



POLICY & PROCEDURE DOCUMENT

NUMBER: 4.9102

DIVISION: Finance and Administration

TITLE: Workers' Compensation Program

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Policy for: All Employees

Authorized by: Director, Human Resources

I. Purpose and Scope

The University seeks to provide a working environment that is safe and free from any elements which might cause workplace injuries and illnesses. It is the goal of the Workers' Compensation Program to use employee training and preventive measures as strategies to reduce the risk and severity of injuries and illnesses. When workplace injuries and illnesses do occur, employees will receive the highest levels of customer service to ensure maximum recovery. The intended outcome of the Workers' Compensation Program is to restore employees to a healthy status for prompt and full return to work.

II. Policy

A. Eligibility Usage

All employees (full-time, part-time, temporary, students and graduate students) who are engaged in work and compensated by the University are covered by the provisions of the Kentucky Workers' Compensation Act and Western Kentucky University's Workers' Compensation Program, assuming the occupational injury or illness arises out of and in the course of employment--excluding self-inflicted injuries, willful misconduct, and injuries or illness caused by alcohol intoxication or use of illegal substances.

III. Procedure

A. General

1. The University's self-insured Workers' Compensation Program was established in accordance with the Workers' Compensation Laws of Kentucky. The program provides benefits to employees who are injured as a result of work-related activities. The benefits may include payment of a portion of the employee's salary and payment of all expenses for

necessary medical care. The amount and type of benefits available vary depending on the specifics of each situation. Claims and payments are processed and reviewed by a third party administrator. The administrator determines the validity of each claim and ensures that an injured employee receives the benefits due as a result of the work related injury.

2. Any employee who suffers an occupational injury or illness is entitled to immediate and continuing medical treatment at the expense of the University. An employee should never use his/her personal health insurance when seeking treatment under workers' compensation. The University is obligated to cover all effects of an injury or occupational disease unless specifically excluded. This treatment includes:
 - a. Medical
 - b. Surgical and hospital
 - c. Nursing
 - d. Medical supplies, surgical supplies and appliances
 - e. An employee who sustains a compensable injury or disease and who is unable to work after a waiting period of seven (7) calendar days is entitled to Temporary Total Disability (TTD) compensation benefits, which are calculated at 66 2/3 percent of the employee's average weekly wage but no more than one hundred percent (100%), or less than twenty percent (20%) of the State's average weekly wage.
3. Current weekly benefits for injuries are:
 - a. Maximum \$ 607.23
 - b. Minimum \$ 121.45
4. The first seven (7) calendar days of any work absence resulting from occupational injury or disease is generally exempt for purposes of TTD compensation payments under the Workers' Compensation Program. Entitlement to compensation benefits begins on the eighth (8th) day of disability. The first seven (7) days of disability are payable only if the disability lasts fifteen (15) calendar days or more. "Days of Disability" refers to those days when a doctor has deemed an employee unable to work because of a work-related injury or disease. These "days of disability" do not refer only to consecutive scheduled workdays, but also include weekends and holidays.
5. Temporary Total Disability (TTD) benefits usually continue until an employee reaches "Maximum Medical Improvement" (MMI), or is released to return to work by a qualified physician – whichever occurs first.

B. Procedures and Forms

First Report of Injury or Illness (IA-1) Employees are required to report all occupational injuries to their immediate supervisor and to the Department of Human Resources. The employee must contact Human Resources to complete a First Report of Injury. The form must be completed within three working days after the injury due to time requirements on

making the first payment to the employee. If the injury occurs during the evening hours or during the weekend, the incident must be reported at the beginning of the next working day.

C. Employee Primary Responsibility

It is the responsibility of any employee involved in an occupational injury or illness to report the injury or illness to the responsible supervisor as soon as practicable after occurrence. An employee receiving medical treatment or evaluation for a work-related injury is required to provide a copy of the Fitness for Duty Certificate to the immediate supervisor and the Department of Human Resources. The Fitness for Duty Certificate will list any work restrictions resulting from the injury or illness and shall be completed by the attending physician or other qualified medical provider.

D. Medical Waiver and Consent Form (Form 106)

A Medical Waiver (Form 106) must be completed by the employee and submitted along with the First Report of Injury (1A-1). This form allows workers' compensation administration officials to obtain necessary medical documentation pertaining to the employee's injury to assist with treatment and claims processing.

E. Use of Accumulated Leave

When an employee is injured on the job as a result of a compensable injury and loses time from work due to such injury, the employee shall not be charged accumulated leave for time lost from work on the day of the incident. Employees are expected to return to work unless the treating physician indicates the employee should not be engaged in his/her customary work for the remaining portion of the day. (A Fitness for Duty Certificate will be obtained from the treating physician if the employee cannot return to work.) According to 101 KAR 2; 140 Section 4 (2), the employee's absence due to illness or injury for which workers' compensation benefits are received for lost time, accumulated leave may be utilized to the extent of the difference between such benefits and the employee's regular salary. An employee may elect to use accumulated sick/vacation leave prior to initiation of workers' compensation payments or to supplement workers' compensation payments so that the full pay rate is retained. In some instances, the employee shall endorse the workers' compensation benefit check, or a portion of it, to the University to reinstate any sick/vacation days in that specific order. An employee may not receive more than his/her regular rate of pay for any period of work related absence. Employees who choose to use accumulated leave time will remain in an active pay status for a period not to exceed accumulated leave. Customary payroll deductions will continue. Employees who choose not to use accumulated leave time while receiving lost wage benefits from workers' compensation will be placed in an unpaid status. In this circumstance, the employee will retain the workers' compensation lost wage benefits check as his/her only compensation. Employees are responsible for direct payment of any applicable benefit premiums due during any unpaid period. Whether in a paid or unpaid status, employees continue to accrue sick/vacation leave according to designated accrual rates while out of work for a work-related injury or illness.

F. Follow-Up Medical Visits

In the event an employee requires medical treatment or is unable to continue working due to a work-related injury or illness, the employee will receive his/her regular pay for the entire work shift for the day of the work-related injury or illness. An employee who returns to work

may be granted reasonable time off from work for additional physical therapy, examinations or other medical treatments required by the approving physician. This time off must be approved by the supervisor, and the employee must choose to use accumulated sick/medical leave, vacation leave or leave without pay, (in this particular order). Workers' compensation does not cover time used to attend continued medical visits. The employee should schedule time off so as to create minimal disruptions to his/her job responsibilities.

G. Fitness for Duty (WCF-2)

The Fitness for Duty Form (WCF-2) is completed if the employee intends to seek medical treatment. The Department of Human Resources or the supervisor will issue this document before the first medical appointment except for emergency situations. The Department of Human Resources or the supervisor will complete the employer portion and the physician will complete the remaining portion. The completed form should be returned to Human Resources.

H. Accident Investigation (WCF-1)

1. Supervisors have the responsibility for timely reporting of all injuries and illnesses by contacting the Workers' Compensation Program Manager in the Department of Human Resources. Failure to report a work related injury or disease exposure may result in a denial of a claim and/or appropriate discipline for the responsible supervisor. Each supervisor will complete an Accident Investigation form for all injuries or illnesses occurring in his/her area.
2. The University may take appropriate disciplinary action and/or deny benefits in cases where an employee (a) falsifies official documents, (b) refuses to cooperate in claims processing, or (c) acts in fraudulent manner.

I. Work-Related Injury and Illness Coverage

1. WKU faculty, staff, student employees, and graduate assistants have the following coverage provisions while traveling outside of the United States on official University business provided that international travel has been approved under WKU's travel policy.
 - a. Medical Assistance:
 - Assistance in obtaining medical care for an injury or illness
 - Immediate and on-going medical treatment when authorized by a physician and approved by the workers' compensation administrator
 - Facilitation of medical and hospital payment
 - Medical records transfer
 - Dispatch of medical providers
 - b. Medical Evacuation & Repatriation Services:

- Medical evacuation to the nearest adequate facility, as determined by the provider
- Travel expenses for emergency medical treatment, including cost for accompanying spouse or children during temporary business travel provided that:
 1. The relocation or repatriation is from the country of injury or illness to a destination in any country other than the country of injury or disease, including the United States
 2. The relocation or repatriation is necessary, in the opinion of competent medical authorities.

c. Travel Assistance Services:

- Pre-travel information
- Emergency travel arrangements
- Assistance in developing an exit plan from an area of civil unrest abroad
- Translation services
- Assistance in the replacement of lost or stolen travel documents

2. The insurance coverage described above is only for work-related injuries or illnesses. The referenced insurance coverage does not include medical services unrelated to work activities. University travelers should maintain their own personal health insurance plan and determine how their insurance applies when traveling abroad for medical services that may be required, but not associated with work.

See the chart, [WKU Insurance While Traveling Abroad](#) for more information.

J. Emergency Services

1. Before traveling, the WKU traveler should print the [International Travelers Assistance Card](#) and retain the card while abroad for medical emergencies and travel assistance as they may be needed.

Contact Europe for Global Medical Assistance

- Toll-free in the US or Canada: 1 (866) 611-1204 from US and Canada
- Collect outside of the US: 1 (240) 330-1580

2. To ensure a prompt response when calling, the caller should be prepared to provide the following:

- Name, location, age and gender

- The University and program with which you are associated: WKU off-campus program in _____
- The telephone number from which you are calling (in case you are disconnected)
- Name, location, and telephone number of the hospital or clinic (when applicable)
- A description of the covered person's condition
- Name, location, and telephone number for the treating physician, and where the physician can be reached (when applicable)

K. Separate Coverage

Property that is lost, damaged or stolen while abroad on University business is not covered under the International Workers' Compensation Policy; however, departments may [purchase such coverage through the Office of Finance and Administration](#). Coverage may also be available through an individual's personal insurance policy. Departments and employees are responsible for any other additional coverage deemed necessary and can be purchased through the Department of Finance & Administration.

L. Students who are Non-Employees

Students who are not employees and who are not paid through the University payroll system are not covered by WKU's International Workers' Compensation insurance when traveling abroad. See the chart, [WKU Insurance While Traveling Abroad](#) for more information.

All WKU students participating in foreign study or research programs are required to have international health insurance. Students will be registered for this insurance upon the successful completion of the Study Abroad Application. Students will be provided their Insurance Card before departing for a program abroad.

V. Exclusions

VI. Related Policies

See also: Procedures

VII. Reason for Revision

Appendices: