

# WORKERS' COMPENSATION

**POLICY NUMBER:** RESERVED FOR FUTURE USE

**POLICY TYPE:** ADMINISTRATIVE

**RESPONSIBLE OFFICIAL TITLE:** DIRECTOR OF HUMAN RESOURCES

**RESPONSIBLE OFFICE:** OFFICE OF HUMAN RESOURCES

## I. POLICY STATEMENT

### Reporting:

All injuries must be reported to the employee's supervisor, Human Resources, and the Workers' Care 24-hour access reporting line as soon as possible, regardless of severity. Workers' Care will direct the employee to the appropriate facility for evaluation and medical care.

### Leave Benefits:

1) Statutory benefits under the law include the following:

a. All medical and hospital care costs, compensation for permanent disability, compensation for lost time, and compensation in the event of death.

b. Compensation for lost time from the University's third part administrator begins on the eighth calendar day of disability; however, if the disability continues for more than fourteen calendar days, compensation for the first seven days is payable by the University.

2) Supplemental benefits are provided by the University in addition to those required by law. These supplemental benefits are as follows:

a. During the first seven calendar days of disability, the employee will receive salary at their regular rate, and the absence will be charged against accrued temporary disability ("sick") leave, if available. If the employee does not have temporary disability leave available, the absence may be charged to accrued vacation leave. Upon proof of eligibility for benefits (agreement by Worker's Compensation to pay for medical expenses and/or lost time), the University will restore the employee's accrued temporary disability and/or vacation leave balance with the amount of leave used during this seven-day period. If temporary disability leave and vacation leave are not available, the absence will be without pay until eligibility for benefits is approved.

b. Beginning with the eighth calendar day of disability, the employee will receive compensation benefits equaling 66 2/3% of the employee's average weekly regular pay as provided by the Kentucky Workers' Compensation Act from the University's third party administrator. If the employee has temporary disability leave available, supplemental benefits will be paid in an amount equal to the difference between the insurance compensation and the employee's regular pay, and the employee's temporary disability leave balance will be reduced by an amount which corresponds to the supplement paid. If temporary disability leave has been exhausted, the employee may utilize accrued vacation leave on the same basis.

3) The employee will be granted a leave of absence without pay as soon as either of

the following conditions occurs:

- a. The termination of the supplemental benefits eligibility period; or
- b. The exhaustion of all temporary disability leave and vacation leave balances.

**Family Medical Leave Act (FMLA):**

Family Medical Leave also applies to an eligible employee if the medical condition satisfies the "serious health condition" criteria. This generally applies when the employee has been off work for three or more days. FMLA eligibility is explained within the Family Medical Leave Act policy. Workers' Compensation shall be designated as FMLA (to the extent it qualifies as FMLA) and shall run concurrently with FMLA leave. Human Resources must send a letter to the employee stating that they qualify and are being placed on FMLA. The department must also include an application for FMLA to be completed by the employee and the treating physician. Human Resources should request the application be returned by an established date and include the number of sick and vacation days the employee has accumulated prior to injury.

**Other Benefit Information:**

- 1) The employee will be responsible for any and all benefit deductions and premiums. Arrangements for payment may be made with Human Resources.
- 2) Any period of time during which an employee is absent from work by reason of injury compensable under the Workers' Compensation Act is not a break in continuous or creditable service for the purposes of eligibility for temporary disability leave, vacation leave, retirement, pay adjustment, etc. If an employee terminates without returning to work, no credit for the period of absence without pay will be granted.

**Returning to Work:**

Lost time is a hardship for any employee and for their department. It should be a priority to return the employee to work as soon as possible. Providing light duty opportunities or temporary alternate work can speed recovery and greatly reduce the overall amount of time the employee will be off. Light duty is not meant to be permanent and normally will not exceed 90 days. The employee should not be allowed to return to regular duty without a full doctor's release. Any restrictions or limitations the employee may have when returning to work should be listed on the written release. It is the joint responsibility of the supervisor and the employee to ensure the employee abides by these restrictions to avoid re-injury.

**II. ENTITIES AFFECTED**

Faculty and Staff

REVISION HISTORY

REVISION TYPE	MONTH/YEAR APPROVED
Choose an item.	
Choose an item.	
Choose an item.	

Choose an item.	
Choose an item.	
Choose an item.	
Choose an item.	