

Workers' Compensation

1.0 Purpose To provide the County's benefits for those employees injured on the job as a result of a compensable accident and who lose time from work, in addition to the benefits provided by the Workers' Compensation law.

2.0 Applicability To all employees of Bladen County

3.0 Policy Workers' compensation is provided by statute to all County employees. It is regulated by the North Carolina Industrial Commission. Workers' Compensation provides payment of medical expenses and two-thirds (2/3) of weekly loss of earnings up to a maximum established yearly by the Commission.

The burden of proof is on the employee to establish as fact that he or she suffered an injury by accident and it arose out of and in the course of County employment. Some occupational diseases are recognized as long as the disease is due to causes and conditions characteristic to the employment. The burden of proof is on the employee to establish as fact that he or she suffered an injury by accident and that it arose out of and in the course of County employment. Some occupational diseases are recognized as long as

3.1 It is the responsibility of the employee to immediately report to a supervisor or department head any injury or illness as described above. This information must then be reported immediately to the designated County office and appropriate paperwork completed. All medical treatment must be approved by the workers' compensation insurance administrator. In case of an emergency, the employee should be transported immediately to the nearest emergency medical facility. The employee's supervisor or department head shall contact the emergency facility with instructions on submitting the medical records and charges.

4.0 Compensation

4.1 A Personnel Action Form must be submitted placing the employee on leave without pay and reinstating the employee as appropriate.

4.2 The Workers' Compensation Act provides that no compensation will be due the injured employee for the first seven (7) calendar days away from work, unless this time exceeds twenty-one (21) calendar days. Refer to section 5.0 for guidelines regarding provisions for paid leave during the seven day waiting period. No compensation will be paid for time away from work without authorization by the approved treating physician.

4.3 Workers' Compensation pays up to two-thirds (2/3) of average weekly wages as established at the time of the injury.

4.4 The employee is not required to pay any medical charges on the approved workers' compensation claim. All payments made on a compensable claim must

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be approved by the Industrial Commission. All medical charges must be submitted to the administrator for payment on the proper forms approved by the Commission.

5.0 Workers' Compensation Leave

5.1 Leave on the Day of Injury

No leave is charged on the day of the injury if the treating physician instructs the employee not to return to work; otherwise the employee is expected to return to work. If the employee is not to return to work, he/she shall: obtain a written statement from the physician indicating that the employee must not return to work and · present the statement to the supervisor as soon as possible.

5.2 An employee may take leave without pay subject to *the leave without pay limit of six (6) months* and receive any workers' compensation benefits to which he/she is entitled. If the absence is expected to extend beyond twenty-one (21) calendar days, the employee must go immediately into a leave without pay status and begin receiving workers' compensation benefits on day one.

5.3 An employee with a workers' compensation injury/illness that is not expected to extend beyond the twenty-one (21) calendar days shall be permitted to use available paid sick and/or vacation leave for the first seven (7) calendar days of the leave. Once the employee begins drawing workers' compensation pay, the employee will not be allowed to use sick or vacation leave.

5.3.1 An employee absent from duty because of sickness or disability as defined by the North Carolina Workers' Compensation Act may elect to use accrued sick leave or vacation leave during the first waiting period.

On June 12, 2003, the State of North Carolina passed Session Law 2003169– Adverse Reactions to Smallpox Vaccination. As a result, Workers' Compensation benefits now specifically include infection with smallpox, infection with vaccinia (the virus in smallpox), or any adverse medical reaction when the infection or adverse reaction is due to the employee receiving in employment vaccination against smallpox, as an occupational disease for purposes of Workers' Compensation Leave. This policy provision applies only to employees who receive an employment vaccination against smallpox pursuant to the Homeland Security Act and the National Smallpox Vaccination Program.

If an employee, who participates in the above program to take the vaccine, and as a result of taking that vaccine, becomes ill such that absence from work is required the employee shall be granted additional paid sick leave days for such absence, up to seven (7) days, to cover the waiting period under the Workers' Compensation Act.

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Should an employee contract vaccinia (the virus in the smallpox vaccine) by living in the same house as someone who has been vaccinated as part of the program, such employee shall be permitted to use available paid sick and/or vacation leave for any time away from work. No additional time will be provided.

- 5.4 In no case will an employee be allowed to buy back from the County leave used during any period of absence due to a workers' compensation injury or illness.
- 5.5 If the injury results in a period of disability which causes the Workers' Compensation weekly benefit to be allowed retroactively to the date of the disability, the amount of compensation paid by the Plan Administrator for the first seven days shall be deducted from the employee's future County salary.
- 5.6 Temporary employees will go directly to a leave without pay status and will receive all benefits for which they are eligible under the Workers' Compensation Act.
- 5.7 Any period of leave without pay for a workers' compensation disability that qualifies as a "serious health condition" under the Family and Medical Leave Act (FMLA) will run concurrently with FMLA leave.

6.0 Benefits while on Workers' Compensation

- 6.1 An employee in a leave without pay status due to Workers' Compensation will retain all sick and vacation leave while receiving workers' compensation benefits.
- 6.2 Upon return to work, an employee's salary will be computed on the basis of the last salary plus any salary increase to which the employee would have been entitled during the absence covered by the workers' compensation benefits.
- 6.3 Individual hospitalization and life insurance provided for the employee by the County during regular pay status will be provided while on workers' compensation leave. Family hospitalization and family life insurance coverage may be continued at the employee's option and expense.
- 6.4 If an employee is determined to be disabled for the long term, an application for waiver of premium for the life insurance should be submitted to the carrier.
- 6.5 Bladen County's personnel policies shall continue to apply to an employee on workers' compensation leave in the same manner as they would apply to any employee who continues to work or is absent while on some other form of leave.
- 6.6 While on workers' compensation leave, an employee does not receive retirement credit.

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- 6.7 While on workers' compensation leave, an employee is in pay status and will continue to receive longevity credit.
- 6.8 Vacation and sick may still accrue. If the employee does not return from workers' compensation leave, vacation leave accumulated only during the first twelve months of workers' compensation leave will be exhausted by a lump sum payment, along with other unused vacation leave which was on hand at the time of the injury.
- 6.8.1 Leave in excess of 225 hours: Since the employee is on workers' compensation leave and is not able to schedule vacation time off, the accumulation may in some cases exceed the 225 hours maximum that can be carried forward. It shall be handled as follows:

The 225 hour maximum to be carried forward to the next calendar year may be exceeded by the amount of vacation accumulated during workers' compensation leave. The excess may be used after returning to work or carried on the leave account until the end of the calendar year at which time any excess vacation shall be converted to sick leave.

If the employee separates during the period that excess vacation is allowed, the excess leave to be paid in a lump sum may not exceed the amount accumulated during the first twelve months of workers' compensation leave.