

# WORKERS COMPENSATION INFORMATION



When an injury occurs:

Educate employees to immediately report the accident to their supervisor.

Supervisor/Office Staff should contact Tina White (*Certified employees*) or Janet Tate (*Classified employees*) in Human Resources to make sure someone is aware of the accident.

**Tina or Janet will fax an Employee Authorization form to the Authorized Medical Provider. This form allows the Authorized Medical Provider to request payment from the worker's comp. carrier.**

When you call the Human Resources Dept., we will notify the nearest Authorized Medical Provider. Complete a [Supervisor Report of Accident Form](#) (click on link or find on the MCS website under Human Resources). Email the completed form to [tiwhite@ncmcs.org](mailto:tiwhite@ncmcs.org) or [jantate@ncmcs.org](mailto:jantate@ncmcs.org). Please be specific when completing the form, ex... right knee, left ring finger, etc., it's not possible to put too much information. **ALL questions on the form must be completed.**

Employees will be directed to go to the nearest Authorized Medical Provider. Unauthorized doctor/facility visits may result in the worker's comp. carrier denying the claim.

If an employee misses work because of an accident, notify Tina or Janet of days missed and the date they returned to work.

If the accident is report only, no medical attention needed, send the completed Supervisor Report of Accident Form to Tina or Janet within 24 hours of the accident.

## Authorized Medical Providers

Pinecroft Convenient Care Clinic  
150 Ivey Lane, Pinehurst, NC 28374  
PH: 910-215-5200 Fax: 910-215-5215

FirstHealth Convenient Care-Southern Pines  
1690 US-1 Southern Pines NC 28387  
PH: 910-684-5066 Fax: 910-704-5001

North Moore Family Practice  
301 S. Middleton St., Robbins, NC 27325  
PH: 910-948-2059 Fax: 910-948-2443

Fast Med Urgent Care  
1800 N. Sandhills Blvd., Aberdeen, NC  
PH: 910-274-2334 Fax: 910-246-0952

## 9.2 – Workers' Compensation Leave

### WORKERS' COMPENSATION

#### I. PURPOSE

The purpose of this policy is to ensure that employees injured on the job are provided compensation in accordance with the North Carolina Workers' Compensation Act and to provide consistent application of these rules and regulations. Further, the purpose is not only to provide swift and certain remedy to an injured employee, but also to ensure a limited and determinant liability for the employer.

#### II. COVERAGE

North Carolina Public School Law, G.S. 115C-337, states that provisions of the Workers' Compensation Act shall be applicable to all school employees and the State Board of Education shall make such arrangements as necessary to carry out the provisions of the Workers' Compensation Act applicable to such employees paid from state school funds. Liability of the state for compensation shall be confined to school employees paid by the state from state public school funds for injuries or death caused by accident arising out of and in the course of their employment in connection with the state-operated school term.

#### III. ADMINISTRATION

Each Local School Administrative Unit is responsible for submitting all reportable injuries on Form 19 and other related documentation as directed by the NC Department of Public Instruction, Insurance Section. The State Board of Education is responsible for administering the provisions of the Workers' Compensation Act.

#### IV. RESPONSIBILITY OF EMPLOYEE AND LOCAL UNIT

Responsibility for claiming compensation is on the injured employee. A claim must be filed within two (2) years from the date of injury or knowledge thereof. Otherwise, the claim is barred by law. The local unit must submit the Form 19 as directed by the Insurance Section no later than (5) days after knowledge of injury.

#### V. USE OF LEAVE DURING REQUIRED SEVEN DAY WAITING PERIOD

No compensation, as defined in the Workers' Compensation law shall be allowed for the first seven calendar days of disability resulting from an injury, except medical treatment and supplies as defined in G.S. 97-28. One of the following two options may be chosen during the 7-day waiting period:

Option 1: Elect to take earned sick leave during the required waiting period and then go on workers' compensation leave and begin drawing workers' compensation weekly benefits.

Option 2: Elect to go on workers' compensation leave with no pay for the required waiting period and then begin drawing workers' compensation weekly benefits.

If the injury results in disability of more than 21 days, , as indicated in G.S. 97-28, the workers' compensation weekly benefit shall be allowed from the date of disability. If this occurs in the case of an employee who elected to use leave during the 7-day waiting period, no adjustment shall be made in the leave used for these workdays.

## **VI. WORKERS' COMPENSATION BENEFITS**

A. Under G.S. 97-28 the state paid (in full or in part) employees receive 66 2/3% of their average weekly salary from the state workers' compensation fund which is paid directly to the employee.

B. In order to provide an income approximately equal to, but not to exceed, the employee's weekly salary, earned sick leave days may be used while an employee is receiving workers' compensation weekly benefits. Use of sick leave for this purpose is governed by conditions in Section 4.1.

## **VII. CONTINUATION OF BENEFITS**

While on workers' compensation leave, an employee is eligible for continuation of the following benefits:

a. Performance Increase: Upon reinstatement, an employee's salary will be computed based on the last salary plus any legislative increase to which entitled. Any performance increase which would have been given had the employee been at work may be included in the reinstatement salary, or it may be given on any payment date following reinstatement.

b. Vacation and Sick Leave: While on workers' compensation leave, the employee will continue to accumulate vacation and sick leave to be credited to his/her account for use upon return. If the employee does not return, vacation leave accumulated up to 240 hours will be paid in a lump sum payment.

c. Hospitalization Insurance: While on workers' compensation leave an employee is in pay status and will continue coverage under the state's health insurance program. Monthly premiums for the employee will be paid from the same source of funds (state, federal, local or other) and in the same proration amount from which the regular monthly salary is paid.

d. Retirement Service Credit: While on workers' compensation leave an employee does not receive retirement credit. As a member of the Retirement System, the employee may purchase credits for the period of time on an approved leave of absence. Upon request by the employee, the Retirement System will provide a statement of the cost and a date by which purchase must be made. If purchase is not made by that date, the cost will have to be recomputed.

e. Longevity: For positions eligible for longevity, workers' compensation leave pay status will continue to earn longevity. Longevity pay shall be paid from the same source of funds (state, federal, local or other) and in the same proration amount from which the regular annual salary is paid on their anniversary, separation or retirement date; Longevity payments must be included within the remuneration Statement of Days Worked and Earnings of Injured Employee (Form 22), and will become part of the employee's lost time

wages paid under temporary total disability benefits under NCGS 97-2. Employer does not need to make annual longevity payments to employees out on workers' compensation when longevity is calculated in this manner.

## VIII. RETURN TO WORK

When an employee, who has been injured on the job and placed on workers' compensation leave, has been released to return to work by the treating physician, there are three possible returns to work situations.

### Full Duty Return

a. When an employee has reached maximum medical improvement and has been released to full duty return to work by the treating physician, the agency shall return the employee to the original position he/she held prior to workers' compensation leave.

### Transitional Return

b. When an employee has not reached maximum medical improvement and is ready to return to limited work duty with approval of the treating physician, but retains some disability which prevents successful performance in the original position, the employer will provide transitional work suitable to the employee's capacity which is both meaningful and productive, and advantageous to the employee and the employer. This work reassignment shall be a temporary assignment and shall not exceed 9 months, ; unless otherwise directed by the treating physician .

### Return To Work With Permanent Restriction

c. When an employee has reached maximum medical improvement and has been released to return to work by the treating physician, but has received a disability which prohibits employment in his/her previous position, the employer shall place the employee in another position suitable to the employee's capacity which is both meaningful and productive, and advantageous to the employee and the employer. This work placement may be a permanent assignment or either a part-time or temporary assignment until a permanent assignment is found.

## IX. SEPARATION DUE TO UNAVAILABILITY

An employee may be separated on the basis of "unavailability" when the employee remains unavailable for work after all applicable leave credits have been exhausted and LEA management does not grant a leave without pay, or does not extend a leave without pay period, for reasons deemed sufficient by the LEA. Such reasons include, but are not limited to, lack of suitable temporary assistance, criticality of the position, budget constraints, etc. Separation Due to Unavailability is not a disciplinary dismissal and will not sever any benefits the injured employee is receiving under the Workers' Compensation Act. Separation Due to Unavailability may be grieved or appealed by the employee. Separation due to Unavailability shall be applied in accordance with 115C and any applicable local board policy.

Unavailability may be due to (1) the employee's inability to return to all of his/her position's essential duties and work schedule due to a medical condition or the vagueness of a medical prognosis; and (2) the employee and the LEA cannot reach agreement on a return to work arrangement that meets both the operating needs of the LEA and the

employee's medical/health needs; OR unavailability may also be due to (1) the employee's inability to return to all of the position's essential duties and work schedule due to other extenuating circumstances, and (2) the employee and the LEA cannot reach agreement on a return to work arrangement that meets both the needs of the LEA and the employee's situation.

LEAs are encouraged to regularly review their open workers' compensation claims where an employee has exhausted all applicable paid leave to determine if separation due to unavailability is appropriate.

#### **X. REFUSAL OF SUITABLE EMPLOYMENT**

The Workers' Compensation Act prevents employers from firing or demoting employees in retaliation for pursuing remedies under the Act.. When an employee, receiving workers' compensation benefits , has reached maximum medical improvement, is released to return to work by the treating physician, and refuses suitable employment offered by the employer and approved by the treating physician ; the employer has the right to implement dismissal procedures in accordance with the Workers' Compensation Act.

#### **XI. FAILURE TO COOPERATE**

When it has been determined that the employee has not fully cooperated with the intent and spirit of the Workers' Compensation Act, management may terminate the employee. Workers' compensation benefits may be continued or discontinued in accordance with the provisions of the Workers' Compensation Act.

#### **Legal Reference(s)**

G.S. 97-6  
G.S. 97-7  
G.S. 97-25  
G.S. 97-28  
G.S. 97-92  
G.S. 115C-337