

**MEDICAL CENTER HUMAN RESOURCES POLICY NO. 512**

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- A. SUBJECT: Workers' Compensation
- B. EFFECTIVE DATE: January 1, 2007
- C. POLICY:

It is the Medical Center's objective that all employees receive benefits provided by the Virginia Workers' Compensation Act (referred to in this policy as "WCA") if they suffer a work-related injury or disease, and that covered employees who are entitled to benefits under the WCA also are eligible for supplemental benefits provided by the Commonwealth of Virginia.

D. DEFINITIONS:

1. *Injury* - An accidental injury arising out of and in the course of employment.
2. *Occupational disease* - A disease arising out of and in the course of employment but, unless otherwise provided by the WCA, not an ordinary disease of life to which the general public is exposed outside of the employment.
3. *Permanent partial disability* - A permanent loss to the body that was caused by an injury or occupational disease and that the WCA does not consider to result in the employee's total incapacity to work. An example of a permanent partial disability is the loss of a finger.
4. *Regular salary* - The pre-injury salary that an employee normally earned per week in the employee's regular position.
5. *Workers' compensation leave* - A type of leave from employment which results from an employee's incapacity to work, and which has been determined to have resulted from an injury or occupational disease such that the employee is entitled to benefits required by the WCA. A Workers' Compensation approved physician must place the employee off duty for the lost time to be charged to workers' compensation leave.

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## E. PROCEDURE

### Eligibility for Workers' Compensation Benefits

The Virginia Workers' Compensation Act (Title 65.2) and the Virginia Personnel Act provide compensation to employees and their dependents in the event of injury, illness, or death arising out of and in the course of employment. To be eligible for these benefits, the employee must meet the following criteria:

- All accidents must be reported immediately to the employee's supervisor but, in no case, later than two working days after the accident. If the employee fails to properly report an accident and complications emerge at a later date, he/she may not be entitled to compensation.
- In the event of an accident, the employee is entitled to receive medical care from any physician listed on the Workers' Compensation Attending Physician Panel authorized by the University of Virginia Medical Center. If the employee chooses to see a physician who is not on the Medical Center's Attending Physician Panel, he/she will personally be held responsible for any medical expenses and lost work time involved.
- The refusal to accept medical care when provided by the employer (UVa) shall bar the employee from further compensation until such refusal ceases. Failure to follow the prescribed treatment of the physician may result in the cancellation of all compensation.
- If the injury or illness is not accepted as compensable under the Workers' Compensation Act, the employee will be held responsible for both time lost from work and for medical care costs.

### Supplemental Benefits Provided By The Commonwealth

In addition to payments for lost wages that are required by the WCA, covered employees who are on workers' compensation leave are eligible to receive payments for lost wages as described below.

- a. During the first seven calendar days of absence

During the first seven calendar days of employees' absences on workers' compensation leave, the Medical Center pays the employee's regular salary.

- b. For the next 85 calendar days of absence

Employees who are absent from work on workers' compensation leave for more than seven calendar days will receive payments as required by WCA and supplemental benefits to bring them to the equivalent of their regular salaries, for a period of up to 92 calendar days from the beginning of their absences from work on workers' compensation leave.

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c. After 92 calendar days of absence

Employees who are absent from work on workers' compensation leave for more than 92 calendar days will receive payments for lost wages as required by the WCA. Payment of supplemental benefits will be discontinued.

d. Supplements payable when employees receive payments for permanent loss

When employees receive payments as required by the WCA for permanent losses to their bodies, they also are entitled to receive the Commonwealth-provided supplements described above, such that they will receive the permanent loss payments as well as their regular salaries.

e. Use of accumulated leave to receive regular salary

Employees must use accumulated PTO and Catastrophic leave, along with the payments for lost wages required by the WCA, to receive their regular salaries until available leave balances are exhausted or the employee has been absent from work on workers' compensation leave for one year.

Employees' accumulated leave must be used to supplement payments for lost wages required by the WCA only up to the amount necessary to pay their regular salaries, except that employees may receive more than their regular salaries if the excess amount is a result of payments for permanent losses to their bodies.

f. Employees in temporary, pool or Unit-Based or Medical Center Pool positions are also entitled to benefits under the WCA. However, since employees in these employment categories do not receive a regular salary and are not eligible for Workers' Comp leave, the benefit will be calculated based on hours worked prior to the injury and is paid directly to the employee by Managed Care Innovations (MCI).

g. Employees are responsible for conducting work assignment in a safe and healthful manner in order not to expose themselves or colleagues to the risk of bodily harm.

h. If an employee is injured while on the job or feels ill and suspects the illness is due to work, he/she must follow the steps below:

- Report the injury/illness to the supervisor immediately. If the supervisor is not available, contact their designated replacement or the employee in charge.
- If emergency treatment is needed, report to the UVa Emergency Department or the nearest emergency facility, and report back to UVa Employee Health Services within two work days.
- The supervisor will give the employee an Accident Report for Workers' Compensation Claim to complete. The employee must complete their portion of this form and return it to the supervisor within 48 hours of the injury.

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- If non-emergency treatment is required, the supervisor will refer the employee to UVa Employee Health Services during business hours or the UVa Emergency Department after business hours, for assessment before leaving work to seek treatment. Employee Health Services will give the employee a copy of the UVa Medical Center Workers' Compensation Attending Physician Panel. The employee must choose an attending physician from this panel and sign the document before leaving the work site. When the employee makes treatment arrangements with the panel physician, he/she must identify him/herself as an UVa employee who was injured at work.
- i. In case the injury is not approved as being work-related, the employee should follow the procedures required by his/her medical insurance so the plan will consider paying these charges if they are submitted at a later date. The employee will be responsible for any medical costs not covered by MCI or his/her health insurance plan.
- j. Employee Health Services will report the injury/illness to Managed Care Innovations (MCI), UVa's Workers' Compensation Insurance Carrier. MCI will, in turn, contact the employee for additional information.
- k. The employee must provide a Return To Work Status Form from his/her workers' compensation panel provider in order for any period of disability to be listed as Workers' Compensation leave. MCI must approve the accident as work-related to keep the disability period as Workers' Compensation leave. If the claim is not validated by MCI as work-related, any Workers' Compensation leave paid to the employee will be retroactively charged to PTO or Catastrophic leave.

SIGNATURE:

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R. Edward Howell, CEO, UVA Medical Center

DATE:

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Medical Center Human Resources Policy No. 512  
Approved December 1999  
Revised April 2000, June 2004, December 2006  
Approved by Chief Operations Officer  
Approved by Medical Center Administration