



POLICY ON WORKERS' COMPENSATION

Dated: April 30, 2015

Supersedes: HR.323 Workers' Compensation dated July 13, 2005

I. PURPOSE

To establish guidelines governing the timely submission of Workers' Compensation Claims.

II. POLICY

It is the policy of New York Medical College that any employee who suffers a work-related injury or illness must report such injury or illness to his/her Supervisor and follow the procedures outlined in Section V regardless of the severity of the injury or illness.

III. SCOPE

This policy applies to all College faculty, staff and CBU employees.

IV. DEFINITIONS

- A. *Workers' Compensation* - insurance that provides cash benefits and/or medical care for employees who incur a work-related injury or develop an occupational illness while actively employed by the College.
- B. *Work related injury* - an event, arising out of and in the course of employment that results in personal injury to an employee.
- C. *Health Services Department* - for the purpose of this policy reference to the Health Services Department will also include Employee Health at the Affiliations.
- D. *CBU* - Union represented employee (Collective Bargaining Unit).

V. PROCEDURE

- A. Reporting the Incident:
 - 1. Whenever an employee has a work-related illness or injury, he/she must immediately notify his/her Supervisor. The employee and Supervisor

should report to the Health Services Department or Employee Health for the Affiliation and complete the appropriate Incident Report (HR-47) form (if during normal working hours).

- a. If after hours, during holidays or weekends, the employee should report to the Emergency Room at Westchester Medical Center in Valhalla or appropriate Affiliate Emergency Room.
 - b. The employee must then report to the Health Services Department or Employee Health for Affiliations, to file an Incident Report (HR-47) form or if unable to do so in person, the Supervisor must file the report on the employee's behalf.
2. At the time of the initial treatment at the Health Services Department or the Emergency Room, the employee must inform the examining doctor that the injury or illness was sustained at work and complete the appropriate **Incident Report (HR-47)** form to be completed and filed.
 3. The Health Services Department or the Emergency Room may provide initial treatment.
 - a. The Health Services Department or Employee Health at the Affiliation must:
 - 1) Certify whether the employee is fit for work or place the employee on leave.
 - 2) Submit a copy of the appropriate Incident Report (HR-47) form to the Human Resources Department or the Affiliation's office and to the Director of Environmental Health and Safety.
 - b. In the event the employee is placed on medical leave and in the event that further medical attention is required, the employee may be required to consult a New York State Workers' Compensation Board Certified Physician. For referral, the employee may contact the Workers' Compensation Board at (718) 802-6600 to obtain a list of certified physicians.
 4. Upon receipt of an **Incident Report (HR-47)** form, the Human Resources Department will file a claim with the College's Third Party Administrator, who will prepare Form C-2 (Employer's Report of Accident) and file it with the Workers Compensation Board District Office.
 - a. Periodic reports will be filed by the Human Resources Department, as required by the Workers' Compensation Board and the College's insurance carrier.

- b. The employee shall keep the Human Resources Department apprised of any communications he/she receives from the Workers' Compensation Board, especially as pertains to any Workers' Compensation Board Notice of Hearing.

B. Time lost Due To A Work-Related Disability

1. Cash benefits are not paid to an employee for loss of time resulting in seven (7) or less days; except in workers compensation cases where the disability exceeds fourteen (14) days, the cash benefits will be paid from the first day of disability. An employee may use his/her sick time for absences during the elimination period and to the extent available, for the duration of the injury or illness. In the case of CBU employees, if they have no sick time balance, the college will pay the first five days of a work related injury through Workers Compensation regular earnings or through a combination of workers compensation sick and workers compensation regular earnings to equal five days pay.
 - a. The Human Resources Department will complete Form C-107 (Employers Request for Reimbursement) and file it with the Workers Compensation Board District Office.
 - b. The reimbursement will be credited to the source from which the employee's salary is paid.
 - c. For employees covered under the CBU Agreement only, the Human Resources Department will restore sick leave credits in the amount equal to the reimbursement received from the insurance carrier.
 - d. Any employee without available sick time will be reimbursed directly from the College's Workers Compensation insurance carrier at the prevailing Board rate.
2. Cash benefits are awarded to an employee who is totally or partially disabled and unable to work for more than seven (7) days. The amount that an employee receives is based on his/her average wage for the previous year.
 - a. The following formula is used to calculate benefits: $\frac{2}{3} \times$ average weekly wage \times % of disability = weekly benefit.
 - b. Injuries incurred on or after July 1, 1992, the maximum weekly benefit is equal to four hundred dollars (\$400).
3. If an employee dies from a compensable injury, the surviving spouse and dependents, as defined by law, are entitled to weekly cash benefits. The amount is equal to two-thirds ($\frac{2}{3}$) of the deceased employee's average weekly wage for the year before the accident. The weekly compensation may not exceed the weekly maximum of \$400 despite the numbers of dependents.

- a. If there is no surviving spouse and dependents, the estate of the deceased employee may be entitled to a lump sum payment of fifty thousand dollars (\$50,000).
- b. Funeral expenses may also be paid up to a maximum of six thousand dollars (\$6,000).

C. Medical Treatment for a Work-Related Disability

1. The injured or ill employee who is eligible for Workers' Compensation will receive necessary medical care directly related to the original injury or illness and the recovery from his/her disability.
 - a. The employee is free to choose any physician, chiropractor, podiatrist, psychologist (upon referral from an authorized physician), outpatient clinic of a hospital or health maintenance organization authorized to give medical care by the Chairman of the Workers Compensation Board. To obtain a list of authorized health care providers, the employee can call the Workers' Compensation Board Health Care Provider Unit at 1-800-781-2362.
 - b. When the service of a specialist, consultant, surgeon or special lab test, physiotherapeutic procedures or x-rays costing more than five hundred dollars (\$500) are engaged, pre-authorization must be obtained by the insurance carrier.
 - c. The doctor must be informed that the injury or illness is work-related and may not collect a fee from the employee directly.
 - d. The doctor completes a preliminary medical report on Form C-4 (Attending Doctors report) and files it with the Workers' Compensation Board District Office.
 - e. Every forty-five (45) days, the doctor submits a progress report on Form C-4 and files it with the Workers' Compensation Board District Office.
2. All doctor or hospital bills arising from a work-related injury or illness will be paid by the College's Workers' Compensation insurance carrier. Claims should not be filed through any of the regular health benefit plans.
3. All medical bills for one-time doctor's visits or Emergency Room only visits should be submitted to the Human Resources Department.
4. The College expects all employees to schedule any on-going medical visits at times other than normal working hours (when possible).

D. Fringe Benefits during Workers Compensation

1. Existing fringe benefits will continue while employee is receiving a paycheck while on Workers Compensation. Employee is required to contribute employee cost of benefit.
2. If on Workers Compensation and not receiving a paycheck from the college, individual is offered COBRA benefit at the COBRA cost for dental and medical and conversion options for life and disability.

E. Deaths Arising from a Work-Related Injury or Illness

If an employee dies from a compensable injury, the surviving spouse and dependents, as defined by law, are entitled to weekly cash benefits (subject to possible Social Security offsets). The amount is based upon the Workers' Compensation Board compensation rate.

F. Leave Policy for Workers' Compensation Board Hearings

1. Scheduled appearances for examinations by the Workers' Compensation Board or for case hearings are to be charged on the Payroll Timesheet (PR-2) as Excused With Pay (Code "Q").
2. The employee must give a copy of the Notice of Hearing from the Workers' Compensation Board to his/her immediate Supervisor and to the Human Resources Department upon receipt.
 - a. The employee will be excused in time to attend the Hearing.
 - b. On the day of the Hearing, the employee is expected to be at work for his/her scheduled hours except for excused time to attend the Hearing.

VI. EFFECTIVE DATE

This policy is effective as of the date signed below.

VII. POLICY RESPONSIBILITY

A. Employee

1. Report to the Health Services Department or Employee Health Department at the Affiliation locations immediately following the injury or illness to obtain the necessary medical treatment.
2. Notify his/her supervisor of a work-related injury or illness and how it occurred.

3. Complete an **Incident Report (HR-47)** form as soon as possible but within 30 days, failure to do so may result in the loss of rights to compensation.
4. Complete form C-3 (Employee's Claim for Compensation) and file it with the Workers' Compensation Board District Office.

B. Department Supervisor/ Administrator

1. Accompany the employee to the Health Services Department or Employee Health.
2. Sign and date the **Incident Report (HR-47)** form or complete the form if the employee is physically unable to do so. Participate in any incident investigation.
3. Monitor and report on **Payroll Timesheet (PR-2)** form employee absences due to work-related injury or illness (Code "W" or "Q").

C. Health Services Department (Valhalla)

1. Provide initial treatment to employee.
2. Submit a copy of the **Incident Report (HR-47)** form to the Human Resources Department, Supervisor and Director of Environmental Health and Safety.
3. Maintain a record of work-related injuries or illnesses.

D. Affiliation Administration

1. Submit a copy of the New York Medical College Incident Report **9HR-47** to the Human Resources Department in Valhalla, Supervisor and Director of Environmental Health and Safety.
2. Monitor and report on appropriate payroll document employee absence due to work-related injury or illness (Code "W" or "Q").
3. Maintain a record of work-related injuries or illnesses.

E. Human Resources Department

1. Report the injury of illness to the College's Third Party Administrator within ten (10) days of notification of the injury or illness.
2. File all subsequently required forms with Third Party Administrator and the College's Workers' Compensation insurance carrier as needed.

3. To the extent possible, monitor and track Workers' Compensation case and process reimbursement of disability pay.
4. Meet with State Insurance Fund investigators and attend hearings at the Workers' Compensation Board, as needed.
5. Provide advice and guidance with respect to the interpretation and administration of Workers' Compensation issues.

F. Third Party Administration

1. Prepares and submits Form C-2 to the Workers' Compensation Board district office.
2. Process medical claims and provide advice and guidance with respect to the interpretation and administration of Workers' Compensation issues.
3. Audit College payroll, negotiate premiums with the State Insurance Fund and provide all other services in accordance with their contract with the College.

G. The College's Workers' Compensation Insurance Carrier

1. The insurance carrier will provide the employee with a written statement of his/her rights under the law within fourteen (14) days after receipt of Form C-2 or with the first check, whichever is earlier.
2. The insurance carrier begins the payment of benefits to the injured employee if lost time exceeds seven (7) days within eighteen (18) days of receipt of Form C-2 and continues to make payments every two (2) weeks.
3. After twelve (12) weeks of payments to the injured employee, the insurance carrier considers the necessity of rehabilitation treatment for the injured employee.

H. Director of Environmental Health and Safety

1. Review Incident Report (H-47) for causal factors and make recommendations to prevent recurrence.
2. Participate in any incident investigations.
3. Review record of work related injuries and illnesses for trending purposes and make recommendations to prevent recurrence.

VIII. POLICY MANAGMENT

Responsible Officer: Vice President of Operations
Responsible Executive: Director of Human Resources
Responsible Offices: Human Resources Department

APPROVED:

Edward C. Halperin, M.D., M.A.
Chancellor for Health Affairs and
Chief Executive Officer

Date