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## EMPLOYEE OCCUPATIONAL INJURY POLICY

### I. Introduction.

The Alabama Workers' Compensation Act does not apply to employment with state agencies and institutions, such as the University. It is, however, the policy of The Board of Trustees of The University of Alabama to provide benefits to an employee who sustains an on-the-job injury. These benefits include payment of an employee's medical expenses and payment of lost wages resulting from the on-the-job injury, on the terms and subject to the limitations set forth more fully below.

As a means of administering an efficient and equitable occupational injury program on this campus, policies and procedures have been issued and modified from time to time. This document is intended to provide employees of The University of Alabama in Huntsville (UAH) with a current, updated statement of the University's occupational injury policy and procedures. While extenuating or urgent circumstances may, on occasion, justify a departure from these procedures, compliance by an employee is generally a condition to the receipt of benefits.

An "occupational" or "on-the-job" injury (OJI), as those terms are used herein, refer to an injury that is sustained by a UAH employee during the performance of employment duties. Those terms also are deemed to include any illness or disease caused or aggravated by hazards of the employee's particular job that are substantially greater than or different from those associated with employment in general. In that connection, the phrase "date of the injury" and similar phrases used herein, when applied to an occupational illness or disease, refer to the onset of the illness/disease. The term "employee" includes all full-time and part-time faculty, administrators, staff, and student workers. Finally, the phrase "return to work" refers to an employee's return to full duties or, if the University in its sole discretion decides to offer it as an accommodation, to modified duties.

The OJI program at UAH is administered by the Office of Counsel, with the assistance of other campus offices. The OJI Coordinator in the Office of Counsel has primary responsibility for the management of OJI claims.

### II. Reporting the Injury

A. Injury Immediately Apparent. When an employee sustains an on-the-job injury, the employee should notify his/her supervisor immediately, if possible, and in any event no more than two (2) days after the date of the injury. The employee should also contact the Office of Public Safety (OPS) at 824-6596 as soon as possible. In the absence of exceptional circumstances, such contact must occur no later than one calendar week after the date the injury occurred. Information about the injury and the related accident/incident is to be provided by the employee to OPS through completion of an appropriate injury report form (the "Employee Occupational Injury Report").

B. Injury Apparent After Completion of Work Day. If the injury first becomes apparent after the employee has completed the normal work day or work week, the employee must still notify the supervisor as soon as is practical, but in any event no later than two (2) calendar days after the date the employee becomes aware of the injury. The employee must also promptly report the injury and circumstances to OPS and complete the injury form.

C. Delay. The employee's failure to provide timely, verbal notice to the supervisor and/or failure to contact OPS in a timely manner, as set forth above, may result in denial of any benefits under

this policy to the employee.

D. Supervisor's Verification of Report. The supervisor should contact OPS after receiving notice about an injury to verify that the employee has initiated contact with that office.

E. Distribution of Injury Forms. After the Employee Occupational Injury Report is completed, it is forwarded by OPS to the Office of Environmental Health and Safety, which then distributes copies of the Report to the Office of Human Resources, the Office of Counsel, and the employee's supervisor.

### **III. Securing Medical Attention**

A. "Emergency" Injury. If the injury is life-threatening or otherwise requires emergency medical attention, the employee should seek medical assistance and treatment without delay at the emergency room of a nearby local hospital. A police officer dispatched to the scene following a call to OPS may administer first aid, if necessary, and may assist the person in arranging transportation. The University does not assume the responsibility of transporting an injured employee to a treatment facility. If an ambulance is called to carry the employee to a hospital, the employee must be identified as the party responsible for the ambulance charge (though such charge will be paid or reimbursed by the University if the employee files a proper occupational injury claim). The employee must, in any case, comply with a supervisor's direction to seek emergency medical attention.

B. "Non-Emergency" Injury. An injury may require medical treatment, though not on an emergency basis. Immediate treatment or treatment within a period of days may be needed, depending upon the circumstances. In any such instance, the employee or the employee's supervisor must contact the OJI Coordinator in the Office of Counsel, who will arrange an appointment for the employee at the UAB Health Center Family Practice Clinic (the "Clinic"), located at 201 Governor's Drive in Huntsville. If the employee's health insurance carrier will not provide coverage for medical treatment rendered by the Clinic, the OJI Coordinator will approve and, if needed, help arrange an appointment for the employee with a physician who is covered under such insurance. An employee who utilizes a physician for treatment other than a Clinic physician, without the prior approval of the OJI Coordinator, may be disqualified from receiving any medical expense benefits under this policy. Though the employee may not believe medical treatment is necessary, he/she must comply with a supervisor's direction to seek medical attention.

C. Injury Away from Campus. An employee who, while working away from the UAH campus, sustains an on-the-job injury that requires emergency or immediate medical attention should, where possible, follow the procedures set forth above. If the employee is not in the Huntsville area and will require treatment before returning to Huntsville, he/she may seek treatment from a health-care provider in the area where the employee is located. Such an employee should contact the OJI Coordinator for further instructions as soon as possible upon returning to the Huntsville area.

D. Follow-up and Ongoing Treatment. Follow-up and/or ongoing treatment may be recommended by the attending physician in the Clinic or by the approved physician (see paragraph III.B. above). That treatment may involve return visits to the Clinic or the approved physician (both sources of health care are referred to herein as the "approved health care provider") or visits to another physician to whom the employee is specifically referred by the approved health care provider. The employee must follow the directions of the approved health care provider and the referral physician with regard to such treatment. Failure to comply with these directions may result in denial of medical expense benefits.

Denial of benefits may also result from the employee's seeking of additional treatment for the OJI by a physician other than an approved health care provider or other than a physician to whom the employee is referred by an approved health care provider.

E. Drug Test. An employee must, as a condition to seeking any benefits for treatment for an on-the-job injury, be willing to submit to a post-accident/incident drug test. Such test will be conducted at a time and place and in a manner determined by the University, and at its cost.

F. Guidance from Office of Counsel. The supervisor is encouraged to contact and seek guidance from the OJI Coordinator in the Office of Counsel at the earliest possible time in dealing with an employee's on-the-job injury.

#### **IV. Filing a Claim for OJI Benefits**

A. Filing a Claim. To file a claim for benefits, the injured employee must obtain a claim form from the OJI Coordinator in the Office of Counsel, complete it, and return it with supporting documents to that office. Claims should be filed as soon as possible. An unreasonable delay in filing a claim after an injury or after treatment will result in denial of the claim. Failure to file a claim within one year after the date of the injury will result in denial of the claim. If filing of the claim is to be delayed for good reason, the employee should promptly notify the Office of Counsel of his/her intention to file. An employee who refuses or fails to file a claim, as described above, will not be eligible for any OJI benefits.

B. Claim Review and Approval. After a claim is filed, the Office of Counsel will investigate and review the claim, as appropriate, to verify pertinent information relating to the injury, the circumstances under which it occurred, the nature and cost of medical treatment, any absence resulting from the accident, etc. A memorandum setting forth findings and recommendation(s) regarding OJI benefits is submitted to the Vice President for Finance and Administration, who will approve or disapprove the claim.

#### **V. Medical Benefits**

A. Application of Personal Health Insurance Benefits. Under the Board of Trustees' policy, benefits relating to the expenses of medical care necessitated by an on-the-job injury are paid to an employee only to the extent that expenses are **not** paid by available health insurance carried by or on behalf of the employee. The employee must, therefore, give the provider of medical services the appropriate information about his/her health insurance and inform the provider that **the University is not covered by the Alabama Workers' Compensation laws and does not carry Workers' Compensation insurance.** In all cases, the employee must file, or have the health-care provider file, a claim for payment of the expenses of medical treatment with his/her health insurer. The University will not make any payment until the employee's claim for health insurance benefits has been settled by the employee's medical health insurance carrier.

B. Access to Medical Records. The University has the right of access to all medical and other pertinent records of an injured employee relating to the injury, and the employee will be required to sign, at the time initial contact is made with the OJI Coordinator, a release granting such access.

C. Payment of Medical Treatment Costs.

1. *Proper claim.* In the case of a properly filed and approved claim, and upon the employee's further compliance with all obligations set forth in this policy, the University will pay the reasonable costs of medical care necessitated by an on-the-job injury. Such medical expense benefits will be paid, however, only until the employee reaches the point of maximum medical improvement as determined by the employee's physician.

2. *Necessary referral.* With respect to treatments received from chiropractors, podiatrists, pain clinics, psychologists, and/or counselors, the University will pay the reasonable costs thereof only when the employee is referred for such treatment by an approved health care provider or by a physician to whom the employee was referred by the approved health care provider (as stated above) and the University is given prior notice of such referral. If either of these conditions is not met, the employee will be solely responsible for all the costs of such treatment.

3. *Reduction for available health insurance benefits.* As previously mentioned, medical expense benefits provided by the University will be reduced by the amount of benefits available under any health insurance carried by or on behalf of the employee. Proof of payment or nonpayment by the medical insurance carrier must be submitted to the Office of Counsel before final evaluation of the claim.

4. *Payee.* The University will reimburse the employee by direct payment to the extent that he/she has paid the costs (all or part) of medical care and provides evidence of such payment, such as a payment summary from the medical provider. The employee should pay his/her medical expenses pending the investigation and disposition of the claim, if payment is necessary to prevent the medical bill from becoming delinquent. Otherwise, upon submission of the proper bill from the physician, hospital, etc., the University will make payment either directly to the provider or by check made payable jointly to the employee and the provider.

D. Additional examination(s). The University may require such employee to undergo additional examination and tests as it deems necessary.

**VI. Lost Wage Benefits.**

A. Absence from Work Due to Injury. An occupational injury may result in an employee's absence from work. Such an employee will be entitled, if certain conditions are met, to payment of wage benefits for the period of absence. These benefits are referred to in this policy as "lost wage benefits."

B. Physician Certifications.

1. *Certification - absence from work.* Any absence from work due to an on-the-job injury must be supported by a signed statement from the employee's attending physician indicating the nature of the injury or condition and the period of time the employee will not be able to work. If a physician-approved period of absence from work is to be extended by the physician, a new, signed certification statement must be obtained from the physician. The employee must provide a copy of such certificate to his/her supervisor and to the Office of Counsel. In the alternative, the employee may request the physician to send such certification(s)

by facsimile transmission to such parties.

2. *Certification - return to work.* An employee who wishes to return to work after an injury must obtain from the attending physician a “release to work” certification, indicating the physician’s determination that the employee is sufficiently recovered as to be able to return to work, with or without limitations. The release to work document must be initially presented to the OJI Coordinator in the Office of Counsel and then to the supervisor before the employee will be allowed to resume work. If the physician indicates that the employee’s ability to work will be subject to limitations, the supervisor and the OJI Coordinator will together determine whether or not those limitations will allow the employee to carry out his/her work duties.

C. Employee Duty to Report Status. In addition to a physician’s certification, when the employee's date of recovery and return to work is not definite, the employee **must** notify the supervisor of his/her condition and progress toward recovery on the morning of the last working day of each week. If, however, the absence is designated as leave under the Family and Medical Leave Act (FMLA), the provisions of this paragraph are superseded by those requirements specified in the notice given to the employee under the FMLA.

D. Absence Charged to Administrative and Sick/Vacation Leave. The employee’s absence on the day of the injury and the next working day (the “waiting period”) will, in all instances, be charged to administrative leave. The period of absence thereafter will be charged to the employee's accumulated sick leave and vacation leave, in that order, unless he/she provides notice otherwise pursuant to paragraph E. below. The employee will, for the duration of such leave, be entitled to full pay. Vacation and sick leave will continue to accrue during the period of absence that is charged against leave, and the employee will continue to accrue creditable service in the Teachers’ Retirement System of Alabama (TRS). Wage/salary payments will be subject to the normal withholding for federal and state income taxes, F.I.C.A. taxes, insurance premium payments, and TRS contributions (and, if applicable, contributions to the Teachers Insurance and Annuity Association/College Retirement Equities Fund retirement plan). The employee will receive full pay for any holiday occurring during such period, assuming he/she would otherwise have been entitled to receive full pay for that holiday.

E. Absence Charged to OJI Leave. Except for the waiting period, the employee may elect to take OJI leave, rather than having the entire period of absence from work charged to accumulated sick and/or vacation leave. Such an election must be made in writing to the Office of Counsel within ten (10) days following the injury or following the first day of absence, whichever is later. The Office of Counsel will promptly notify Benefits and Employee Services Office of the employee’s election to take OJI leave. After the election, the following terms will apply:

1. *Payment of lost wage benefits.* Lost wage benefits will be paid to the employee for periods of OJI leave at the rate of 66 2/3 percent of the employee's average weekly wage. Payment of such benefits under this paragraph will ordinarily be made in monthly increments. Lost wage payments will be subject to withholding for federal and state income taxation and F.I.C.A. taxes. The employee’s portion of premium payments for health insurance (and, if applicable, for any supplemental life insurance) will also be withheld (see subparagraph J.1 below), as will the employee’s TRS contributions.

2. *Leave accruals.* Vacation and sick leave will not accrue during any period of OJI leave.

3. *Holidays.* The employee will be paid for any University holidays occurring during the period of absence at the 66 2/3 percent rate.

F. Duration of Benefits.

1. *Lost wage benefits - beginning and ending dates.* Lost wage benefits will be paid beginning with the first day of absence after the waiting period and continuing until the employee's attending physician releases the employee to return to work, subject to the limitation set forth in subparagraphs F.2 and F.3 below.

2. *Lost wage benefits - maximum period.* The maximum period for which lost wage benefits will be available is 180 consecutive days from the date of the on-the-job injury.

3. *Non-duplication of benefits.* Payment of lost wage benefits from the University will cease once salary continuation benefits begin under the LTD Insurance Program, as described in subparagraph F.4 below (or, as mentioned in subparagraph F.2 above, the employee has received such benefits for 180 days). If LTD salary benefits are paid for a period of time during which the employee has also received lost wage benefits (resulting in a "duplication" of wage benefits to the employee), the employee will retain the LTD salary benefits and must reimburse the University for the amount of the lost wage benefits.

4. *Salary continuation benefits - claim and payment.* Under the University's Long Term Disability (LTD) Insurance policy, salary continuation benefits will be paid to eligible employees after a minimum of 90 days of continuous disability. An employee with an occupational injury who anticipates not being released by his/her attending physician to return to work within 90 days from the date of injury **must** contact Benefits and Employee Services Office to initiate an application for LTD salary continuation benefits. Such application should be completed and submitted to the LTD insurance carrier prior to the end of such 90 day period. The claim can be withdrawn if the employee returns to work prior to an eligibility determination by the insurance carrier. Vacation and sick leave do not accrue while the employee is receiving LTD salary continuation benefits.

5. *Salary continuation benefits - purpose.* Salary continuation benefits made available under the University's LTD insurance policy constitute the means by which the University provides financial support or compensation to an employee who is injured on-the-job and sustains, as a result, extended or long-term disability.

G. Unpaid Medical Leave. An employee who has been determined not to be eligible for salary continuation benefits by the University's LTD insurance carrier and who has still not, after the expiration of the 180 day maximum lost wage benefit period, been released to return to work by his/her attending physician may apply, pursuant to UAH policy, for unpaid medical leave. Such leave may be granted for a reasonable period of time, up to six months. During a period of approved medical leave, the employee will retain the right to his/her position.

H. FMLA Event - Supervisor Action and Designation. If an employee's occupational injury results in any of the following conditions or circumstances, the supervisor should immediately notify the Benefits and Employee Services Office, so a decision may be made by this Office for the University as to whether or not the employee's absence will be designated as leave under the FMLA:

- The employee remains overnight in a medical facility.



- The employee is receiving continuing treatment from a health care provider for more than three (3) consecutive calendar days.
- The employee undergoes or requires restorative surgery.

A more complete statement of FMLA qualifying events may be found in the UAH Family and Medical Leave of Absence Policy.

I. FMLA Event - Employee Request for Designation. The employee may inform the supervisor that he/she wishes to designate the absence resulting from the injury as FMLA leave, if any of the conditions or circumstances mentioned above or in the University's FMLA policy are present. The supervisor must, upon being so informed, immediately notify the Benefits and Employee Services Office.

J. Continuation of Insurance Benefits. The University provides a number of group insurance programs to its employees. Regular full-time employees are generally required to participate in the University's group health insurance program, under which the premium cost is shared by the University and the employee. Dental insurance is available to regular full-time employees, with the full premium cost being paid by the employee. Group term life insurance, accidental death and dismemberment (AD&D) insurance, and long-term disability (LTD) insurance is provided to all regular full-time employees at no cost to the employee (the premium is paid entirely by the University). Continuation of these insurance benefits for an employee who is absent from work due to an occupational injury is as follows:

1. *During OJI leave.* An employee's eligibility for health, dental, life, AD&D, and disability insurance benefits under the UAH group insurance program will continue during any period the employee is on OJI leave receiving lost wage payments (see paragraph VI.E above). The employee will continue to be responsible for his/her portion of the premium payments for health insurance and for the entire dental insurance premium, and those amounts will be deducted from the lost wage benefit. The University will continue to pay the life, AD&D, and LTD insurance premiums.

2. *During receipt of LTD salary continuation benefits.* An employee who is receiving salary continuation payments under the University's LTD insurance policy (see subparagraph VI.F.4. above) may continue eligibility for health, dental, life, AD&D, and disability insurance benefits by paying the full premium cost of such insurance. An employee desiring to continue these coverages should contact the Benefits and Employee Services Office as soon as possible, so that a Benefit Retention form may be prepared for him/her.

3. *During approved unpaid medical leave.* An employee who is on approved medical leave (see paragraph VI.G. above) may continue eligibility for health, dental, life, AD&D, and disability insurance benefits by paying the full premium cost of such insurance. The employee should, to continue these benefits, contact the Benefits and Employee Services Office to have a Benefit Retention form prepared.

4. *During FMLA leave.* Pursuant to law and University policy, an employee on FMLA leave continues to be eligible for health insurance benefits on the same basis as if he/she were not absent from work and may, therefore, maintain such insurance by paying the employee's share of premiums. Eligibility for dental, life, AD&D, and LTD insurance is maintained, with the employee bearing the full cost of such insurance. In the event that FMLA leave runs concurrently with OJI leave, insurance eligibility and cost allocation will be as set

forth in subparagraph VI.J.1 above.

K. Absence Exceeding One Year. An employee who is not able to return to work due to the OJI is subject to termination at any time, except that no employee may be terminated during the 180 day maximum lost wage benefit period, during an FMLA leave period, or during an approved unpaid medical leave period. In the absence of exceptional circumstances, an employee will not be continued in his/her employment after an absence of one year due to the OJI. Salary continuation benefits being paid to the employee under the University's LTD insurance policy will continue, however, pursuant to the terms of the policy.

## VII. General Provisions

A. Referral of Claim to State Board of Adjustment. The University may refer any claim for occupational injury benefits to the State Board of Adjustment for determination. Payment on any claim so submitted will not be made until and unless such payment is awarded to the claimant by the Board. An employee may also file a claim for OJI benefits with the State Board of Adjustment at any time within one year of the date of the injury.

B. Misrepresentation or Fraud. An employee who is guilty of misrepresentation or fraud in connection with any claim under this policy will not only be disqualified from receiving any OJI benefits but may be subject to disciplinary action, up to and including termination of employment.

C. Self-Insured Program. The University's occupational injury claims program is self-insured, in the sense that payments are generally handled by means of internal financing mechanisms rather than through the purchase of commercial insurance.

If you have any questions with regard to the application of these procedures, please direct them to the appropriate University official or office identified below:

OJI Coordinator  
Office of Counsel  
235 Madison Hall  
824-6633 Telephone  
824-6198 Fax

Office of Human Resources  
102 Shelbie King Hall  
824-6545 Telephone (OJI issues)  
824-6640 Telephone (Benefits and FMLA issues)  
824-6908 Fax

Office of Public Safety  
Physical Plant Building  
824-6596 Telephone

Office of Environmental Health and Safety  
Johnson Research Center  
824-2352 Telephone