to an accident, it is very important that the time sheet is clearly marked as absences due to a Workers' Compensation injury. Your time sheet should be annotated with W/C next to or on the appropriate space for the day(s) missed. This is required of any time missed due to the injury, whether immediately following the accident, or any time after return to work.
- If any time from work has been missed due to a Workers' Compensation injury, upon return to work, you must first report to OHR with a doctor's note medically clearing you to return to full duty.

### **If you're the supervisor:**

- Once a supervisor has learned that an employee has been injured, he/she should immediately notify OHR.
- Upon return to work, employee should first report to OHR with medical clearance before proceeding to their worksite.
- When an employee returns to work, it is the responsibility of the supervisor to ensure that the employee has noted any days missed from work due to a workers' compensation case on their time sheets. The time sheet should be annotated with the date(s) of the absence. Accurate accounting of time missed from work due to a Workers' Compensation injury is essential to the restoration of time by the Workers' Compensation Board. Clear and accurate documentation is imperative.

### **The Office of Human Resources (OHR)**

- Once the OHR has received the accident report from Campus Security, the process of filing a claim with the Workers' Compensation Board begins.
- OHR acts as a liaison between the injured employee's case and the Workers' Compensation Board.

- Upon return to work after missed time, employee first reports to OHR with medical clearance before returning to their worksite.
- The OHR is required by state law to submit annual reports of all Workers' Compensation claims filed at the college.

### **The Role of Workers' Compensation Board/Law Department**

- Once a claim has been filed with the Workers' Compensation Board, the Board contacts the employee (by mail) to notify him/her of any necessary requirements.
- Often, the Workers' Compensation Board will request that the employee submit to an independent medical examination. The Workers' Compensation Board requires this in order to determine the employee's level of disability as a direct result of the accident. This is a necessity should the employee need to receive payments directly from the Workers' Compensation Board.
- The issue of restoration of time stemming from a Workers' Compensation case varies from case to case. The determination of how much time is restored (giving back of employee's time used), is dependent upon the finding of the level of disability due to the accident, as outlined by the Workers' Compensation Board.
- The Workers' Compensation Board **will not** restore half days missed from work. Like any other doctor's appointments made due to illness, appointments for physical therapy or other injury related appointments should be made after work or weekend hours.
- While the length of time an employee can remain on Workers' Compensation is at the discretion of the Workers' Compensation Board, after one year of time missed from work, the College has the right to replace that employee.
- In cases that **have been determined** are the result of an assault, a leave of absence **not to exceed** 18 months may be granted by the College. There are several conditions that must be met which determine the length of any leave given.
  - The injury must be determined to be compensable by the WCB;
  - A determination of assault must be made through all appropriate procedures;
  - The employee is determined to have not caused, provoked, begun or continued the assault unnecessarily;
  - The employee must present medical documentation from a physician stating the diagnosis of the injury and proof of disability to the Director of Human Resources **at the onset of the grant period;**
  - The employee shall execute an assignment of the proceeds of any third party judgment or settlement he/she may receive as a result of the assault to the College in the amount of the pay and medical disbursement received.

**Any questions related to Workers' Compensation policy or cases should be directed to Ann Morgado, 718-997-4493.**