

Workers' Compensation Policy

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§ 1. Background about the State Workers' Compensation Program

§ 1.1. Statutory Authority and Roles in the State Process

The North Carolina Workers' Compensation Act (WC Act), Chapter 97 of the North Carolina General Statutes, governs claims for compensation for injuries arising out of employment. The North Carolina Industrial Commission maintains claim records, adjudicates disputes, and approves certain awards of benefits in accordance with the WC Act.

The Office of State Human Resources (OSHR), pursuant to Chapter 143, Article 63 of the General Statutes, administers the State Workers' Compensation Program (State WC Program) for all claims arising in State agencies. OSHR contracts with vendors to provide workers' compensation claim administration and related services.

The State is self-insured for workers' compensation liabilities. This means that each State agency is responsible for paying individual claim costs.¹ The Attorney General's Office represents State agencies in claim proceedings before the Industrial Commission.

§ 1.2. Who Is Included in the State WC Program

The State WC Program covers all agency and university full-time and part-time employees, along with State officers. This includes all State elected officials, members of the General Assembly, and those appointed to serve on a salaried, hourly, per diem, part-time, or fee basis. State employees are covered by the State WC Program whether they are permanent, probationary, time-limited, or temporary employees.²

Employees of one agency are excluded from the State WC Program. Claims of employees of the North Carolina Department of Public Instruction are administered through a separate workers' compensation program per N.C.G.S. § 115C-337. This Workers' Compensation Policy in the State Human Resources Manual applies only to the State WC Program, not to the Department of Public Instruction program.

¹ 25 NCAC 01E .0705(c).

² 25 NCAC 01E .0704. Although temporary State employees may be eligible for workers' compensation benefits, they are not eligible for leave. Therefore, the leave-related benefits described in this policy do not apply to temporary employee injuries.

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This policy applies to employees eligible for salary continuation pursuant to N.C.G.S. § 143-166.14 and § 115C-338.

§ 2. Purpose of This Policy

The purpose of this policy is to provide a brief overview of the State WC Program including the responsibilities of employees, employers, and OSHR. It is the goal of the State WC Program to consistently apply the WC Act, administrative rules, policies, and procedures to provide the benefits to which an injured employee is entitled under the WC Act.

§ 3. Responsibilities

§ 3.1. Employee Responsibility

An injured employee is responsible for making a workers' compensation claim pursuant to the WC Act. In accordance with the WC Act, no compensation shall be payable unless written notice is given within 30 days unless reasonable excuse is made to the satisfaction of the Industrial Commission for not giving such notice, and the Industrial Commission is satisfied that the employer has not been prejudiced thereby.

An injured employee or the employee's legal representative shall:

- give notice of an accident to the employee's supervisor immediately following the accident;
- give written notice of an accident to the employer within 30 days after occurrence of the accident or death;
- obtain authorized medical treatment as directed by the employer or the State's claims administration vendor;
- timely provide written statements from authorized treating physician(s) regarding the employee's work status to supervisor;
- cooperate with authorized medical providers, vendors, and the employer; and
- if appropriate, file a claim with the Industrial Commission within two years from the date of injury or knowledge of an occupational disease.

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§ 3.2. Employer Responsibilities

Each State agency is responsible for administering an effective and efficient workers' compensation program. The agency shall ensure injured employees receive benefits which are paid with State funds to which the employee is entitled under the WC Act while controlling and containing claim costs. To meet these objectives, each agency shall:

- designate a Workers' Compensation Administrator responsible for ensuring appropriate reporting and monitoring of all agency claims;
- timely pay all claim costs;
- communicate workers' compensation policies and procedures to all employees and supervisors;
- report injuries as soon as notified to the State's claims administration vendor³;
- communicate with the State's workers' compensation vendors, OSHR, and the Attorney General's office, as applicable, to assist in claims handling; and
- actively participate in claim-related decision-making processes, annual claim review meetings, mediations, Industrial Commission hearings, and settlement negotiations; and
- execute settlement documents as needed.

§ 3.3. Office of State Human Resources (OSHR) Responsibilities

OSHR shall:

- serve as the State WC Program information resource and liaison for employees and employers;
- provide consultation to agency staff in managing their workers' compensation programs regarding application of WC Act requirements, administrative rules, policies, and procedures;
- recommend action to agencies and the State's workers' compensation vendors to achieve optimum claim outcomes;

³ The State's claims administration vendor shall make required injury reports to the Industrial Commission within five days from knowledge of any claim that results in more than one day's absence from work or that results in medical expenses that exceed the reportable amount established by the Industrial Commission.

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- engage in vendor contract oversight and monitoring, evaluate vendor effectiveness, and serve as liaison between workers' compensation vendors and State agencies; and
 - develop training and educational materials for agency workers' compensation administrators.
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§ 4. Workers' Compensation Leave

§ 4.1. Leave on Day of Injury

When an injured employee is treated on the date of injury by an authorized treating physician:

- If the authorized treating physician instructs the employee **not to return** to full duty or restricted duty work, the injured employee receives usual pay and no leave is charged for the day of injury.
- If the authorized treating physician **instructs the employee to return** to full duty or restricted duty work on the date of injury, the injured employee will not be charged leave for time spent obtaining authorized medical treatment and travel time to the authorized treating physician. If there are remaining hours in the employee's work shift for that day after treatment and travel, the injured employee may use any available leave.

An injured employee shall obtain a written statement from the authorized treating physician indicating whether the employee was instructed to return to full duty or restricted duty work on the date of injury and present it to the supervisor as soon as practical thereafter.

§ 4.2. Leave During Seven-Day Waiting Period

During the seven-day waiting period prior to eligibility for Workers' Compensation Leave as set forth in N.C.G.S. § 97-28, an injured employee must select one of the options listed below. Once an election is made, it may not be rescinded for the duration of the claim.

- **Option 1:** Employee may use any available accrued sick, vacation, bonus, and/or compensatory leave.

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- **Option 2:** Employee may go on leave without pay.⁴

If the injury results in a disability of more than seven days, the weekly disability compensation benefit shall be allowed from the first date of disability. If this occurs in the case of an employee who elected Option 1 during the waiting period, no adjustment shall be made for leave used for these days.

§ 4.3. Workers' Compensation Leave of Absence

After the N.C.G.S. § 97-28 waiting period is satisfied, an injured employee will be placed on Workers' Compensation Leave if the employee is:

- Full-time or part-time (half-time or more) permanent, probationary, trainee, or time-limited; and either:
- The employee is unable to return to full duty work; or
- The employer is unable to accommodate the injured employee's current work restrictions as certified by a written statement from the authorized treating physician.

§ 5. Details of Workers' Compensation Leave

§ 5.1. Vacation and Sick Leave Credits Continue

While on Workers' Compensation Leave, an injured employee continues accruing vacation and sick leave for use upon return to work.

§ 5.2. Other Leave Can Be Used to Supplement Compensation

When an injured employee is placed on Workers' Compensation leave of absence and if the employee is receiving Temporary Total Disability (TTD) compensation,⁵ that employee may supplement weekly disability compensation by using a certain portion of any accrued and available paid leave, such as sick, vacation, compensatory, or bonus leave, earned prior to the injury.⁶ In this situation, the Workers' Compensation Leave is referred to as "WC Leave of Absence with Supplement." The supplemental leave must be used only in

⁴ 25 NCAC 01E .0707(a).

⁵ Supplemental leave cannot be used by an employee receiving Temporary Partial Disability compensation.

⁶ 25 NCAC 01E .0707(b).

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accordance with a schedule published by OSHR each year.⁷ The Workers' Compensation Supplemental Leave Schedule is available on the OSHR website at <https://oshr.nc.gov/workers-compensation-supplemental-leave-schedule>. An injured employee may be eligible to receive donated leave through the Voluntary Shared Leave program for use as supplemental leave. The use of Voluntary Shared Leave is limited in use to the supplemental leave schedule published by OSHR.⁸

Supplemental leave is paid at the employee's hourly rate of pay and is subject to State and Federal withholding taxes and Social Security, but not subject to retirement withholding.

§ 6. Additional Situations Where Leave May Not Be Required

§ 6.1. Follow-up Authorized Medical Treatment After Return To Work

An employee who was injured working for a State employer, and who has returned to work, is not charged leave for time lost from work for authorized injury-related medical treatment that occurs during regularly scheduled work hours. Time away from work attending this authorized medical treatment shall be noted in the injured employee's payroll records. Paid time is limited to reasonable time for authorized injury-related medical treatment and travel. Any other time away from work for the medical treatment or travel shall be charged to any earned and available paid leave balances, such as sick, vacation, compensatory, or bonus leave. If no paid leave balance is available, the excess time away from work shall be leave without pay.

If an employee previously incurred a compensable injury while working for another State employer, the Workers' Compensation administrator or human resources representative of the current employing agency shall contact the prior State employer to confirm the employee's attendance at authorized injury-related medical appointments. A State employee who was injured while working for a non-State employer, and who has returned to work, is charged leave for time away from work for injury-related medical treatment. This time shall be charged to any earned and available paid leave balances, such as sick, vacation, or compensatory, or bonus leave. If no paid leave balance is

⁷ 25 NCAC 01E .0707(b).

⁸ 25 NCAC 01E .1302(d).

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available, then the time shall be leave without pay. If there are questions about whether an employer is a "State employer" or "non-State employer" under this paragraph, administrators should contact OSHR for guidance.

§ 6.2. **Attending Workers' Compensation Legal Proceedings**

Employees, as follows, are not charged leave for reasonable time away from work attending Workers' Compensation-related legal proceedings:

- The injured employee, a witness, or another employee requested to attend by the Attorney General's Office;
- An employee subpoenaed by either party;
- An employee whose attendance is approved by their employing agency.

§ 7. **Vacation and Sick Leave Payouts**

§ 7.1. **Leave Payouts If Employee, After Workers' Compensation Leave, Does Not Return to Work Before Separation**

If an injured employee does not return to work and separates following Workers' Compensation leave, the employee shall be paid a lump sum for:

- a. Unused vacation already earned as of the day of injury;
- b. Unused accrued vacation leave accumulated only during the first 12 months of Workers' Compensation Leave;
- c. Unused accrued sick leave accumulated only during the first 12 months of Workers' Compensation Leave; and
- d. Any unused eligible bonus leave eligible for payout granted on or after the date of injury.⁹

§ 7.2. **Leave Payouts If Employee, After Workers' Compensation Leave, Returns to Work**

When an injured employee returns to work following a period of Workers' Compensation Leave, the employee's vacation leave balance may exceed the 240-hour

⁹ 25 NCAC 01E .0210(h)(1)-(3).

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maximum, as the employee has been unable to exhaust leave during the period of Workers' Compensation Leave. The excess vacation leave shall be handled as follows:

- The 240-hour maximum to be carried forward to the next calendar year may be exceeded by the amount of vacation accumulated during Workers' Compensation Leave. The excess vacation leave may be used after returning to work or carried on the leave account until the end of the calendar year at which time any vacation leave exceeding the 240-hour maximum shall be converted to sick leave.¹⁰
- If the employee separates for any reason during the period (i.e. calendar year) that excess vacation is allowed, the employee shall be paid a lump sum for:
 - a. Current balance of vacation leave as of date of separation (which includes up to a maximum of 240 hours plus unused vacation leave accrued during the most recent period of Workers' Compensation Leave prior to separation); and
 - b. Any unused bonus leave that is eligible for payout granted on or after the date of injury.¹¹

§ 8. Impact of Workers' Compensation Leave on Employee Benefits and Salary

§ 8.1. Health Insurance

While on Workers' Compensation Leave prior to separation, an injured employee may elect to continue or not continue health insurance coverage under the State Health Plan or other employer-based health plan. Injured employees are responsible for paying the employee's share of monthly premiums for the employee coverage and premiums for any dependent coverage.

Employers should provide detailed information to injured employees regarding health insurance coverage continuation and premium payments while an injured employee is on Workers' Compensation leave.

¹⁰ 25 NCAC 01E .0210(i).

¹¹ 25 NCAC 01E .0210(i)(1)-(3).

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§ 8.2. Retirement Service Credit

While on Workers' Compensation leave, an injured employee does not receive retirement service credit. After returning to work, an injured employee may purchase service credits for the time period on Workers' Compensation Leave.¹² Upon employee request, the Retirement System will provide a statement of the cost and date by which purchase must be made. If purchase is not made by the deadline date, the cost must be recomputed.

§ 8.3. Total State Service Credit

While on Workers' Compensation Leave, an injured employee remains in pay status and continues to receive total state service credit.

§ 8.4. Longevity Pay

While on Workers' Compensation Leave, an injured employee remains in pay status and continues to receive longevity credit. Injured employees eligible for longevity pay receive their annual payments.

§ 8.5. Severance Salary Continuation Eligibility

While on Workers' Compensation leave, an injured employee is not excluded from eligibility for severance salary continuation if the employee otherwise meets the eligibility requirements set forth in 25 NCAC 01D .2702.

§ 8.6. Reinstatement of Salary

Upon return to work following a period of Workers' Compensation leave, an employee's salary shall be computed based on the last salary plus any legislative increase to which the employee would have been entitled while the employee was out on Workers' Compensation Leave. Any performance increase which would have been given, based on the performance evaluation of the employee for the period before the injury, may be included in the reinstatement of salary, or it may be given on any payment date following reinstatement.

¹² N.C.G.S. 135-4(r).

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§ 9. Return to Work

§ 9.1. Work Assignments

When an injured employee is released to return to work by the authorized treating physician and the employee has not been separated, the employer should act as follows:

1. If an injured employee has reached maximum medical improvement and has been released to return to work by the authorized treating physician **without restrictions or with restrictions that can be accommodated**, the agency shall return the employee to the same position held prior to the period of Workers' Compensation leave.¹³
2. If an injured employee has reached maximum medical improvement and has been released to return to work by the authorized treating physician **but has been assigned work restrictions which cannot be accommodated in the previous position**, the agency shall attempt to place the employee in another position that is suitable to the employee's capacity.
3. If an injured employee **has not** reached maximum medical improvement but has been released to return to work **with restrictions assigned by the authorized treating physician that can be accommodated**, the agency shall provide a work assignment suitable to the employee's capacity and approved by the treating physician if such work is available.

§ 9.2. Refusal of Suitable Employment

If an employee who is released to return to work by written statement of the authorized treating physician refuses suitable employment, the employer shall request termination of disability compensation payments and may implement separation procedures.

¹³ Note that "accommodation" may not mean the same thing in Workers' Compensation as under the Americans with Disabilities Act.

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§ 10. Separation

§ 10.1. Generally

The WC Act does not prohibit the separation of an employee who is receiving workers' compensation benefits. Employees should not be separated in retaliation for filing a Workers' Compensation claim (see § 10.3 below).

Separation may occur only when authorized by 25 NCAC 01C .1007, the Administrative Code rule on separation. This section of the policy summarizes the text on this topic in the rule.

Note: This procedure applies **only** to employees who are on Workers' Compensation leave of absence or who are working with temporary or permanent work restrictions due to a work-related injury.¹⁴

- The employee may be separated from state employment when:
 - o The employee is unable to return to all the position's essential job duties as set forth in the employee's job description or designated work schedule; **and**
 - o The employee and the agency are unable to reach agreement on a return-to-work arrangement that meets both the needs of the agency and the employee's medical condition.¹⁵
- The separation can occur **no sooner than** the earliest of the following dates:
 - o 12 months after the date of the employee's work-related injury; or
 - o When the employee has reached maximum medical improvement for the work-related injury for which the employee is on Workers' Compensation Leave (if the agency is unable to accommodate the employee's permanent work restrictions related to this injury),¹⁶
- Separation is allowed in these circumstances **notwithstanding any leave balances**.¹⁷

¹⁴ 25 NCAC 01C .1007(a)(3), second and third clauses. See the Separation Policy for a more general description of separation procedures.

¹⁵ 25 NCAC 01C .1007(a)(3), fourth through sixth clauses.

¹⁶ 25 NCAC 01C .1007(a)(3)(A)-(B).

¹⁷ 25 NCAC 01C .1007(a)(3), first clause. This means that in these circumstances, an employee may be separated regardless of any sick, vacation, bonus, incentive, or compensatory leave balances; however, the rule makes clear that separation does not affect any rights of the employee to short-term or long-term disability. 25 NCAC 01C .1007(d).

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- Separation is allowed in these circumstances **only after written notice**. See below for the details of the notice procedures described in the rule.

§ 10.2. Separation Notice Procedures

Written notice for a separation requires two letters, as described below, with specific details that should be included in each letter.

- The agency should send the employee written notice of proposed separation in a Pre-Separation Letter at least 15 calendar days prior to the agency's planned date of separation. The letter must include:
 - o Planned date of separation;
 - o Efforts undertaken to avoid separation;
 - o Why efforts were unsuccessful; and
 - o The deadline for the employee to respond in writing (which must be no less than 5 calendar days prior to the agency's planned date of separation).¹⁸
- If the agency and the employee are unable to agree on terms of continued employment, or if the employee does not respond to the Pre-Separation Letter, the agency should send the employee a written notice of separation, called a Letter of Separation. This letter may be sent **no earlier than 20 calendar days** after the Pre-Separation Letter was sent to the employee. The letter must include:
 - o Actual date of separation;
 - o Specific reasons for separation; and
 - o The employee's right of appeal.¹⁹

NOTE: In these circumstances, it is often helpful for HR staff to consult with the agency's HR Director and legal counsel to ensure the letters are prepared appropriately.

It is recommended, but not required, for the agency to send the "Pre Separation Letter" and "Letter of Separation" via certified mail. An agency may also wish to send such letters via other means, such as e-mail, first class U.S. mail, or Federal Express, in addition to certified mail. Agencies should confer with their legal counsel on when a letter sent by multiple modes of transmission would be considered received by the employee.

¹⁸ 25 NCAC 01C .1007(b).

¹⁹ 25 NCAC 01C .1007(c).

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§ 10.3. No Retaliation

Employees must not be separated, suspended, demoted, or have any other adverse action taken against them regarding terms, conditions, privileges, or benefits of employment in retaliation for filing an injury report or workers' compensation claim or participating in any investigation or proceeding related to the Workers' Compensation Act.²⁰

§ 11. Further Resources and Training Materials

The Office of State Human Resources (OSHR) makes available additional Workers' Compensation resources for state employees and supervisors on the OSHR website at <https://oshr.nc.gov/workers-compensation>. These materials include frequently asked questions for injured employees, a handbook for employees and supervisors, and a variety of resources for Workers' Compensation administrators.

In addition, OSHR offers a detailed, multiple-module training program, the Qualified Workers' Compensation Professionals Program, that can allow agency administrators to obtain designation. For information on this program, see the OSHR website at <https://oshr.nc.gov/qualified-workers-compensation-professional-certification/open>.

§ 12. Sources of Authority

This policy is issued under the authority of:

- [N.C.G.S. § 126-4\(10\)](#), authorizing the State Human Resources Commission to establish policies on “[p]rograms of employee assistance, productivity incentives, equal opportunity, safety and health..., and such other programs and procedures as may be necessary to promote efficiency of administration and provide for a fair and modern system of personnel administration”
- [N.C.G.S. § 143-581](#), which requires the Office of State Human Resources to “establish a written program for State employee workplace safety, health, and workers’ compensation”
- [N.C.G.S. § 143-583](#), which requires the Office of State Human Resources to “[a]dopt policies that shall govern the administration of the workers’ compensation program”

²⁰ This is a summary of N.C.G.S. § 95-241; see the statute for full details.

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This policy is both established by the State Human Resources Commission under [N.C.G.S. § 126-4\(10\)](#) and adopted by the Office of State Human Resources under [N.C.G.S. § 143-583](#).

In addition, this policy is compliant with the following statutes and rules:

- [Chapter 97, Article 1 of N.C.G.S. entitled "Workers' Compensation Act"](#)
- [25 NCAC 01C .1007](#), on separation
- [25 NCAC 01E Section .0700](#), the rules on Workers' Compensation Leave
- [25 NCAC 01E .1302](#), on voluntary shared leave

§ 13. History of This Policy

Date	Version
Worker's Compensation Leave - Summary of Revisions	
January 1, 1952	<ul style="list-style-type: none"> • Adopted Workman's Compensation Leave Policy - may take sick and annual leave or may reserve for personal use.
January 1, 1973	<ul style="list-style-type: none"> • Added option to exhaust sick leave only without having to exhaust annual leave.
January 1, 1976	<ul style="list-style-type: none"> • Added option for taking sick leave during waiting period for WC.
March 1, 1977	<ul style="list-style-type: none"> • 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.
March 1, 1978	<ul style="list-style-type: none"> • Combined all options to provide for use of sick and annual leave.
July 1, 1983	<ul style="list-style-type: none"> • Deleted from the "Pay Status" definition the present stipulation not to exceed 12 months.
October 1, 1983	<ul style="list-style-type: none"> • 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

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	<p>can be paid if employee does not return. Also, includes provision for paying hospitalization while employee on WC leave.</p>
October 1, 1987	<ul style="list-style-type: none"> Entire policy rewritten. Requires payment of WC. Allows partial use of leave to supplement WC payments. Added Return to Work Policy.
December 1, 1987	<ul style="list-style-type: none"> Paragraph on Failure to Cooperate deleted. Administration of Workers' Compensation separated and moved to Salary Administration Section.
June 1, 1988	<ul style="list-style-type: none"> 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.
September 1, 1989	<ul style="list-style-type: none"> Incorporate the disability compensation aspect of WC program. Clarifies responsibilities when employee refuses WC benefits.
December 1, 1993	<ul style="list-style-type: none"> 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. <p><u>Worker's Compensation Administration – Summary of Revisions</u></p> <ul style="list-style-type: none"> 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

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	<p>improvement but are unable to return to work or the employer does not have a position for them to return.</p>
August 1, 1998	<ul style="list-style-type: none"> • 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. <p><u>Worker's Compensation Administration – Summary of Revisions</u></p> <ul style="list-style-type: none"> • Changed name of responsible division in OSP from Employee Safety & Health to Employee Risk Control.
October 21, 1999	<ul style="list-style-type: none"> • 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: <ul style="list-style-type: none"> (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.

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	<p>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.</p> <ul style="list-style-type: none"> • 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. <p><u>Worker’s Compensation Administration – Summary of Revisions</u></p> <ul style="list-style-type: none"> • 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 1-9.
September 30, 2002	<ul style="list-style-type: none"> • Added provisions for bonus leave.
June 1, 2003	<p><u>Worker’s Compensation Administration – Summary of Revisions</u></p> <ul style="list-style-type: none"> • 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. • Return to Work – Clarified the following: <ul style="list-style-type: none"> ○ 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,

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	<ul style="list-style-type: none"> ○ 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 Unavailability Policy.
March 1, 2005	<ul style="list-style-type: none"> • Add paragraph to clarify that an employee continues to earn total state service while on Workers' Compensation Leave.
August 7, 2019	<ul style="list-style-type: none"> • 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
October 21, 2019	<ul style="list-style-type: none"> • 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
November 30, 2023 (effective January 1, 2024)	<ul style="list-style-type: none"> • In policy title, changed placement of apostrophe by altering "Worker's" to "Workers". • Reorganized policy by subject, and clarified language throughout the policy. Removed some acronyms to make the policy easier to read. • In renumbered Section 4 (entitled "Workers' Compensation Leave"), added detail to explain precisely how leave works when an employee is treated on the date of injury by an authorized treating physician. • In renumbered Section 5.2 ("Other Leave Can Be Used to Supplement Compensation"), added additional language

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	<p>to make clear that Workers' Compensation Leave of Absence with Supplement can be used only in accordance with a schedule published by OSHR each year.</p> <ul style="list-style-type: none">• In renumbered Section 7.1, clarified the lump sum leave payout when an employee does not return to work prior to separation following Workers' Compensation Leave.• In renumbered Section 7.2, clarified the lump sum leave payout when an employee does return to work following Workers' Compensation Leave, then separates for any reason during the period (i.e., calendar year) that excess vacation is allowed.• Added a section on separation (Sections 10.1 and 10.2), explaining the requirements of the Administrative Code rule on separation (25 NCAC 01C .1007).• Added a section on retaliation (Section 10.3), quickly summarizing the legal requirements in this area.• Added a cross-reference (in Section 11) to the training on Workers' Compensation provided by OSHR.• Revised Table of Contents. Added detail to the Source of Authority section.
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