

Subject: **Workers' Compensation Benefits**

Applies to: Regular and Temporary Full-time, Part-time and Time-as-Reported (TAR) Faculty and Staff, Including Student Employees

Individuals represented by collective bargaining agreements receive benefits in accordance with those agreements.

I. Policy: Workers' Compensation benefits provide lost-time and medical care payments for employees injured on the job. If death results, benefits are payable to the surviving spouse and dependents as defined by law.

II. Guidelines:

A. Beginning with the eighth calendar day of absence associated with a work-related illness or injury, employees who lose time from work are eligible to receive 2/3 of their average weekly wages up to a maximum benefit of \$550 per week for a total disability. These weekly benefits are based on New York State Workers' Compensation Law and are subject to modification. If the disability lasts more than 14 days, payments are retroactive to the first day absent.

Medical treatment related to a work-related injury that is approved by the Third Party Administrator (TPA) and/or the Workers' Compensation Board will be paid by the University's TPA.

B. If the lost-time wage replacement benefits (2/3 of average weekly wages up to a maximum of \$550 per week) under the Workers' Compensation law provide less liberal salary continuation than would be payable under the University of Rochester Sick Leave Plan, the University will provide the employee with the salary continuation benefits under the Sick Leave Plan. The weeks of benefits provided under the Sick Leave Plan will be decremented from the employee's salary continuation entitlement. If the salary continuation entitlement is exhausted, wage replacement benefits will be paid per the Workers' Compensation Law.

C. Continuation of Benefits During Workers' Compensation:

During the first six months an individual is receiving Workers' Compensation lost-time benefits, the following benefit plans will be continued unless the faculty or staff member signs a form(s) canceling the coverage(s): Health Care, Dental Assistance Insurance, Long-Term Disability Insurance, Group Life Insurance and Retirement. Individuals who choose to continue these coverage(s) while receiving Workers' Compensation payments will need to pay their normal share of premiums. Individuals remain eligible for tuition benefits.

D. For periods of job related disability extending beyond six months:

- Regular full-time faculty and staff members covered under the University of Rochester's Long-Term Disability Plan should refer to the University's Long-Term Disability (LTD) Plan, Policy #265.
- Individuals not approved or eligible for benefits under the University's LTD Plan should refer to Leave of Absence, Policy #357.
- Individuals who are not eligible for LTD benefits or leaves of absence will be terminated. (Termination will not affect continued eligibility for Workers' Compensation benefits.) Please see section(s) entitled Coverage on Termination and Change to Ineligible Status in the appropriate Benefits Policies for the impact termination has on other University of Rochester Benefits.

III. Reporting Procedures for Work Related Injuries/Illness:

- A. Staff members must immediately report to their supervisor any injury received on University premises, or while on University assignment off University premises, and any illness which they believe may have been caused by their University work. Faculty members should report injury or illness to the department chairman or administrator. In the event of a life-threatening situation, the Security Division should be called.
The injured or ill employee may complete the Employee Incident Report Form (SMH 115) and submit the form to his/her supervisor in addition to verbally reporting the incident to their supervisor.
- B. The department supervisor or administrator should report the incident on-line at <http://www.safety.rochester.edu/SMH115.html>
Please indicate if the employee is absent beyond one (1) full shift due to the illness or injury.
- C. The New York State Workers' Compensation Employer's Report of Work Related Accident/Occupational Disease (C-2) will be complete by HR and sent to the University's Third Party Administrator (TPA) who will review and forward to the NYS Workers' Compensation Board if appropriate.
The C-2 must be received at the Workers' Compensation Board within ten days of the incident; failure to do so could result in a fine.
- D. Eligibility for Workers' Compensation benefits is contingent upon the individual submitting to medical examination by a physician registered by the New York State Workers' Compensation Board.
- E. The injured or ill faculty or staff member must advise the treating physician that the need for treatment is work related. The physician will need to complete the

Workers' Compensation Medical Report (C-4) and forward to the University's TPA.

- F. If the employee's supervisor becomes aware that he or she has lost time from work beyond one (1) full shift due to a work related injury/illness (even after the initial reporting of the incident), please call the Employee Incident Direct Line (267-4081) and report the following information: Name of faculty/staff member; employee ID, date of injury, and days absent from work.

Department supervisors must forward any medical documentation that the department receives from the treating physician excusing the employee from work, and report any absences from work due to the work-related injury or illness. Prompt notification to the Workers' Compensation Office will prevent delays in benefits and expedite the employee's return to work.

- G. The injured or ill employee losing time due to a work related injury/illness should communicate regularly with his or her supervisor regarding their estimated or actual return to work date.
- H. The University reserves the right to modify, amend or terminate any or all of the Benefit plans at any time. For example, there may be such changes as reducing the coverage of a plan, requiring employee contributions, or increasing or decreasing benefit levels.

IV. Return to Work Program Procedures:

- A. Introduction: The University of Rochester Return-To-Work (RTW) Program is designed to help an employee to reach full recovery following illness or injury by allowing timely and appropriate treatment while he or she continues in meaningful work.

The goal of the RTW Program is to return the employee to regular duty within 90 days or as soon as his or her medical condition permits.

B. Return-To-Work Program Purpose and Benefits:

1. Minimizes lost time from work due to work related injury/illness;
2. Assists injured or ill employees with recovery to return to meaningful employment.

C. Eligibility Criteria:

1. An employee enters the program if lost time occurs and he or she is unable to perform regular duties.
2. The injured or ill employee reports medical restrictions so that transitional assignments may be identified.

3. The medical provider certifies that the injured or ill employee has temporary restrictions.

The medical provider releases the employee to participate in the transitional assignment.

D. Return-To-Work Program Procedures:

1. Employees interested in participating in the RTW Program should provide a Work Accommodation Form (WAF) to their treating physician. The WAF is used to identify the employee's task ability and is available through HR or the TPA. The WAF should be sent to the Return to Work team in the Office of Human Resources (RC Box 270025) or faxed to 585-264-0739.
2. The employee's medical condition will be kept confidential. Work restrictions, but not medical information, will be discussed only with the department/unit supervisor.
3. Transitional Work Assignments (TWA)
 - a. The Transitional Work Assignment (TWA) should be offered immediately upon the medical provider's release, whenever transitional work is available.
 - b. A TWA is outlined and regularly reviewed. The employee should advise his or her supervisor and/or designated contact person of problems while performing assigned duties. The process continues until the employee is able to resume regular duty or until the end of the program.
 - c. TWAs will be offered for the number of hours and days authorized by the medical provider. The assignment can be less than 40 hours per week, but not to exceed 40 hours per week.
 - d. The department offering the TWA will pay the wages of the RTW employee. If there is a difference in the pay between the employee's pre-accident wage and that of the TWA, the injured or ill employee will be paid in accordance with New York State Workers' Compensation laws.
 - e. An employee is not obligated to return to a TWA under FMLA (Family Medical Leave Act), however not accepting the TWA may impact eligibility for Workers' Compensation lost time benefits.

- f. The employee is encouraged to schedule medical treatment and/or exams around the TWA schedule.
4. There is no limit to the number of employees permitted to participate in the RTW Program.
5. An injured or ill employee may participate in the RTW Program up to 90 calendar days. Thereafter, if the injured or ill employee is unable to perform regular duties, continuation in the program may be approved on a case-by-case basis by the RTW Manager, supervisor, and treating medical provider.
6. An employee participating in the RTW Program must abide by the same performance criteria and work rules as all University employees, and are subject to all policies and procedures.
7. The medical provider may release the employee from the RTW Program at any time to return to his or her regular job.

See also Policies:

- #265 Long-Term Disability (LTD) Plan
- #339 Sick Leave Plan for Short-Term Disability
- #357 Leave of Absence
- #358 Family Medical Leave