

WEST LIBERTY UNIVERSITY BOARD OF GOVERNORS
POLICY 44: WORKERS' COMPENSATION

STATEMENT:

West Liberty University facilitates the application of Workers' Compensation (Brickstreet) benefits for any eligible employee of the University. The primary objectives of the Workers' Compensation system are to provide benefits to an eligible claimant promptly and effectuate return to work at the earliest possible time, consistent with sound medical practice and procedures. Workers' Compensation claims are filed only in the event of work-related injuries or illness. Any other attempt to obtain benefits is considered fraudulent and could subject the employee to fines or penalties, or both.

The University provides a safe and healthful work environment (see Policy Bulletin No. 29). However, regardless of the University's efforts toward this goal, work-related accidents occur. All employees must be aware, and concerned with, the health and safety of fellow employees. Hazardous conditions should be reported at once to the supervisor of the unit or department in which the hazardous conditions have been observed.

All work-related accidents must be reported regardless of whether the employee knows, or has reason to believe, he/she will file a compensation claim. An injury which may seem minor at the time of occurrence may worsen. It is the University's policy (and in the employee's best interest) for the employee to report an incident immediately so that a record may be established. The reporting of all accidents to the immediate supervisor should be prompt and accurate to ensure the proper handling of any subsequent claim.

West Liberty University does not discriminate against any present or former employee who receives or attempts to receive benefits under the Workers' Compensation Laws of the State of West Virginia.

PROVISIONS:

I. REPORTING OF INJURIES BY THE EMPLOYEE AND THE UNIVERSITY

A. Every employee who sustains a work-related injury, or that employee's representative, shall immediately or as soon thereafter as practicable, report the injury on an Incident Report Form as provided by the University for such purposes (See Policy No. 28). The completed Incident Report Form is to accompany and supplement the State of West Virginia's official Brickstreet claim form, BI – 1 "Employees' and Physicians' Report of Injury." The intent is to facilitate the investigation of the injury and aid the identification of hazards and/or practices which may have contributed to the incident.

B. It is the supervisor's responsibility to instruct his/her employees to report accidents and injuries promptly and to instruct them how to make a report.

The Human Resources Department provides State compensation claim forms, (BI -1) to any employee or University department upon request. This form has two sections:

Section I. is to be completed in full and signed by the employee filing the claim. The employee must make a copy for their records and send a copy to the Human Resources Department.

Section II. is to be completed in full by the provider of medical attention to the employee. After the completion of this section, the medical provider must return the original form to Brickstreet for further processing.

C. It is the employee's responsibility to see that sections I and II are completed and given to the University.

D. It is the University's responsibility to complete a BI-3 "Employer's Report of Injury" form and send the form to Brickstreet in a timely manner.

II. EMPLOYEE'S ELECTION TO RECEIVE BENEFITS

A. After a claim has been filed with Brickstreet they will rule on the compensability of the claim. It may provide the claimant with temporary disability payments, medical benefits related to the treating of the injury, or both, depending upon the nature of the injury and the lost time away from work, if any. A ruling indicating the status of the claim is sent from Brickstreet in duplicate to the employee and the University.

B. The first three consecutive working-days an employee is absent from work because of a work-related injury or illness will not be charged against an employee's accumulated sick leave.

C. According to State law, if an employee is entitled to temporary disability payments (salary replacement benefits), then the employee may elect to receive the compensation benefits or draw accumulated annual and/or sick leave benefits, but not both, (WV Code 23-4-(1)) if the illness or injury requires an absence from work longer than three consecutive working-days.

D. Any sick-leave eligible employee should carefully consider the decision to receive temporary disability benefits (salary replacement) or take accumulated leave time. There are advantages and disadvantages to both. In the event the employee elects to remain on the payroll and take sick and/or annual leave benefits, eligible employee must complete a Compensation Election Form (attached to policy) provided by the Human Resources Department.

E. If an employee elects to take leave time but has already or soon will receive a temporary disability check(s), then such check(s) must be credited back to Brickstreet. An employee may elect to return the check(s) or turn the check(s) in to the Human Resources Department for return. Any employee who elects to receive Brickstreet TTD benefit payments in lieu of remaining on the payroll shall be considered as being on an approved unpaid medical leave of absence.

F. Any employee absent from work for a period in excess of five (5) consecutive work-days will be required to have a medical release in order to return to work. Upon release to return to work, the Human Resources Department will prepare a Return to Work Notice for all employees and forward copies to Brickstreet. Any employee who does not return to work following release from the treating physician

within three (3) workdays, without acceptable cause or reason, is subject to termination of employment for the reason "job abandonment."

III. LIMITATIONS:

A. The University will not cancel or cause employer-provided medical insurance coverage to be decreased during the entire period for which the employee, during the continuance of the employment relationship, is claiming or is receiving benefits under State compensation law for a temporary disability, except where:

1. If the medical insurance coverage requires a contribution by the employee, that employee must continue to make the contribution required, to the extent the insurance contract does not provide for a waiver of premium.

2. Any other employer provided group insurance coverages, except medical as noted above, are subject to the specific provisions contained therein which relate to the continuation, coordination, and application of benefits to the employee as a result of a work-related injury or illness.

B. Workers' Compensation (Brickstreet) laws are complex. This policy statement does not cover all applications of worker's compensation statutes. The amount and duration of individual case benefits vary greatly and no attempt has been made to outline complete benefits. The University has the right to protest any particular claim, or the information contained therein, either in whole or in part.

C. Questions about this policy should be directed to the Human Resources Department, extension 8029. Questions may also be directed to the local Brickstreet Office, located in the Central Union Building, 14th and Market Street, Wheeling WV 26003, Phone: (304) 238-1111.

Approved by the WLSC Board of Governors on 12/11/06.