

Workers' Compensation Protocol

A. Purpose

1. The purpose of the Virginia Workers' Compensation Act is to provide compensation to employees for the loss of their opportunity to engage in work when their disability is caused by a condition/injury arising out of and in the course of employment. The general provisions of this Act are contained in the Virginia Workers' Compensation Act, Title 65.2, Workers' Compensation, Code of Virginia.
2. Pulaski County Public Schools provides Workers' Compensation coverage to all employees (full-time, part-time, temporary and substitute) through a self-insured program administered by a third-party administrator. That third-party administrator is authorized to investigate all claims, process medical bills for payment, accept or deny claims, and submit reports to the Virginia Workers' Compensation Commission. All inquiries pertaining to Workers' Compensation benefits should be directed to the Human Resources Department.

B. Notice of Injury

1. All employees shall promptly report all work-related injuries to their immediate supervisor. For the protection of both the employee and the school division, all employees who suffer a work-related incident are encouraged to report that incident immediately whether or not an immediate injury is apparent.
2. Injured worker/Supervisor reports injury to The Nurse (888-770-0925) Employer: Pulaski County Public Schools and ID number: V071B.
 - a. Information for The Nurse: name, birth date, address, phone number, SSN, Supervisor, hire date (if known), date and time of accident, facts about accident, witnesses, etc.
 - b. If reporting accident only (no medical triage or referral to panel of physicians): The Nurse will provide employee with confirmation number for later communication with The Nurse if needed.
 - c. The Nurse will triage, if necessary, or refer to panel of physicians or emergency room if medical treatment is necessary. The Nurse will provide employee with confirmation number for later communication with The Nurse if needed.
 - d. If incident requires immediate medical attention, employee should go to emergency room.
 - i. Employee will send any paperwork received to the Human Resources Department.
 - ii. Employee will need to see a doctor from the approved panel of

physicians, if emergency room doctor refers employee to follow-up care.

iii. Follow up to assure that The Nurse procedures have been followed.

e. Medical treatment: see a doctor from the approved panel of physicians (given by The Nurse).

C Medical Attention

1. Employees may seek medical attention, if necessary, and shall select one (1) of the authorized physicians provided on the "Panel of Physicians" listing from The Nurse.
 - a. If employees seek medical treatment from a provider not on the panel listing in a non-emergency situation, those employees may be financially responsible for such treatment.
 - b. Employees may be financially responsible for any treatment not specifically authorized by a panel physician.
 - c. The unjustified refusal of employees to accept medical or vocational rehabilitation services, when provided by the employer, shall bar these employees from further compensation as stated in Section 65.2-603, Duty to Furnish Medical Attention, Etc., and Vocational Rehabilitation; Effect of Refusal of Employee to Accept, of the Code of Virginia.
2. Employees may seek medical treatment from a hospital emergency room or walk-in clinic when an injury of an emergency nature occurs. If follow-up medical treatment is required, the employee must see a physician selected from the "Panel of Physicians."
3. Employees, when seeking medical attention for work-related injuries, shall inform the physician/medical facility the injury is work-related and the employer is Pulaski County Public Schools.
4. Requests for payment of treatment that is determined not compensable under Workers' Compensation may be submitted through the employees' own health insurance plan.
5. Employees must submit a doctor's status report on the injury after the first five consecutive days of absence to their immediate supervisor, with a copy forwarded to the Human Resources Department, and then monthly until they are able to return to work or one year limitation.
6. Employees must submit a doctor's status report indicating release to duty with or without limitations.

D. Salary/Wage Benefits

1. Workers' Compensation wage benefits are provided at the rate of two-thirds (2/3) of the average weekly, pre-tax wage of the employee, subject to weekly maximum and/or minimum as approved by the Virginia Workers' Compensation Commission. This amount is not subject to payroll taxes.
2. No compensation shall be allowed for the first seven (7) calendar days of incapacity resulting from an injury per Section 65.2-509, Commencement of Compensation, Code of Virginia. This period will be charged to the employee's accrued leave or recorded as Leave Without Pay. If the period of disability continues for more than twenty-one (21) calendar days, the leave used by the employee for these first seven (7) days shall be reinstated and leave records will be adjusted accordingly.
3. Employees on Workers' Compensation disability leave are financially responsible for voluntary payroll deductions, such as, medical insurance premiums, credit union deductions, savings bonds deductions, etc.
 - a. Employees must make direct payments for medical insurance premiums to the Human Resources' Department. Other deductions are the employee's responsibility (e.g. AFLAC, Car Insurance, Annuities, and Professional Organization Dues).

E. Accrued Leave

1. Employees on Workers' Compensation disability leave continue to earn applicable leave up to the one-year time limitation (Paragraph F).
2. During the period of work-related disability, the employee is not eligible to access the Sick Leave Bank or utilize accrued leave in order to receive full salary benefits.

F. One-Year Limitation

Leave for a compensable work-related injury will not extend beyond and shall expire not later than one year from the original injury date

G. Light Duty Program

1. Pulaski County Public Schools recognizes the need for a light duty program for those employees temporarily unable to perform their regularly assigned duties due to a work-related illness or injury. Light duty positions may be available, within the one-year period described in Paragraph F, for those employees qualified to receive Workers' Compensation benefits and unable to perform their regularly assigned duties due to a work-related illness or injury if a suitable light-duty job is available which meets the directives of the physician and is deemed reasonable by Pulaski County Public Schools. Employees refusing to accept approved light duty assignments may be ineligible for Workers' Compensation benefits and their employment may be terminated.

2. This program is designed to return an injured employee to a productive level of employment while in a temporary light duty assignment status and reduce the financial loss to the school division due to Workers' Compensation claims.
3. Any temporarily disabled employee qualifying for Workers' Compensation benefits and approved to return to work by the treating physician, is eligible for assignment to a light duty position. Light duty assignments will be approved by the Human Resources Department and the supervisor or building administrator. Light duty assignments are subject to the following conditions:
 - a. The treating physician's approval of light duty job description.
 - b. The availability of a light duty position within the department where the employee is regularly assigned.
 - c. The availability of a light duty position in another department in situations where there are no available light duty positions in the department where the employee is regularly assigned.
 - d. Compensation for the light duty assignment shall be at the appropriate rate of the light duty position. In addition, Workers' Compensation wage benefits will be provided at the rate of two-thirds of the difference between the light duty wage and the employee's pre-accident average weekly wage, subject to the maximum compensation rate approved by the commission.
4. The program shall be administered by the Human Resources Department in close cooperation with supervisors/building administrators and treating physicians. Each department, when requested, shall develop light duty job descriptions and submit them to the Human Resources Department to allow treating physician's approval when making a light duty assignment.
5. The following procedures will be used in making light duty positions available and in assignments for those positions:
 - a. The treating physician or vocational rehabilitation counselor will notify the third party administrator when an injured employee may return to a light duty work assignment. The date the employee can return and job restrictions imposed will be established by the treating physician.
 - b. Notification of the employee's status will be given to the supervisor/building administrator by the Human Resources Department.
 - c. The supervisor/building administrator will advise the Human Resources Department of the light duty assignment. If no light duty position exists, the supervisor/building administrator will inform the Human Resources Department.
 - d. In the event a light duty assignment is made, the third party administrator will obtain the treating physician's approval of the light duty job description.

- e. In the event a light duty assignment cannot be made within the employee's regularly assigned department, the Human Resources Department and the supervisor/building administrator may make a light duty assignment within any department/school that has a job assignment that meets the requirements of the light duty job restrictions for which the employee is qualified. The supervisor/building administrator assigned the temporarily placed employee holds responsibility for the direct supervision of the assigned employee and shall furnish the immediate supervisor of the employee's regularly assigned location all documents pertaining to that employee, time, attendance and performance in accordance with existing personnel regulations.
 - f. The injured employee will be evaluated by the treating physician on regularly scheduled intervals determined by the treating physician in cooperation with the third party administrator and in compliance with existing school division regulations.
6. Light duty assignments shall terminate:
- a. when the employee refuses to accept the light duty assignment.
 - b. when the treating physician releases the employee to full duty.
 - c. No later than the expiration of the one-year time limitation from the date of injury.
 - d. at the discretion of Pulaski County Public Schools.

H. Subrogation

- 1. Pulaski County Public Schools reserves its right of subrogation, and is entitled under the Workers' Compensation Act to recover any workers' compensation benefits paid from any settlement or judgment of the employee's third-party claim.
- 2. Employee's failure to protect our right of subrogation may jeopardize the third-party recovery and/or future workers' compensation benefits.