



Accident Leave Management

Section: 1.450
Effective Date: June 10, 2011
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1.450 Accident Leave Management

- A. The USMH **224.0 VII-7.40- POLICY ON ACCIDENT LEAVE FOR EXEMPT AND NONEXEMPT EMPLOYEES** provides the basic, controlling directives for the university and the agency's management of accident leave.
- B. The directives contained in this section are applicable for on-duty related accidents and injuries only.

1.450.02 Immediate Care

- A. All employees will immediately report injuries sustained on-duty to an agency supervisor/OIC. The supervisor/OIC will respond to injured employees' locations and ensure they are diagnosed and treated.
- B. Injured employees or superiors, acting on behalf of injured employees, will provide written notices to the agency of injuries, in the form of a Injury Reports in Report Exec and an administrative (95) report as soon as reasonably possible after injuries occur but no later than the end of the shift.
- C. When injuries occur, the first consideration is the immediate care of the employee.
 - 1. If injuries are very minor, employees may receive in-house first aid treatment utilizing agency first aid supplies.
 - 2. Agency employees trained and certified in first aid, First Responder, EMT, etc., may provide appropriate first aid treatment to injured employees.
 - 3. If injuries require the attention of certified medical providers, injured employees' immediate supervisors, or designees, will use agency vehicles, if appropriate and available, to transport injured employees to either the closest hospital or other appropriate health care facility.
 - 4. If injuries are serious and/or appear to be life threatening, assistance will be requested through 911.
- D. After immediate care has been arranged, if possible, accident scenes will be secured for accident investigations.
- E. For vehicle injury accidents, have the Communications Officer call for a Baltimore Police Department's Accident Investigation Unit (AIU) officer.

1.450.04 Reporting Injuries

- A. Within one working day, injured employees or superiors, acting on behalf of injured employees, will obtain and forward to the Workers' Compensation Coordinator, in HR, medical certificates provided by certified medical providers. Medical certificates must contain:
 - 1. Date injuries occurred;
 - 2. Diagnosis and any incapacitations;
 - 3. Prognosis and any projected lengths of incapacitations;
 - 4. How injuries were duty related;

5. Any physical limitations;
6. Next medical appointment dates or anticipated duration of absences.
- B. Draft copies of an Employer's First Report of Injury reports will accompany written medical certifications.
- C. Within 24 hours after injuries, injured employees' supervisor/OICs will review written medical certificates for sufficiency as described in this directive. Supervisor/OICs will obtain from injured employees or someone on the employees' behalf written or oral statements which provides descriptions of how injuries occurred. The information will be entered on Employee's First Report of Injury by injured employees' supervisor/OICs.
- D. Supervisor/OICs will identify any witnesses to accidents causing injuries, request written statements as to how injuries occurred, and investigate causes of accidents.
- E. Supervisor/OICs will complete Supervisor's First Report of Injury forms in which employees' versions of incidents are verified, supported, questioned or contradicted by the supervisor/OIC.
 1. These finding are:
 - a. **Verified:** If supervisor/OICs witnessed injuries and agree with injured workers' statements, the description is verified.
 - b. **Supported:** If supervisor/OICs did not witness accidents, but witness statements coincide with injured workers' descriptions, and supervisor/OICs believe these accounts to be accurate, the description is supported.
 - c. **Questioned:** If there are discrepancies between witness statements and/or injured workers' statements, or supervisor/OICs have reasons for doubting injured workers' statements; supervisor/OICs should indicate those doubts and describe the incidents as questioned. Accident investigations will continue until sufficient facts have been determined to resolve as many of the doubts as possible.
 - d. **Contradicted:** If supervisor/OICs witness accidents and do not agree with injured workers' descriptions, or if witness statements do not support injured workers' descriptions, this contradiction will be described in Supervisors First Report of Injury.
 2. If the cause of the accident findings cannot be determined because there are no witnesses to accidents and the injured employee is unable to provide information relating to injuries, the supervisor/OICs will gather information to the best of their abilities, and include the information with Supervisor's First Report of Injury.
- F. The University's Workers' Compensation Coordinator will approve or deny accident leave in accordance with Maryland State Law and notify the **Chesapeake Employers' Insurance Company/IWIF** of their decision.
- G. The Workers' Compensation Coordinator will ensure that complete, final copies of the Employer's First Report of Injury are sent to **Chesapeake Employers' Insurance Company/IWIF**. If immediately available, copies of all statements regarding injuries, as well as the results of the investigation, will accompany the copies of Employer's First Report of Injury to the **Chesapeake Employers' Insurance Company/IWIF**. If not immediately available, they will be sent as soon as possible. All pages of every report must be identified with injury dates and injured workers' Social Security numbers.
- H. Copies of all materials related to injuries are to be placed in employees' personnel files.

1.450.06 Accident Investigation

- A. There are four major groupings of causes that need to be examined during accident investigations.
 1. **Hazardous conditions** examine the environment and the work area to determine if all working conditions were safe and adequate. Some hazardous conditions may involve:

- a. Unsafe housekeeping;
 - b. Environmental toxins;
 - c. Defective equipment;
 - d. Excessive noise/heat/cold;
 - e. Lack of safety devices;
 - f. Flammables or combustibles;
 - g. Inadequate space/light; or
 - h. Handling or storage issues.
2. **Dangerous acts** are conditions that are difficult to determine, especially if employees' actions violated safety rules or procedures. Many employees think that their negligence could affect worker's compensation benefits, which is not true. Some dangerous acts may involve;
- a. Inattention while working;
 - b. Failing to use proper equipment;
 - c. Improper use of equipment;
 - d. Using defective equipment;
 - e. Unsafe work practice;
 - f. Not using protective gear;
 - g. Unsafe speed/load; or
 - h. Improper use of materials.
3. **Human factors** are the most difficult to obtain information and the easiest to overlook. Some human factors may be:
- a. Personal problems;
 - b. Poor motivation;
 - c. Physical problems;
 - d. Lack of knowledge;
 - e. Inappropriate behavior/attitude;
 - f. Lack of skill;
 - g. Fatigue; or
 - h. Mental problems.
4. **Personal injuries** that describe exact natures of accidents may assist in identifying patterns of accidents. Some personal injuries may be caused by:
- a. Falls;
 - b. Being struck;
 - c. Exposure (internal, external);
 - d. Exertion by overload;
 - e. Contact (by, with, in);
 - f. Physical trauma; or
 - g. Psychological trauma.
- B. Investigations of accidents involving injuries to employees are to be thoroughly investigated. Some important steps in investigating injuries to employees are:
1. Securing accident scenes;
 2. Taking photographs as appropriate;
 3. Obtaining witness statements; and
 4. Completing thorough ROIs.
- C. **ROIs** will contain:

1. Descriptions of accidents in detail;
2. Witness statements;
3. Investigation summaries;
4. Conclusions;
5. Recommendations; and
6. Attachments, if any (photos, diagrams, etc.).

1.450.08 Medical Management

- A. The Workers' Compensation Coordinator, assigned to HR, facilitates and coordinates the review of all medical reports and certifications regarding cases of sick and accident leave usage, contacting certified medical providers, making referrals to certified medical providers, providing the **Chesapeake Employers' Insurance Company/IWIF** with reports of injuries.
- B. Payroll will maintain records of all lost days charged to accident leave and the amount of wages paid for those days.

1.450.10 Managing Injured Employees During Recovery

- A. The Workers' Compensation Coordinator will work with **Chesapeake Employers' Insurance Company/IWIF** to monitor care provided to injured workers and to identify situations in which injured workers may be receiving under-treatment or over-treatment.
- B. Injured employees will contact designated superiors at least once during each pay period to communicate injured workers' conditions and most likely return to work dates.
 1. In the event the injured workers fail to call the agency to speak with a supervisor/OIC, the employee's supervisor/OIC will contact injured workers.
 2. Documentation of all such contact will be sent to the Workers' Compensation Coordinator.
 3. Superiors will strive to show compassion during these calls and communicate concern for injured workers. Harassment must be avoided.
- C. HR's Workers' Compensation Coordinator will periodically contact health care providers furnishing treatment, as appropriate, until return to work dates are projected. During these contacts, the certified medical providers and agency representatives need to know there is no light duty and the employee must be fit and able to perform their duties. Employees may request modification to their duties and workloads as a temporary reasonable accommodation provided the work is available and appropriate. Requests will be reviewed on a case by case basis.
- D. Agency employees will notify the Workers' Compensation Coordinator if they believe injured employees are malingering, being over-treated, under-treated, or that second medical opinions are warranted for other reasons.
 1. If injuries are orthopedic, the Workers' Compensation Coordinator may contact **Chesapeake Employers' Insurance Company/IWIF's** monitoring service directly to discuss the need for independent medical examinations.
 2. If injuries are not orthopedic, the Workers' Compensation Coordinator has the authority to require injured employees to undergo medical examinations by certified medical providers chosen by the agency. **Chesapeake Employers' Insurance Company/IWIF** may be contacted for assistance in obtaining independent medical examinations.
 3. If injured employees have been observed performing activities that are possibly incompatible with their medical conditions, the agency may contact the **Chesapeake Employers' Insurance Company/IWIF** Claims Department to discuss the need for surveillance of injured employees.
- E. Employees sustaining numerous injuries (accident prone) will be provided additional training in the

safe conduct of their work activities.

- F. If patterns of injuries are identified, e.g., specific times of year, etc., the appropriate commander will initiate discussions with employees regarding the patterns.

1.450.12 Workers' Compensation

The Labor and Employment (LE) Article, Title 9, *et. seq.*, establishes employee's coverage under the Worker's Compensation Law of Maryland.

1.450.14 Employees' Coverage and Responsibilities

- A. Employees who, in the actual performance of job duties, sustain accidental personal injuries which are determined to be compensated under Worker's Compensation laws will be granted accident leave if, after medical examinations, certified medical providers certify injuries or accidents have disabled employees.
- B. Accident leave will be granted from dates of the job-related injuries until certified medical providers certify that employees are healed or recovered to the point of being able to perform their job duties and responsibilities, but may not be extended beyond one year from injury dates.
- C. Employees become ineligible for accident leave, regardless of the one year from date of injury maximum accident leave availability, when it is determined by certified medical providers that employees have reached their maximum medical improvement.
- D. Injured employees will not receive temporary total benefits under Workers' Compensation while receiving full pay.
- E. All employees injured in the line of duty have the right to file claims with the Workers' Compensation Commission.
- F. Employees must file University of Baltimore Injury/Illness Certificates within three days and every two weeks thereafter to continue receiving accident leave benefits. Only exceptions authorized by University Human Resources or the Workers' Compensation Office will be accepted.
- G. Employees on accident leave status will continue to earn sick and annual leave credits. Holiday leave will be taken on the day accrued during periods of accident leave.
- H. Injured employees exhausting all available accident leave and not receiving temporary total benefits may use other accrued leave with pay.
- I. After injured employees have used accident leave and all other leave with pay, they may be placed on leave of absence without pay for periods not to exceed two years. During these periods of leave without pay, employees will be responsible for paying their own, as well as the university's portion, of their health insurance payment.

1.450.16 Agency's Responsibility

- A. The Workers' Compensation Coordinator is responsible for ensuring Employer's First Report of Injury (ROI) forms are filed with the **Chesapeake Employers' Insurance Company/IWIF**, the Workers' Compensation Commission, and the Department of Labor and Industry immediately after report of the notice of employees' injuries.
- B. Injured employees may be granted accident leave, not to exceed 30 days, beginning on the first day of absence from work because of work related accidental personal injuries. If either the **Chesapeake Employers' Insurance Company/IWIF** or the Workers' Compensation Commission determine that injuries are not compensatory, then employees' leave records will be corrected to reflect other leave with pay or leave of absence without pay.
- C. Injured employees may be referred to certified medical providers for periodic examinations to determine:

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1. The nature and extent of injuries;
 2. The employees' progress toward recovery;
 3. The length of time necessary for recovery; and
 4. Projected return to work dates.
- D. Employees may be referred to the state medical director for disability evaluations only after employees have been examined by physicians of the Workers' Compensation Commission or by certified medical providers to whom the **Chesapeake Employers' Insurance Company/IWIF** has referred employees. In such cases, the agency will:
1. Provide the State Medical Director with copies of all medical evaluations and determinations made by those certified medical providers; and
 2. Provide reports stating the circumstances of referral and the prognosis stated by certified medical providers.
- E. Advanced and extended sick leave may be granted at the discretion of the APV-Human Resources.
- F. The Captain will ensure that a supply of Workers' Compensation claims and other related forms are available at the Police Administrative Office.

1.450.18 Notification of Chesapeake Employers' Insurance Company/IWIF

IWIF regulations mandate that, when applicable, written notifications of injury that are non-compensatory will be provided to the agency within 30 days after the **Chesapeake Employers' Insurance Company/IWIF** receives the Employer's First Report of Injury.

1.450.20 Constraints

- A. Injured employees are not entitled to accident leave after one year has passed from injury dates.
- B. The UB HR will notify the **Chesapeake Employers' Insurance Company/IWIF** when injured employees are no longer eligible for accident leave. At that time, the **Chesapeake Employers' Insurance Company/IWIF** may commence paying temporary total payments at two-thirds of the injured employees' average weekly wages. From this point on, the **Chesapeake Employers' Insurance Company/IWIF** monitors and adjudicates periods of disability until cases are concluded.

1.450.22 Benefits

- A. Accident leave, with associated salary and benefits, is received in lieu of temporary total benefits for injuries that are deemed compensatory by the **Chesapeake Employers' Insurance Company/IWIF** or the Workers' Compensation Commission and are deemed to have arisen out of the actual performance of employees' duties.
- B. Death benefits are paid when deaths are due to work-related accidents. The surviving dependents would be eligible for compensation. Wholly dependent or partially dependent persons, i.e., surviving spouses or children, are entitled to benefits.
- C. Appointment of permanent disabilities due in part to pre-existing diseases or infirmities are awarded when pre-existing diseases or infirmities combined with current injuries result in permanent disabilities. In these cases, the Workers' Compensation Commission will determine employees' compensation based on that portion of disabilities that are solely attributable to the accidents.
- D. Permanent partial disability is awarded when employees' injuries have resulted in disabilities leaving some existing damage as based on final ratings of certified medical providers.
- E. Permanent total disability is awarded when employees' disabilities result in permanent and total disabilities.
- F. Temporary total disabilities may be awarded to employees who have exceeded a year from accident dates and have used all possible sick leave.

G. Vocational rehabilitation may be awarded to employees who, as the result of injuries, are unable to perform those duties or any other duties the agency may provide. In these cases, employees are entitled to vocational rehabilitation as reasonably necessary to restore employees to suitable employment. The agency /insurer pays the expense of vocational rehabilitation ordered by the Workers' Compensation Commission.

See "R" Drive (under forms)

"Employee's Report of Injury/Occupational Illness"

See "R " Drive (under forms)

"Supervisor's Report of Injury/Occupational