

SECTION: EMPLOYEES

TITLE: WORKERS' COMPENSATION

ADOPTED: October 12, 2015

REVISED:

# ST. MARYS AREA SCHOOL DISTRICT

<b>346. WORKERS' COMPENSATION</b>	
1. Guidelines	<p>The Pennsylvania Workers' Compensation Act provides wage loss and medical benefits to an employee who incurs an injury during the course of employment.</p> <p>The School District carries compensation and liability insurance for the protection of all school employees while performing school duties. As implied, the protection applies to part-time as well as full-time employees. The employee is protected while on duty. This includes trips or errands on school business but does not apply when the employee is on a personal errand or business during the hours that s/he is employed by the schools.</p> <p>Employees are responsible for reporting the accident or injury at once to their supervisor. Accidents and injuries, even though minor, <b>MUST BE REPORTED IMMEDIATELY</b> so that reports can be sent to the insurance company. Notification of claim <b>MUST BE MADE WITHIN 24 HOURS</b> by the School District. Failure to make reports on time may result in the loss of the benefits provided by the compensation and liability insurance plan. In case the employee is unable to make a report, a co-worker should report the injury to his/her supervisor.</p> <p>It cannot be emphasized too strongly that minor injuries should be reported. Such injuries may develop into serious illness or physical handicaps and should not be neglected. To report an injury should not be interpreted as claiming a benefit, but the report places the incident on record. Then, incase anything develops from the injury, there is a recorded basis for the claim. If an employee needs to see a doctor, one <b>MUST</b> be chosen from the Panel of Medical Care Providers. Please see Worker's Compensation coordinator for a list of these Providers. In addition, the employee must notify the appropriate supervisor that medical attention is being sought.</p>
2. Authority 77 P.S. Sec. 1	Workers' compensation is mandated by law and covers all employees while performing their assigned duties.
3. Guidelines	All employees must ensure they report all workplace accidents and/or incidents which result or may result in injury or illness, regardless of severity, within the required amount of time outlined in this policy. A workers' compensation incident report will be required to be completed by the injured staff member and submitted to

the appropriate personnel as identified in this policy. For the purpose of this policy, the following terms are defined:

***“Workplace Accidents”*** are events that cause injury or illness to a district staff member. Even minor injuries, such as cuts or sprains, are to be considered accidents. Workplace accidents must be reported even if the injured staff member(s) does not seek further medical treatment at a physician and/or health care provider. This type of incident is classified as a “Record Only” claim as it pertains to workers’ compensation. If there is a doubt, treat a situation as an accident.

***“Workers’ Compensation Coordinator”*** is the district’s designated person that will submit incident report(s) to the district’s workers’ compensation carrier to initiate a workers’ compensation claim.

Any employee injured while performing services as an employee of the district shall, when possible, contact the immediate supervisor and file a report with the Workers’ Compensation Coordinator within the workday or no later than the next business day after the accident or illness. If the school nurse is on duty, the ill/injured employee must contact the school nurse for assessment. If necessary, the employee shall visit a physician on the approved panel of physicians' listing. Contact should be maintained with the Workers’ Compensation Coordinator regarding the status of any physician directed leave relating to the injury/illness. All leaves with relationship to a workers’ compensation leave will be designated as and counted against the employee’s Family Medical Leave Act (FMLA) entitlement.

The district and insurance company may not be obligated to pay doctor bills if the employee does not go to a designated doctor of the school district in the first seven (7) days.

Also, if one of the licensed physicians from the Panel of Medical Care Providers refers the employee to another licensed specialist, the district's insurer will pay for these services.

Finally, if the employee is faced with an extreme medical emergency, s/he may secure assistance from a hospital or licensed physician.

The Workers’ Compensation Coordinator shall record the completed form and transmit it to the insurance carrier and all other parties concerned. Any questions should be referred to the Workers’ Compensation Coordinator.

All employees injured while on the job, necessitating lost time, shall receive their current salary within the limit of accumulated sick leave up to the time that workers' compensation determines the employee eligible. Once the employee is deemed eligible, sick days will no longer be used to receive full pay. The employee will only receive workers' compensation from the time the employee is deemed eligible until s/he returns to work.

An employee may not collect both workers compensation payments and a salary

from the district for the same days. An employee may not use sick days and collect workers' compensation payments for the same days, as per Act 57 of 1996. However, beginning with the eighth (8<sup>th</sup>) day off, the employee may elect to receive the difference between his regular pay and compensation coverage. This difference will be accumulated and translated into the proper number of equivalent sick days and so charged to the employee.

Current law states seven (7) calendar days which is a maximum of five (5) work days before workers' compensation begins paying the employee a salary. But, if the employee is off work more than thirteen (13) calendar days which is a maximum of ten (10) work days, workers' compensation pays a salary retroactive to the first day. Consequently, an employee may receive a maximum of five (5) days with full pay only if the employee receives no pay from workers' compensation for those days.

Once an employee is receiving Worker's Compensation and is not District paid, the District will no longer be submitting PSERs contributions. The District will only pay PSERs contributions on District pay for the employee.

The district will provide health insurance for an employee who is receiving workers' compensation for a period of one (1) year from the date of the workers' compensation eligibility. The initial twelve (12) weeks of such leave will count against the employee's FMLA entitlement.

It is the policy of the district that all work-related accidents or incidents that result in or could potentially have resulted in a staff member injury or property damage be investigated and documented by the district's Safety Committee, Accident Investigation Team, and/or designee.

Prior to returning to work from a work-related injury, the employee must obtain from the attending physician and submit to the Business Administrator, a written release stating that the employee is permitted to return to work with no restrictions. The employee may return to work only after the Business Administrator has provided written permission stating that based upon a medical release from the employee's physician, it is permissible to return to work on a date specified.

References:

Workers' Compensation Act – 77 P.S. Sec. 1 et seq.

Family And Medical Leave Act – 29 U.S.C. Sec. 2601 et seq.

Americans With Disabilities Act – 42 U.S.C. Sec. 12101 et seq.

Family And Medical Leave, Title 29, Code of Federal Regulations –  
29 CFR Part 825

Health Insurance Portability And Accountability Act, Title 45, Code of  
Federal Regulations – 45 CFR Part 160, Part 164