

5.42 Workers' Compensation Policy (adopted May 12, 2014)

The College provides Workers' Compensation benefits for all College employees pursuant to the mandates of the Missouri Workers Compensation Law.

Employees who suffer an injury or who are exposed to or contract any occupational disease arising out of and in the course of their employment with the College ("a work-related injury") will receive benefits from the College in accordance with this Policy and the Missouri Workers' Compensation Law ("the Law").

Procedures:

5.42.1 Reporting of Injury

Employees must notify their supervisor or College designated representative immediately of any work-related injury prior to seeking treatment or if refusing treatment. The supervisor or College designated representative should inform Human Resources of the work-related injury. College designated representatives include the Facilities/Grounds Director, the Satellite Site Director for the site at which the work-related injury occurred, an ECC first responder and Campus Security personnel. Human Resources will maintain on the web page a list of the College designated representatives and any forms referenced in this Policy.

An injured employee must visit an authorized provider or facility in order to be covered through Workers' Compensation. The employee is to inform the medical providers and facilities that the injury was work-related.

- 1) Day Hours – If a work-related injury happens during the hours of 6 a.m. to 4:30 p.m., the employee must inform the immediate supervisor or Division Vice President. A written report of injury must be completed that day.
- 2) Evening Hours – If a work-related injury happens Monday – Thursday after 4:30 p.m., the employee must inform the immediate supervisor, ECC first responder or Campus Security. The work-related injury should be reported to the supervisor and a written report of injury must be completed the next business day.
- 3) Weekend/Holiday - If a work-related injury happens on the weekend, the employee should contact the immediate supervisor or Campus Security. The work-related injury should be reported to the supervisor and a written report of injury must be completed the next business day.

5.42.2 Designated Workers' Compensation Facilities

The College will identify healthcare facilities in close proximity to each of its locations which will be designated Workers' Compensation facilities to be utilized in case of a work-related injury. Employees are required to utilize the designated facilities according to the designated hours.

An injured employee must visit an authorized provider or facility in order to be covered through Workers' Compensation. A list of these facilities will be maintained in the Human Resources Office and posted on the Human Resources web page. Employees will be responsible for payment for medical treatment if they receive treatment from any medical provider or facility other than the College authorized medical provider or facility.

For purposes of physical therapy, an employee may use the College authorized medical provider or facility that is closest to the employee's home.

5.42.3 Emergency Situations

Employees and/or ECC first responders must notify the supervisor immediately of any work-related injury. If a work-related injury is an emergency, 911 should be called immediately. The medical providers will determine the appropriate care and whether or not the employee needs to be treated at the hospital. The College designated representative will contact the hospital and authorize treatment. If the nature of the work-related injury is such that the employee cannot immediately submit the completed report of injury form, the employee's supervisor will assist the employee in completing the form as soon as possible.

5.42.4 Non-Emergency Situations

If the work-related injury is a non-emergency but requires medical treatment, the employee will pick up a Treatment Authorization form from Human Resources, Facilities and Grounds, or the Satellite Site office and go to a designated medical facility closest to his/her campus per the hours of operation. If the employee is not capable of driving, alternate transportation arrangements will be made by the employee or College. Employees should not transport another employee unless approved by a College Administrator, Human Resources or the applicable Satellite Site Director. The College designated representative will contact the treatment facility to authorize treatment of the employee.

5.42.5 Injury Report

An injury report should be completed by the employee and the supervisor and submitted to the Human Resources Office no later than the next business day after the work-related injury. Any witness(es) should complete the injury report form and submit it to the supervisor. If the nature of the work-related injury is such that the employee cannot immediately submit the completed report of injury form, the employee's supervisor will assist the employee in completing the form as soon as possible. Any delay in reporting the work-related injury may delay Workers' Compensation benefits. Injury report forms are available in the Human Resources office and on the Human Resources web page.

5.42.6 Follow-up Medical Treatment

Follow-up visits and/or therapy should be scheduled during normal working hours. An employee does not receive compensation when treatment is after hours or on a holiday.

An employee can receive mileage reimbursement for medical treatment according to College policy for travel from the work location to the designated facility. An employee can receive mileage reimbursement for medical treatment according to Workers' Compensation for travel from the work location to the designated medical facility if twenty-five miles or more one way.

5.42.7 Return to Work

Employees must provide a release from their treating physician to return to work after being absent due to a work-related injury. The employee will work with the supervisor and Human Resources if any restrictions are required. All releases from treating physicians must be forwarded to the Human Resources office.

An employee who fails to return to work after receiving the release from their treating physician to do so would be considered absent from their job without authorization. The College considers three days of unauthorized absences without notice to be a voluntary resignation.

5.42.8 Compensation Benefits

The College will pay for time lost because of a work-related injury during the remainder of the normal workday in which the work-related injury occurs.

5.42.9 Temporary Total Disability Benefits

Employees will receive Temporary Total Disability (TTD) Benefits in accordance with the Law. TTD Benefits are wage replacement benefits paid to an employee in lieu of wages during the period of time in which the employee is unable to return to any employment because of a work-related injury.

Employees whose average weekly wage as defined by the Law ("average weekly wage") exceeds the actual wage necessary to obtain the maximum total disability rate as defined by the Law ("maximum wage") may use accrued vacation, sick leave or personal leave to cover the difference between the employee's average weekly wage and the maximum wage during the time period such employee is entitled to TTD Benefits under the Law.

By Law, TTD Benefits are not provided for the first three (3) full days of absence due to a work-related injury unless the employee is off work for at least 14 calendar days due to a work-related injury. The employee may request use of accrued vacation, sick leave or personal leave for the first three (3) days' absence from work. If the employee is off work more than 14 calendar days, TTD Benefits will be made from the first day of lost time. The College will reduce the next month's accrued vacation, sick leave or personal leave based on the difference between the amount of TTD Benefits paid and the amount of accrued leave used for the first three (3) days of absence.

An employee who is receiving unemployment benefits may not receive concurrent TTD benefits.

An employee who is terminated from employment with the College for post-injury misconduct will not be entitled to continue to receive TTD benefits.

An employee receiving TTD Benefits will continue to accrue vacation and sick leave.

Employees should refer to PSRS/PEERS for information on the potential impact of TTD Benefits on retirement benefits.

An employee who has returned to work after a work-related injury, but is still receiving medical treatment, will not receive TTD benefits for time missed from work for physical therapy, employer-requested medical evaluations, or to attend medical treatment and/or evaluations. The employee will be allowed to seek follow up treatment during the normally assigned work shift.

5.42.10 Continuation of Employee Benefits While Off Work Due to Work-Related Injury

If an employee is not able to work due to a work-related injury and as long as the injured person remains an employee of the College, all regular employee benefits may continue. However, since the employee will be receiving TTD Benefit checks directly from the College's insurer and not through the College's regular payroll system, the employee's portion of the cost for dependent benefits cannot automatically be deducted from the employee's payroll check. Therefore, the employee is responsible for making separate payment arrangements with the College.

Workers' Compensation leave for more than three days will be designated as FMLA leave for qualifying employees.

5.42.10 Compliance

Under the law, Workers' Compensation benefits can be denied if an employee is found to be using alcohol and/or non-prescribed controlled drugs in the work place and the use is the proximate cause of the injury. If the employee is found to be using alcohol/drugs and the use is not the proximate cause of injury, a 50% penalty can be leveraged against otherwise payable benefits.

An employee with a work-related injury must strictly follow any and all instructions of the treating physician. This compliance includes, but is not limited to: prescription use, therapy, rest, following activity restrictions, and returning for follow-up visits. Compliance with medical instructions is mandatory on and off the job.

If an employee violates a rule of the College or fails to use a required safety device, that employee's Workers' Compensation benefits may be reduced by 25-50%.

Employees are expected to comply with these policies as a condition of their employment. This includes, but is not limited to, the expectation that an employee shall:

1. Comply with physician's orders,
2. Immediately notify their supervisor or the College designated representative of a work-related injury,
3. Refrain from the use of drugs and/or alcohol in violation of the College's policies,
4. Comply with safety standards,
5. Return to work upon release of physician, and
6. Be absolutely truthful and accurate in all claims and reports.

Failure to comply with this Policy may result in College discipline up to and including termination.