

WORKERS' COMPENSATION POLICY – SUMMARY OF REVISIONS

- 10-21-19 Combines two current OSHR policies, Workers' Compensation Administration and Workers' Compensation Leave, into one consolidated policy.
- Revisions remove unnecessary information and clarify content to assist human resources staff, time administrators, and workers' compensation administrators with handling matters related to workers' compensation reports.

WORKERS' COMPENSATION ADMINISTRATION - SUMMARY OF REVISIONS

See Workers' Compensation Leave - Summary of Changes.

- 12-1-87 Paragraph on Failure to Cooperate deleted.
- 9-1-89 Incorporated the disability compensation aspect of WC program. Clarifies responsibilities when employee refuses WC benefits.
- 12-1-93 Deleted "usually" involving third party liability.
- Increased amount of medical expenses from \$1,000 to \$2,000. Replaced requirement of return employee to the "original position" to "same position or one of like seniority, status and pay.
- Deleted provision under Work Placement efforts that agency can take employee off WC. Law requires continuing an employee on WC after they have reached maximum medical improvement but are unable to return to work or the employer does not have a position for them to return.
- 8-1-98 Changed name of responsible division in OSP from Employee Safety & Health to Employee Risk Control.
- 10-21-99 For clarification, changes were made to the sections describing agency and OSP responsibilities to reflect the affect third party administration will have on program administration. Added verbiage acknowledging that the employer's designee (the TPA) may be responsible for filing the Form 19.
- July 10
transmittal Revised to correct typographical error in last paragraph on Page 6-8.

Continued on next page

WORKERS' COMPENSATION ADMINISTRATION - SUMMARY OF REVISIONS, Continued

- 6-1-03
- 1) Election of Third Party Recovery (changed from Employee Refusal of Coverage) - Clarified that purpose of signed statement is to document that it was the employee's decision not to file a claim for benefits at the time of the accident. Use of term "release" was misleading as employee may still file a claim.
 - 2) Return to Work – Clarified the following:
 - employee does not have to be placed on WC leave for return to work efforts to begin,
 - employee has re-employment priority,
 - ensure pay equity when employee returns permanently to a lesser grade,
 - remove time limit on work placement efforts,
 - employer has option of keeping employee on WC leave or separating the employee, and
 - provide a link to the Separation Due to Unavail-ability Policy.
-

WORKER'S COMPENSATION LEAVE- SUMMARY OF REVISIONS

WORKER'S COMPENSATION LEAVE- SUMMARY OF REVISIONS

- 1-1-52 Adopted Workman's Compensation Leave Policy - may take sick and annual leave or may reserve for personal use.
- 1-1-73 Added option to exhaust sick leave only without having to exhaust annual leave.
- 1-1-76 Added option for taking sick leave during waiting period for W. C.
- 3-1-77 Policy changed in leave for Workmen's Compensation to state that an option would be allowed for an employee to use any portion of sick leave before going on leave for Workmen's Compensation, rather than being forced to use all of it before going on leave.
- 3-1-78 Combined all options to provide for use of sick and annual leave.
- 7-1-83 Deleted from the "Pay Status" definition the present stipulation not to exceed 12 months.
- 10-1-83 Clarification to read "when on workers' compensation leave". AND allows sick and/or vacation leave to be used during the waiting period that is required by the Workers' Compensation Act; AND added that it is the responsibility of the employee to report an accident to the agency; AND allows sick and vacation leave to be accumulated all the time an employee is on workers' compensation leave but limits the amount that can be paid if employee does not return. Also, includes provision for paying hospitalization while employee on W. C. leave.
- 10-1-87 Entire policy rewritten. Requires payment of WC. Allows partial use of leave to supplement WC payments. Added Return to Work Policy.
- 12-1-87 Paragraph on Failure to Cooperate deleted.

Administration of Workers' Compensation separated and moved to Salary Administration Section.
- 6-1-88 Added provision for leave with pay (not charged to vacation or sick) to be provided for day of injury and for returning to doctor for medical treatment.
- 9-1-89 Incorporate the disability compensation aspect of WC program. Clarifies responsibilities when employee refuses WC benefits.

Continued on next page

WORKER'S COMPENSATION LEAVE- SUMMARY OF REVISIONS

- 12-1-93 Revised to conform to the changes to G.S. 126-8 which requires that excess vacation be converted to sick leave.
- The special note regarding exhausting leave has been deleted since it is no longer needed. The provision for paying longevity to employees while on workers' compensation has always been in the Longevity Policy. It is being included in the WC Policy for clarification.
- 8-1-98 Note is added stating that use of leave options may not be rescinded subsequent to initial election. The statement is being added to clearly state the manner in which the rule is to be interpreted.
- Clarifies that leave to be used as supplemental leave must be leave which was earned prior to the injury (leave accrued during WC leave may not be used).
- Deletion of paragraph requiring agencies to arrange for Vocational Rehabilitation assistance through the NC Division of Vocational Rehabilitation. This requirement is no longer necessary, as agencies may now obtain this assistance from many other sources as well. Leave choice to the agency.
- 10-21-99 Use of Leave clarified: the leave time allowances for employees who have not missed work, or have not missed enough work to meet the statutory waiting period before benefits can begin, but still must miss work periodically for medical or therapy treatment. These individuals will not be changed leave time without regard to whether they have left and returned to work.
- Leave Paid If Employee Does Not Return clarified that (a) this applies to employees who were on workers' compensation leave at the time of the separation, (b) that a maximum of only 12 months of leave accumulated while on WC will be paid if the employee does not return from WC leave, and (c) that the leave is considered to be exhausted with the lump sum leave payments as described in the WC leave policy. The work "exhausted" now clearly ties to the Separation for Unavailability When All Leave Has Been Exhausted policy to clarify that employees separated for that reason will not be permitted to exhaust leave which accumulated while on WC leave.
- Hospitalization insurance clarified that the insurance coverage will be in compliance with State Health Plan Guidelines. This was added to allow the flexibility of addressing those cases where the employee becomes unable to afford the employee portion of their insurance if they have an HMO, and the possibility of switching them to the State Health Plan.
- 9-30-02 Added provisions for bonus leave.
- 3-1-05 Add paragraph to clarify that an employee continues to earn total state service while on Workers' Compensation Leave.

Continued on next page

WORKER'S COMPENSATION LEAVE- SUMMARY OF REVISIONS

- 8-7-19 Revises language to clarify employee's and employer's liability for payment of health insurance premiums while employee is on Workers' Compensation Leave of Absence. Employee pays employee portion of premium and premium for covered dependents. Employer pays employer portion of premium. Legislative changes have rendered the prior policy language obsolete.

Continued on next page