

## The University of Alabama System Office

### On-the-Job Injury and Illness Policy

Updated: 05/25/2018

#### Purpose

The Workers' Compensation Act of the State of Alabama does not apply to The University of Alabama System Office. However, it is the policy of The Board of Trustees to provide benefits to an employee who sustains an occupational or on-the job injury that arises out of and in the course of performing employment duties. Benefits may also include coverage for illnesses or diseases caused by hazards of the employee's particular job that are substantially greater than or different from those associated with employment in general.

#### Policy

The UA System Office provides and pays for an On-the-Job Injury/Illness Program (hereafter referred to as "OJI Program" or "OJI") to cover an employee's approved medical expenses and lost wages incurred as the result of an OJI.

The OJI Program is administered by the HR Department of the UA System Office. The OJI Program also has oversight from an OJI Benefits Review Committee.

The Review Committee consists of one representative from each of the following System Office areas: Human Resources, Office of Counsel, and Risk Management. The Committee may review OJI claims at the request of the claimant and may refer claims to the State of Alabama Board of Adjustment for consideration. The committee may also recommend and submit OJI Program policy changes.

#### Definitions

For the purpose of this policy the following definitions will apply:

*Accident* shall mean an unexpected and unforeseen event, happening suddenly and violently, with or without human fault.

*On-the-Job Injury* is defined as an injury resulting from an accident arising out of and in the course of one's employment, and shall not include an on-the job illness, except as provided for in this policy.

*On-the-Job Illness* is defined as an illness resulting from the continuous and repeated exposure to hazardous materials documented to be dangerous to humans when the exposure is determined to be excessive or above permissible limits established by the manufacturer of the material or other credible sources such as the Occupational Safety and Health Administration, National Institute of Occupational Safety and Health or American Conference of Governmental Industrial Hygienists.

An on-the-job illness shall have the same meaning as an occupational disease. An on-the-job illness does not typically include communicable diseases or infections transmitted by human contact. Alleged work-related stress, anxiety, depression or other mental illnesses are not

covered under this program unless proximately caused by an on-the-job physical injury to the body.

### **Guidelines for Covered or Compensable Expenses**

Medical expenses related to an OJI are compensable under the OJI Program only if the OJI is sustained in the course of, and arises out of, employment by the System Office. This policy does not cover employees except while they are engaged in or about the premises where their services are being performed or where their presence is required at the time of an accident.

OJIs that occur in the course of employment, but away from an employee's normal work site, may also be covered under the OJI Program as long as the employee was acting within the scope of employment and was engaged in an activity related to his or her assigned duties and the general scope of the position.

OJI benefits generally are not payable for injuries sustained while traveling to/from the work location or while engaged in an activity that is personal in nature and not incidental to employment including , but not limited to, meal breaks, running personal errands, participating in fitness activities unrelated to the position, etc.

### **General Information**

UA System Office employees in all employment categories are eligible for on-the-job injury/illness benefits. This includes student employees.

Accidents that occur while an employee is traveling on System Office business (defined as travel for which expenses are reimbursable by the System Office) will be considered to have occurred in the course of one's employment. If the accident occurs during a deviation for personal reasons (e.g. a sightseeing trip or a visit to relatives or friends) from the described route, the accident will not be considered to have occurred in the course of employment.

No OJI benefits shall be provided for an OJI resulting from an intentional injury/illness (including death) or an injury incurred while intentionally harming another except in cases of self-defense during the course and scope of employment. The UA System Office may also limit, restrict or deny OJI benefits if an employee is injured while engaged in an illegal activity or in an activity that is a violation of System Office policy.

Willful failure of an employee to abide by physician-directed physical activity restrictions arising from an OJI, or willful misrepresentation by an employee of his or her physical activities while under physical activity restrictions may result in termination of OJI benefits.

As a condition to seeking any benefits for treatment for an on-the-job injury, an employee must be willing to submit to a post-accident/incident drug test. Such test will be conducted at a time and place and in a manner determined by the HR Department of the UA System Office and will be at its expense. OJI benefits for any employee who tests positive for illegal drugs or alcohol will be denied and the employee will be subject to disciplinary action up to and including discharge from employment.

Abuse of the OJI Program or misrepresentation of facts in connection with a claim for benefits will not only jeopardize an employee's eligibility for OJI benefits, but, will also subject the employee to disciplinary action up to, and including, discharge from employment.

### **Procedures**

All OJIs, regardless of their severity, should be reported by the employee to the employee's supervisor within two (2) working days from the date of the injury. Supervisors should immediately contact the HR Department of the UA System Office. A completed Incident Report Form will be required for all incidents reported to HR. Forms should be completed and submitted to HR as soon as possible following an OJI incident.

If the employee's injury is life-threatening or otherwise requires emergency medical attention, the employee should immediately seek medical assistance and treatment at the nearest appropriate medical facility. Otherwise, the HR Department will give guidance to the supervisor regarding medical treatment for the employee.

The decision to delay or forego medical treatment **does not change the requirement that employees should report an OJI to their supervisor within the 2 working days from the date of the OJI and that the supervisor should contact the HR Department of the UA System Office.**

Unless the situation is outside of the employee's control, the employee is expected to keep all scheduled medical appointments. Failure to keep scheduled appointments may result in the termination of OJI benefits.

If treatment by the initial or current approved attending physician is not possible or is outside of the field of expertise of the treating physician, the HR Department of the UA System Office will coordinate the designation of another attending physician.

If an employee aggravates a pre-existing OJI, the approved attending physician must certify the need for treatment and/or absence from work. The OJI benefits described herein are awarded for each separately approved OJI. A recurrence or aggravation of a previous OJI, with or without a separate incident, is not considered a separate OJI.

Failure to comply with approved physician-directed rehabilitation and approved follow-up care, which may include, but, is not limited to, subsequent physician visits, referrals to specialty physicians, referrals for second-opinions, diagnostic testing, disability evaluation testing, physical or occupational therapy, work-hardening programs, or to follow the dosage and frequency of physician prescribed medications, may result in termination of OJI benefits.

### **Medical Records**

The UA System Office retains the right to access all relevant medical and other records of employees injured on the job and employees shall sign and deliver such consents, authorizations or permissions as may be requested to obtain such records. The System Office may also require employees to undergo or submit to additional examinations and tests as it deems necessary.

### **Off-Site Injuries**

An employee who suffers an OJI while traveling on UA System Office business or while working away from their regular employment location should seek emergency medical treatment from the nearest healthcare provider. The employee should advise the healthcare provider that he or she has been injured on the job. The healthcare provider should contact the HR Department of the UA System Office regarding payment for services rendered.

Supervisors should contact the HR Department of the UA System Office within two (2) working days of receiving the employee's report of the OJI, and all follow-up treatment should be coordinated through and authorized by the HR Department of the System Office.

### **Payment for OJI Expenses**

Employees who are covered by the System Office's medical insurance are eligible to have all reasonable OJI-related medical expenses paid by the Blue Cross medical insurance plan. This includes any applicable co-pays or deductibles.

Employees who are not covered by the System Office medical insurance, but, are covered by other medical insurance plans must inform the healthcare provider that the UA System Office is not covered by the Alabama Workers' Compensation Law. The healthcare provider must submit the charges to the employee's insurance carrier and any applicable deductibles or co-pays must be paid by the employee. Employees should submit their requests for reimbursements for out-of-pocket deductibles, co-pays, prescriptions, etc. to the HR Department of the System Office.

### **Lost Time/Wages**

The OJI Program generally will compensate an employee for time lost as a result of an approved on-the-job injury or illness in excess of four calendar days. Time lost on day one (i.e. day of the on-the-job injury or the day the on-the-job illness is discovered) will be paid through the employee's department and should be charged to administrative leave with pay. The next three calendar days are considered a waiting period during which no OJI wage benefits will be paid.

During the three calendar day waiting period, the employee may elect to use his or her accrued sick leave, annual leave, or compensatory time (hereafter "accrued benefit time") or to take leave without pay. However, if the employee remains out of work (or on reduced time or lower wages) due to the OJI for a period of 21 calendar days from the date of the OJI, one of the following will occur: (i) Accrued benefit time used for the first three days after the day of the OJI will be replaced at the same rate and maximum as outlined below or (ii) if accrued benefit time was not used, the OJI Program will pay the lost wages at 66 2/3% of the employee's regular rate of pay but subject to the weekly maximum outlined below.

Beginning with the fourth **calendar** day following the day of the OJI, the OJI Program will pay a wage benefit at the rate of 66 2/3% of the employee's regular rate of pay which, on a weekly basis, shall not exceed the annually adjusted weekly maximum wage established by the Alabama Department of Industrial Relations (the "weekly maximum"). The OJI Program wage benefit will continue until the employee is released by the designated physician to return to full duty or until the 180th calendar day

from the date of the OJI, whichever occurs first. This 66 2/3% wage benefit is charged to the employee's department. OJI Program wage benefits shall be subject to all payroll deductions required by law, policy, or authorized by the employee, such as applicable taxes, insurances, parking fees, and credit union withholdings.

The following is an example of how the lost time/wages process works:

- (a) Employee reports to work at 7:00 a.m. on Thursday and is injured at 9:00 a.m.
- (b) Employee goes to an authorized physician and is advised that he or she may not return to work for two weeks.
- (c) Department pays employee for a full day on Thursday (regular time for time worked and paid administrative leave for remainder of day).
- (d) For Friday, Saturday, and Sunday (the three calendar day waiting period), the employee may use accrued benefit time if previously scheduled to work on any of these days or may take leave without pay.
- (e) Employee is eligible for OJI Program wage benefits beginning on Monday (the fourth calendar day after the day of the OJI).

Sick leave and annual leave will continue to accrue while OJI Program wage benefits are being paid. Employees off on OJI's will be given the same holidays and holiday periods as other employees are given.

Employees may use accrued benefit time in addition to the OJI Program wage benefit of 66 2/3% of regular pay (subject to the weekly maximum) to result in the employee receiving his or her full regular rate of pay. The accrued benefit time used to supplement the OJI Program wage benefit may exceed 33 1/3% of the employee's regular rate of pay only if the employee's 66 2/3% OJI Program wage benefit is capped by the weekly maximum described above. No combination of the OJI Program wage benefit plus accrued benefit time may exceed 100% of the employee's regular rate of pay.

The employee must notify his or her department of the request for OJI Program wage benefits and the request to use eligible accrued benefit time as a supplement. The employee is responsible for keeping the immediate supervisor or department/unit head and the HR Department of the System Office apprised of his or her status and projected date for return to work. The department/unit is responsible for submitting time records to Payroll for processing.

If there is lost time resulting from an OJI, the employee should also be placed on Family Medical Leave (FML), if eligible, retroactive to the date the OJI occurred. FML will run concurrently with the employee's receipt of OJI Program benefits. Employees injured on the job who are eligible for FML should also complete an FML Medical Leave Request Form. Forms are available on the website of the UA System Office's HR Department.

The 180 day benefit period runs from the date of the OJI, regardless of the date medical treatment is sought.

An employee who terminates employment with the System Office (voluntarily or otherwise) is not eligible for OJI Program lost wage benefits following his or her employment termination date.

Employees with serious OJI's are also expected to apply for benefits under the System Office's Long-term Disability (LTD) Insurance Program. It is the sole responsibility of the employee to determine the estimated length of disability and to make application for LTD benefits in a timely manner.

The HR Department will monitor the status of employees who are unable to work as a result of an OJI. Employees who are unable to return to full duty or to modified duty, if it can be accommodated by his or her department, within 180 days from the OJI may be discharged from employment.

Any job status protection afforded by the Family Medical Leave Act or other System Office policy will be recognized in the administration of the OJI program.

In coordination with the HR Department of the System Office, the employee's supervisor, department manager or other designated manager/director will determine if the department will be able to reasonably accommodate any modifications imposed by the authorized treating physician.

### **OJI Benefits after 180 Calendar Days**

The length of time that an employee is entitled to receive OJI Program wage benefits shall not exceed 180 days from the date of the OJI. Employees who are unable to return to full duty or to modified duty, if it can be accommodated by his or her department, within 180 days from the OJI may be discharged from employment.

If it reasonably appears that, based upon the nature and severity of the OJI, the OJI will not be healed or otherwise resolved and the employee will not be released to full-time work status within 180 days, then on or about the 60th day from the date of the OJI the employee should contact the HR Department to discuss long term disability (LTD) benefits.

If, on the 180<sup>th</sup> day from the date of the OJI, the employee is not on approved LTD benefits, they may be required to provide to the HR Department documentation from an approved physician to confirm the employee is unable to return to work due to physical limitations. If an employee fails to apply for LTD benefits, the UA System Office's monetary obligations under this policy shall cease after 180 days following the date of the OJI. Any claims by the employee must be filed with the State of Alabama Board of Adjustment within the statute of limitation of one year from the date of the OJI.

If an employee qualifies for and receives LTD benefits and is terminated from employment after 180 Days from the date of the OJI, then the employee should contact the HR Department regarding possible continuation of healthcare and other benefits.

If the former employee is approved for Social Security Disability benefits, he or she may be eligible for Medicaid (or state equivalent) or Medicare. The former employee should contact Social Security Administration for information about Medicare or the appropriate state agency regarding Medicaid eligibility.

The former employee shall provide updates to the HR Department regarding the status of his or her application for Social Security Disability, Medicare or Medicaid benefits at the time of the application and whenever a determination, request for additional information or change in benefits occurs.

## **Death Benefits**

If the death of an employee results proximately from, and occurs within 365 days of, an accident arising out of and in the course of employment, a death benefit may be paid to the dependent(s) of the deceased employee. In addition to a spouse, dependents may include others such as a child, parent, parent-in-law, grandparent, or a sibling of the employee who was wholly supported by the employee at the time of death and had been so supported for at least six months previously thereto.

Death benefits may be subject to and reduced by other offsets as deemed applicable by the HR Department of the UA System Office.

(1) *Offsets.* The System Office may offset against the death benefit and reduce it by the amount of the proceeds received or to be received by the employee under any life insurance plan(s) and any accidental death and dismemberment insurance plan(s) to the extent that the premiums for such plan(s) were paid by the UA System Office or by a third party, such as the Alabama Teachers' Retirement System. In addition, payments previously made to the employee as compensation for the injury under this policy shall be deducted from the death benefit due, in a manner consistent with the relevant provision in the Alabama Workers' Compensation Act.

(2) *Burial Expense Benefit.* Where an employee's death has resulted proximately from, and occurs within 365 days of, an accident arising out of and in the course of employment, the UA System Office will pay a portion of the burial expenses up to the amount provided in the Alabama Workers' Compensation Act.

## **Subrogation**

If the injured employee, or in case of death, the employee's spouse and/or dependents, recover damages against another party for an OJI, the amount of the damages recovered and collected shall be credited to the UA System Office to the extent the OJI Program has paid benefits. If the damages recovered and collected are in excess of the benefits payable under the OJI Program, there may be no further obligation on the part of the UA System Office to pay benefits on account of the injury or death. UA System Office shall be entitled to subrogation for benefits expended by the employer on behalf of the employee.

## **Injuries Involving Visitors**

Employees who are aware of an incident involving a visitor should report the incident to their immediate supervisor. A completed Incident Report Form will be required for any incident involving a visitor. Forms should be completed and submitted to Risk Management as soon as possible following an OJI incident.

**THE UNIVERSITY OF ALABAMA SYSTEM OFFICE**

<h2 style="margin: 0;">INCIDENT REPORT FORM</h2> <p style="margin: 0;">(Incidents involving employees, students, visitors)</p>
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This is a confidential report and should not be made a part of an employee's personnel record. It is completed to allow us to obtain advice from legal counsel and for the protection of the System Office and its employees from potential liability.

\*\*\*\*\* PLEASE PRINT LEGIBLY \*\*\*\*\*

<b>INFORMATION ABOUT THE PERSON INVOLVED IN THE INCIDENT:</b>	
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Full Name:	Last 4 SSN#:	
Home Address:	Gender:    M    F	
<b>Employee:</b> Full-time    Part-time    Permanent    Temporary    *****	<b>Location:</b> UA    UAB    UAH    Other <b>Visitor:</b>	
Date of Birth:	Home phone:	Work Phone:
Work address:		
Job Title:	Supervisor:	

<b>INFORMATION ABOUT THE INCIDENT:</b>		
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Date of Incident:	Time:	Police notified:    Yes    No    Case #:
Location of Incident:		
Describe what happened, how it happened, factors leading to the event, substances or objects involved. <b>Be as specific as possible</b> (attach separate sheet if necessary):		
Were there any witnesses to the incident?    Yes    No		
If yes, attach separate sheet with names, addresses and phone numbers, or campus depts and phone.		
Was the individual injured? If so, describe the injury (laceration, sprain, etc.), the part of body injured and any other information known about the resulting injury(s):		
Was medical treatment provided?    Yes    No    Refused		
If so, where :    Emerg. Rm.    The Workplace    Walk In Clinic    Other:		
Will the employee miss time from work as a result of this incident?    Yes    No    Unknown		

<b>REPORTER INFORMATION</b>
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Print Name of Reporter:	
Reporter Signature	Title:
Date Report Completed:	