

## New On-The-Job Injury Policy Issued.

A revision to the University's on-the-job injury (OJI) policy was issued this past December and, as of the first working day of January 2006, is now in effect. As employees of a state agency, UAH employees do not fall within Alabama's statutory workers' compensation system. However, a number of years ago, the Board of Trustees of The University of Alabama adopted a policy that employees at any of the three campuses who are injured while engaged in work activities are eligible to receive certain benefits. An implementing policy/procedures memorandum for the UAH campus was issued a number of years ago and was revised in 1996. Since that time, experience in administering the OJI program has indicated the need for some changes, resulting in the recently issued, revised campus policy.

An injured employee's first duty after an accident or after becoming aware of an injury is to notify his/her supervisor. This notice should be given immediately, if possible, but in any event within two days of the accident. Timely notice (within one calendar week) is also to be given by the employee to the Office of Public Safety (OPS), so that an accident report can be prepared. These notifications should occur even if the employee does not believe that the injury is serious. The supervisor should follow up with OPS to be sure that contact by the employee was made.

If the employee has sustained an injury that requires emergency medical attention, he/she should go to the emergency room of the nearest hospital. As a general rule, the employee or a family member of the employee has the responsibility of arranging transportation to the hospital. For a "non-emergency" injury, all employees are now required to go the UAB Health Center Family Practice Clinic (the "Clinic") for treatment. The OJI Coordinator (Kerry Elmore - 824-6633) in the Office of Counsel will arrange an appointment at the Clinic as soon as she is notified that treatment is needed. An employee should not attempt to go directly to the Clinic or go to a personal physician. Follow-up or ongoing treatment is to be handled by the Clinic or by a physician to whom the employee is referred by the Clinic. This represents a change in procedure, and supervisors should help insure that an injured employee understands this new step.

Some employees are under the erroneous assumption that a claim for OJI benefits is automatically filed after they are injured. They should be reminded that, if they desire to receive such benefits, they must go to the Office of Counsel and, with the help of the OJI Coordinator, complete a claim form. An employee injured at work will, under the new policy, be required to submit to a post-accident drug test, if requested by the University. This is a procedure being included in the OJI programs of an increasing number of employers.

Under the Board of Trustee policy, the University will only pay for medical care expenses that are not covered by insurance. An employee must, therefore, submit all of these expenses to his/her health insurance carrier and obtain a "claims report" from the carrier indicating the portion that will be (and the portion that will not be) covered. Only then may the claim be approved, and only for the amount not covered. Payment is made either directly to the medical care provider or, if the employee has already paid the expenses, by reimbursement to the employee.

As has been true in the past, each OJI claim is reviewed by the Office of Counsel. If the employee is entitled to benefits and all necessary documentation has been provided by the employee and others, a recommendation for payment is made to the Vice President for Finance and Administration. The Vice President has final authority regarding approval of the claim, although the University has the option to refer a claim to the State Board of Adjustment (BOA) for its determination. The employee may also take the claim to the BOA.

Some new procedures have been added relating to an employee's absences due to an OJI injury. Any such absence must be supported by a signed physician's certification. Consistent with the University's existing general policy regarding absences due to illness or injury, an employee who is unable to work due to an OJI injury must report his/her health status to the immediate supervisor each week. These reporting duties are important, because they facilitate the monitoring by a supervisor of an employee's health condition as well as help the supervisor plan any necessary adjustments in other employees' work schedules or assignments. An employee who neglects to report weekly may be disqualified from receiving any OJI benefits.

After any absence on the day of the injury and the following work day (called the "waiting period"), an employee has the option to charge any further absence to either regular leave or OJI leave. The employee's choice must be reported to the OJI Coordinator within 10 days. There is a difference in the amount of compensation received under the two types of leave. Whereas the employee receives full pay while on regular leave, under OJI leave an employee is paid at the rate of 2/3 of his/her average weekly wage. In both cases, wage/salary payments will be subject to full tax and F.I.C.A. withholding, and health insurance premium payments and Teacher's Retirement System contributions will also be withheld. This is a new practice with regard to payment for OJI leave, and it should be explained to an employee. Absence during the waiting period will be charged to administrative leave. OJI leave payments are now referred to as "lost wage benefits."

Most OJI cases involve only short-term absences, if any absence from work at all. Occasionally, a more serious injury results in extended inability to work. There are several new provisions affecting employees in the latter category. An employee who does not expect to return to work within 90 days of the injury will now be required to contact the Benefits and Employee Services Office (824-6649) to apply for long-term disability (LTD) benefits under the University's LTD insurance program. Also, 180 days after the injury is now the maximum time an employee may receive lost wage benefits. An employee's job will be protected for the duration of an absence due to OJI leave up to one year. After one year, the University has the discretion to fill the job with another individual.

The Family and Medical Leave Act (FMLA) is referenced in the new campus policy. The policy identifies the circumstances under which the supervisor of an injured employee is to contact the Benefits and Employee Services Office to have the employee's OJI absence designated as FMLA leave.

Employees on OJI leave may have questions about their eligibility for continuation of various group insurance coverages (health, life, disability, etc.) and their premium payment obligations. The policy helpfully summarizes University rules regarding these matters. Additional assistance, if needed, may be obtained from the Benefits and Employee Services Office.

Any employee returning from OJI leave will now be required to obtain from the attending physician a signed and dated “release to work” certification, indicating that the employee is able to work, with or without limitations. Any limitations must be clearly stated. This form is to be first presented to the OJI Coordinator and then to the supervisor. Any issues relating to work limitations will be addressed jointly by these two officials.

Employees must be truthful in all respects in providing information to the University in connection with an OJI claim. Any fraud or misrepresentation by an employee will be grounds for disqualification for OJI benefits and could be the basis for disciplinary action, including termination of employment.

It is unfortunate that employees are hurt from time to time while working and, as a result, incur medical expenses or miss work. The University’s new policy is intended to maintain the assistance and support it has provided to such employees in the past but to do so in a more effective manner. It is clear that supervisors, in addition to individuals in the Office of Counsel and the Benefits and Employee Services Office, will continue to play a key role in helping educate and provide direction for employees to enable them to obtain the OJI benefits they are due.