

## EMPLOYEE WORK RELATED INJURIES AND ILLNESSES

### POLICY

The University of San Diego strives to provide a safe and secure working environment for all employees. However, when a work related injury or illness occurs (i.e. injuries and illnesses that arise out of, or are incurred in the course of job related activities on behalf of the University), the University shall provide appropriate medical care and treatment to the injured worker through its Workers' Compensation program.

The Risk Management office is responsible for administering the University's Workers' Compensation program in accordance with the California Department of Industrial Relations codes. Coverage is provided for all paid faculty, staff, exempt professionals, and student employees who are injured or become ill while acting within the course and scope of their duties. Coverage begins automatically the first day of employment. Volunteers are provided industrial insurance medical benefits only. For further information on workers' compensation regulations and benefits, contact the Risk Management Director at extension 7677.

### PROCEDURES

#### 1. Reporting Procedures

- a. Employees must report all injuries and work related illnesses, regardless of severity, to their supervisor and complete an Employee's Claim for Workers' Compensation Benefits form. This form will be provided to them by the Public Safety Officer or their supervisor.
- b. The employee or supervisor notifies Public Safety.
- c. The Public Safety Officer will provide immediate first aid and/or offer transport to the appropriate medical provider, dependent upon the severity of the injury. The Public Safety Officer completes a Public Safety Emergency Service Report. The officer initializes a Work Status Report, which authorizes treatment by the panel providers or an emergency department, if the employee shall be seeking medical treatment.
- d. The supervisor completes a "Supervisor Report of Work Injury."
- e. The Public Safety report and the Supervisor's report are forwarded to the Director, Risk Management within 24 hours of the injury/illness.
- f. If off-campus medical treatment has been obtained, the employee returns the completed copy of the Work Status Report to their supervisor.

Note: Injuries or illnesses that are not reported immediately may become impossible to verify. This could cause delays in obtaining workers' compensation benefits or the claim may be denied.

#### 2. Investigation of Work Related Injuries/ Illnesses

To prevent a recurrence of a work related injury/illness, all parties must contribute to the investigation of the environment and circumstances which allowed the illness/injury to occur.

- a. Employee: The affected employee must provide accurate and detailed information to his/her supervisor and the Public Safety Officer.
- b. Witnesses: Any witness to the occurrence must provide all information they possess about the occurrence.
- c. Supervisor: The supervisor must examine all aspects of the occurrence including as applicable:
  - Had the employee been properly trained?
  - Were appropriate guards or warning signs in place?
  - Was appropriate personal protective equipment in use?
  - What environmental issues contributed to or created a hazard?
  - Were there unusual circumstances surrounding the event?

- Had there been similar occurrences which did or did not result in injury/illness?
  - d. Public Safety Officer: The Officer's investigation shall include documentation of reports given by the employee, witness (es), and the supervisor, as well as concise description of the immediate environment and the equipment/articles related to the injury/illness.
  - e. Director, Risk Management: The Director, Risk Management may conduct an additional investigation as needed to minimize probability of repeated occurrences.
  - f. The Workers' Compensation carrier/third party administrator may perform additional investigations or record reviews as needed to establish evidence of liability.
3. Medical Treatment and Resumption of Work
- a. Minor injury: If the injury can be treated through application of first aid techniques either at the work location, through the Student Health Center, or through the designated panel providers or pre-designated healthcare professional, the employee returns immediately to his normal duties.
  - b. More serious injury: Employees, who experience an injury/illness which requires care beyond first aid, must be seen by the designated panel providers, unless they have pre-designated another provider. In case of serious or life threatening injury, Public Safety may opt to arrange transport to an Emergency Room.
  - c. In all cases, the "Work Status Report" serves as authorization to receive said treatment.
  - d. The healthcare provider completes the "Work Status Report" with directions to the employee and his supervisor on required follow up including directions to:
    - Return to work with no restrictions
    - Return to work with modifications
    - Remain off work for a specified duration.
  - e. The employee must return the "Work Status Report" to their supervisor. If the healthcare provider has directed the employee to remain off work; the employee must notify their supervisor immediately by telephone and return the report as soon as possible.
4. Return to work with modifications:
- a. Conditions for Offering a Modified Duty Assignment:
    - The employee is released to work, but the treating physician certifies that the employee is temporarily unable to perform some or all of his/her regular job duties.
    - An appropriate modified duty assignment is available.
    - The University would otherwise employ the employee had they not incurred the work-related injury or disease.
    - The modified duty assignment will be within the home department whenever possible. When this is not possible an assignment may be made in another department.
  - b. Specifics of a Modified Duty Assignment
    - A modified duty assignment cannot last longer than ninety (90) calendar days, in most cases.
    - A modified duty assignment should be substantially similar to the employee's regular job in regard to the hours/days (shift) worked.
    - Hours/days may be limited to meet the proscribed modifications.
    - While working in a modified duty assignment, the employee, in most incidences, receives the same base rate of pay received while working in his/her regular position, dependent upon hours worked.
    - A modified duty assignment in another department does not constitute a transfer to that position.
    - The employee's original department is responsible for an employee's salary and benefits while the employee is working in a modified duty assignment with another department.

- If a modified duty assignment is provided in another department, that department shall report the hours worked to the employee's original employing department.
  - If a modified duty assignment is provided in another department, that department shall communicate any performance issues or new restrictions to the Human Resources Department and the Director, Risk Management.
- c. Conditions for Terminating or Changing an Assignment:
- Ninety calendar days elapse from the day the employee begins the modified duty assignment.
  - The employee's treating physician releases him/her to return to his/her regular position.
  - The employee is given permanent restrictions that prevent a return to the regular position. (A modified duty assignment shall be terminated within thirty days after the employee is given permanent restrictions.)
  - The modified duty assignment is no longer available, or other conditions require the department to terminate the assignment.
  - The employee's claim for workers' compensation is denied.
  - The employee terminates his/her employment or retires.
- d. Conditions for Extending Modified Duty for an Additional Ninety Day Period
- The employee remains unable to perform the duties of his/her regular position after the completion of a ninety-day modified duty assignment.
  - After working in a modified duty assignment, the employee returns to work at his/her regular position, but again becomes temporarily unable to perform the duties of the position.
  - The workers' compensation insurer recommends the extension.
  - Different tasks are assigned or the department where work is performed is changed.
- e. Procedure for Employees with Permanent Restrictions
- At such time as an employee's physical condition is deemed "permanent and stationary" and the condition requires permanent restrictions:
- The provider shall notify the Director, Risk Management and the insurer. The Director, Risk Management shall notify the supervisor and the Human Resources Department.
  - Positions within the original department shall be evaluated to determine if the employee's permanent restrictions will allow him/her to fill a different position, and/or if the original job can be permanently modified to accommodate the restrictions.
  - Positions in other departments will be matched with the employee's skill set and permanent restrictions to determine if the employee could fill another position within the University.
  - Salary adjustments may be made to match the new skill set and position; however the new salary must be at least 85% of the pre-injury salary.
  - The duration of the new position must be at least 12 months.
  - If the employee refuses to accept the new position and salary, employment will be terminated.
  - The Director, Risk Management shall coordinate activities with the Workers' Compensation insurer related to Vocational Rehabilitation when necessary.
4. Other Workers' Compensation Related Information
- a. USD is responsible for all accepted Workers' Compensation related medical expenses.
  - b. If an employee is directed by the healthcare provider to remain off work for more than three days after the date of injury, the Workers' Compensation carrier will compensate the worker for lost wages at the rate allowable under the law. Current rate is approximately 2/3's. Human Resources may supplement that payment by utilizing the employee's accumulated sick or vacation hours.
  - c. If the injury/illness was the result of the employee violating safety rules or engaging in unsafe or careless behavior, the supervisor, in consultation with Human Resources and the Director, Risk Management, must take appropriate action.

- d. If an employee is claiming recurrence of a prior injury or illness, he or she must report the injury as stipulated above. When seen by the healthcare provider, he must inform the provider of the prior injury. The provider shall determine whether the current condition is a new injury or re-injury.
- e. The employee is responsible for keeping the supervisor informed of the status of his condition on a regular basis and must immediately inform his supervisor of any changes in his job duty modifications.
- f. All medical appointments scheduled by the treating physician must be kept. Failure to keep appointments may result in termination of the Workers' Compensation benefits.
- g. If the employee is dissatisfied with the care provided by the designated panel providers after the initial thirty days of care, the employee may change providers. To do so they must notify the Claims Adjustor who is handling their claim and the Director, Risk Management. It will be the employee's responsibility to authorize the transfer of all medical documentation to the new provider.