

YOUTH SERVICES POLICY

Title: Worker's Compensation	Type: A. Administrative
Next Annual Review Date: 02/16/2017	Sub Type: 2. Personnel
	Number: A.2.49
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References: ACA Standard 2-CO-1C-05 (Administration of Correctional Agencies); Louisiana Worker's Compensation Act, La. R.S. 23:1208.1; Civil Service Rule 11.21; DOA/HCM FMLA Policy No.1 "Family and Medical Leave"; YS Policy Nos. A.2.1 "Employee Manual", and A.2.7 "Drug-Free Workplace"	
STATUS: Approved	
Approved By: <i>Mary L. Livers, Deputy Secretary</i>	Date of Approval: 02/16/2016

I. AUTHORITY:

Deputy Secretary of Youth Services (YS) as contained in La. R.S. 36:405. Deviation from this policy must be approved by the Deputy Secretary.

II. PURPOSE:

To establish the procedures for income compensation when employees are unable to work due to a job-related injury or illness.

III. APPLICABILITY:

All employees of YS.

It is the Unit Head's responsibility to ensure that appropriate procedures are in place to comply with the provisions of this policy.

IV. DEFINITIONS:

Occupational Health Clinic (OHC) - Any general hospital, or any other medical facility which operates a corporate medicine program or an employee wellness program which includes any of the following: (1) routine commercial activities, such as pre-employment examinations, (2) mandated examinations, such as Federal Occupational Safety and Health Administration examinations, (3) routine workers' compensation cases, (4) routine medical evaluations involving establishment of product liability, (5) evaluations consigned to independent medical examiners, (6) employee physical programs, (7) employee wellness programs, or (8) employee drug testing programs.

Unit Head – Deputy Secretary, Facility Directors and Regional Managers.

Unusual Occurrence Report (UOR) – A form/document [refer to YS Policy No. C.2.6 (b)] that must be completed by staff to report incidents or observations of events that may have an impact on any aspect of the agency. Employees must complete and submit a UOR prior to the end of their tour of duty on the day an incident is observed or comes to the employee's attention in any way. If a UOR form is not available, the employee must use any paper available to him to report the pertinent information. UORs may also be submitted by email in any format. (Refer to YS Policy No. A.1.14)

V. POLICY:

It is the Deputy Secretary's policy to protect employees from the loss of income due to injuries that occur on the job. Eligible employees will be compensated under the "Louisiana Worker's Compensation Benefits" program.

VI. PROCEDURES:

- A. Should employees sustain an injury while on duty, the following steps shall be taken:
1. Employees shall notify their supervisor immediately;
 2. Supervisors shall report the incident to the Unit Head and the unit's Safety Officer as soon as practicable;
 3. If it appears from the nature of the accident that the injury occurred during the course and scope of the employment, the Unit Head and/or the unit's Safety Officer shall instruct the employee to report to the Occupational Health Clinic (OHC) or physician designated by the Unit Head to evaluate workplace injuries;
 4. YS shall pay for the initial evaluation. Injured employees may, at their own cost, seek an evaluation and receive treatment from a physician of their own choosing after the initial evaluation directed by the designated OHC or physician; and
 5. The initial post-accident evaluations may include drug/alcohol testing in accordance with YS Policy No. A.2.7.

Employees shall be subject to drug screening/alcohol testing following an accident/incident that occurs during the course and scope of their employment that:

- a. Involves circumstances leading to a reasonable suspicion of the employee's drug/alcohol use;
- b. Involves an accidental discharge of a firearm;
- c. Results in a fatality;

- d. Results in or causes the release of hazardous waste as defined in La. R.S. 30:2173(2) or hazardous materials as defined in La. R.S. 32:1502(5); or
- e. Results in any injury which necessitates or should reasonably necessitate medical attention to the employee as determined by the employee, the employee's supervisor, or the department head, regardless of whether the employee actually desires, agrees to, seeks, or receives medical attention.

Employees may be subject to drug screening/alcohol testing following an accident/incident that results in property damage.

- B. Supervisors shall verbally report all incidents involving an employee, and shall complete a UOR prior to the end of their tour of duty on the day of the accident to the Unit Head/designee. All incidents and near misses must be reported even if the incident does not result in loss of time or incur medical expenses. If an injury requires the employee to miss more than seven (7) consecutive days, the employee is eligible for Worker's Compensation benefits.

It is the responsibility of the employee to contact the Unit's Human Resources (HR) Liaison to complete a UOR.

It is the supervisor's responsibility to notify the Unit's HR Liaison in the event the employee is seriously injured and unable to do so.

The Unit's HR Liaison shall complete a "Worker's Compensation – First Report of Injury or Illness" (see attached LWC-WC 1A-1 Form), with supporting documentation, and forward to the Office of State Human Capital Management (OSHCM) located in the Department of Public Safety (DPS), to be reported to the Office of Risk Management (ORM) within five (5) days of receipt.

All absences related to the injury shall be recorded in the OSHCM Payroll as worker's comp leave (LD).

- C. The employee can request Family Medical Leave Act (FMLA) time by applying to FMLASource @ www.fmlasource.com, or via email @ fmlacenter@fmlasource.com, or by calling 1-877-GO2-FMLA (1-877-462-3652) while on worker's compensation leave.

The employee must meet the criteria for FMLA as described in the DOA/HCM FMLA Policy No. 1 "Family and Medical Leave" (see attachment). The employee will be notified of eligibility through FMLASource, which shall run concurrent with worker's compensation.

- D. The OSHCM located at DPS shall report the employee's wages to the ORM. This amount must include paid overtime, premium, shift differential, or any other taxable income paid by YS during the four (4) weeks prior to the date of injury. The employee is eligible for weekly compensation at the rate of 66 and 2/3% (percent) of his weekly wage, not to exceed a stated maximum amount. This compensation shall continue until the employee is released by the physician to return to duty. Medical expenses incurred for a work related injury shall be covered by the ORM up to the amount covered by the established fee schedules.
- E. If the employee has been granted approved leave (sick, annual or compensatory) for the absence, the worker's compensation check shall be used to buy back a portion of the leave used. The amount of leave to buy back shall be calculated by OSHCM located at DPS, based on the employee's average weekly wage, and restored to the employee. If the employee has exhausted all leave and is on leave without pay, the workers' compensation check shall be forwarded to the employee.

NOTE: Employees do not earn leave on hours purchased from worker's compensation checks.

- F. If the employee requests that the worker's compensation check be mailed to the designated address and elects not to buy back leave, the Unit's H R Liaison shall change the coding in ISIS to reflect leave without pay for the value that could have been bought back.
- G. An employee CANNOT receive both a payroll check and a worker's compensation check for lost time from work.
- H. All medical expenses shall continue to be paid until the employee is released from the physician's care. If an employee is on FMLA and leave without pay, the agency shall be responsible for paying the employee and employer shares of group health and life premiums, subject to reimbursement by the employee. Miscellaneous insurance premiums shall remain the responsibility of the employee.
- I. Copies of all checks shall be maintained by the OSHCM located at DPS, and deposited by DPS. Worker's compensation checks expire in 60 days and shall be deposited within that timeframe by DPS.

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- J. The OSHCM located at DPS shall communicate to timekeepers the appropriate timekeeping codes to be utilized when an employee is on worker's compensation leave.
- K. The OSHCM located at DPS shall notify the applicable retirement system when an employee is out due to a worker's compensation injury and is placed in leave without pay.
- L. The Unit's HR Liaison shall be responsible for notifying the OSHCM located at DPS, and ORM when the employee returns to work, retires or terminates employment.

Previous Regulation/Policy Number: A.2.49

Previous Effective Date: 04/11/2012

Attachments/References:

LWC-WC 1A-1 – WC – First Report of Injury or Illness Form
DOA/HCM FMLA Policy No. 1