

Title/Topic: Workers' Compensation and Work Related Accidents

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WORKERS' COMPENSATION AND WORK

RELATED ACCIDENTS

PURPOSE

To generally describe University policy regarding Workers' Compensation and work related accidents. Additional information on the LSU programs relating to insurance coverage can be found on the [LSU Risk Management website](#).

RESPONSIBILITIES

Workers' Compensation:

1) Employee Responsibilities

- a. An employee who sustains an injury or occupational illness at work or while engaged in work for the University, must notify their supervisor immediately. In the absence of the supervisor, the employee should notify their department as soon as possible, and ensure the injury is reported. If a serious injury requires emergency medical treatment and/or transportation to a physician or hospital emergency room, call LSU Police at 225-578-3231 for assistance.
- b. The employee shall obtain written return to work instructions from the treating physician at each visit specifically listing any restrictions/limitations on work activity due to the employee's injury.
- c. The employee shall provide information as requested for his/her supervisor to complete the "Workers' Compensation Injury Report Form" as soon as practicable.
- d. For injuries/illnesses requiring medical treatment, such treatment is provided at the Student Health Center during normal work hours. An off-site clinic has been designated for after-hours treatment, where emergency room care is not necessary. An employee may select a physician of their choice for treatment. (If treatment is required for a work related injury, employees should not have any out-of-pocket medical expenses, and should not file a claim against their personal health insurance. Receipts should be obtained and presented to the LSU Office of Risk Management).
- e. An injured employee must continue to keep his/her supervisor and the LSU Office of Risk Management (225-578-3297) informed of their health status on a frequent basis, but no less than weekly during a period of absence from work (unless unable to do so because of the injury). The

employee shall return to work as soon as permitted to do so by the treating physician, and shall bring a physician's written return to work instructions with any work limitations to the supervisor. The employee may be required to return when able to perform "sedentary work" associated with an accident investigation or risk analysis.

- f. Participation in safety activities, including accident investigations and risk analysis, is within the scope of every employee's job.

2) Supervisor's Responsibilities

- a. Upon learning of an accident involving a subordinate, the supervisor shall arrange for prompt first aid or medical attention for the employee. The supervisor should accompany the employee to a first-aid station or to a health care facility to receive initial medical treatment where treatment by a physician, physician's assistant or nurse is necessary.
- b. The supervisor shall ensure that notification has been made to the LSU Office of Risk Management (225-578-3297) by telephone or by submitting an on-line Accident/Incident Report immediately, but in no case later than the end of the work shift. Following care of the employee, the supervisor shall undertake an inquiry into the nature and circumstances of the accident or incident and submit the Workers' Compensation Injury Report as soon as possible. Any and all potential witnesses should be specifically identified. This form must be submitted by fax or by hard copy to the LSU Office of Risk Management, 126 Public Safety Building.
- c. The supervisor should maintain contact with the employee during the time that the employee is away from work, providing encouragement and support to help the employee return to work in a suitable work assignment as soon as they are able.

3) Employee's Department Responsibilities

- a. The Department shall assume responsibility for first aid training, readily available first aid supplies, and costs for first aid treatment at a health care facility if the facility provides treatment and a physician's treatment is not necessary. (First aid refers to medical attention that is usually administered immediately after the injury occurs. It often consists of a one-time, short-term treatment and requires little technology or training to administer. First aid can include cleaning minor cuts, scrapes, or scratches; treating a minor burn; applying bandages and dressings; the use of non-prescription medicine; treating blisters; removing debris from the eyes; massage; and drinking fluids to relieve heat stress. For example: A worker goes to the Student Health Center and has a dressing applied to a minor cut by a registered nurse or physician. Although the person providing the treatment is a health care professional, the worker simply received first aid.) For a more thorough definition of First Aid Cases visit www.ehs.lsu.edu.
- b. Subject to the Guidelines Related to Modified Duty, below, if an employee is unable to return to **full duty** due to an injury arising out of the work

activity, but able to return on **modified duty**, the department shall establish a suitable temporary work activity within the department considering the limitations placed on the employee by the attending physician, department needs and employee job qualifications.. Contact the LSU Office of Risk Management if the employee cannot return to modified duties.

- c. The employee's department shall ensure that the LSU Office of Risk Management is kept informed of any changes in the employee's status associated with an injury arising out of the work activity, such as the return to work date, any additional time away from work, etc.
 - d. In order for the employee who is off work to continue to receive full pay, accrued sick leave can be used to offset lost time from work that is not compensated through workers compensation benefits. Upon exhaustion of sick leave, the employee will be placed on leave without pay (lwop), unless specific written approval is granted to use compensatory time or annual leave by the academic dean or department head/director, who shall consult with Human Resources prior to granting such approval.
 - e. The department will post a copy of the Louisiana Department of Labor form "Worker's Compensation" on the bulletin board where employee notices are customarily posted.
- 4) **LSU Office of Risk Management** has administrative oversight of the LSU Workers' Compensation Program for all university employees. In this role, they will:
- a. Establish processes and procedures for reporting, investigating and processing claims
 - b. Establish and oversee processes and procedures for medical treatment for injured employees
 - c. Provide assistance to university personnel in understanding the processes and keeping them up to date on processes
 - d. Chairing the Workers' Compensation Review Committee to monitor and address outstanding claims on a periodic basis

GUIDELINES FOR RETURN TO WORK ON MODIFIED DUTY

LSU seeks to provide modified duty opportunities to facilitate return of an injured employee to productive employment as soon as possible after a job related injury.

In doing so, every effort will be made to make the assignment a meaningful assignment within the employee's qualifications and abilities that can be performed within restrictions imposed by the treating physicians. LSU cannot guarantee placement and is under no obligation to offer, create, or encumber any specific position to accommodate return to work. This policy is not intended to instruct the procedure applicable to employees who are eligible for reasonable accommodation under the Americans with Disabilities Act (ADA), or leave benefits under the Family and Medical Leave Act (FMLA). Inquiries about eligibility under the ADA or FMLA should be directed to the Human Resource Management Office.

In the event an employee refuses a modification or reassignment of duties (outside the employee's FMLA benefit eligibility period) which are within the employee's medical restrictions and ability to perform, LSU is not obligated to provide alternatives, and may impose disciplinary action up to and including discharge and termination of workers' compensation benefits..

For work to be considered suitable modified employment, the following conditions must be met:

- the employee must meet the required qualifications for the modified job assignment which the employee will be required to perform,
- the work must be a meaningful and productive part of the department's operations, **and**
- the work must conform to the medical restrictions set by the health care provider.

Further, Civil Service rules, as outlined below, govern personnel actions for classified employees accepting modified duty assignments:

- Employees may be detailed to special duty for a period not to exceed one year.
- The detail to special duty may be lateral or downward.
- Details to a higher position may also be approved on a case-by-case basis, when justified.
- A position may be double encumbered, if necessary.
- The employee's base pay cannot be reduced during the detail to special duty.

When determining if proposed modified work is suitable, the Office of Risk Management will consult with the departmental administrator, the injured employee and the medical care provider. Other individuals may participate, such as representatives from Human Resources Management and Environmental Health and Safety.

The department administrator and Risk Management representative shall identify job functions and physical requirements that can be considered transitional duties in the work environment. Every effort will be made to place the employee in his/her original work unit; however, if this is not possible, the team may identify an alternative work assignment(s) as long as the conditions for return to work outlined above are met. The appropriate administrator of the work unit in which the modified duty assignment is identified must approve the proposed placement prior to further action being taken.

Additional Responsibilities:

- 1) Employees should report to LSU Risk Management any accident, damage or other incident that may have involved injury to a person, damage to property, or a threat to persons or property.
- 2) Supervisors must ensure that all accidents, incidents, threats, or safety issues brought to their attention by employees, students, or members of the public are made known to LSU Risk Management and to their respective department administration.
- 3) Departments must maintain accurate records of any claim, including receipts, photographs, surveys, evaluations, receipts for materials or labor, etc. to ensure

that proper documentation is available for requesting reimbursement from our insurance carrier or other reimbursing agency, such as FEMA. Departments should also plan for “business continuity” in case of disasters, and establish in advance any projected material needs, supplies, and MOUs, contracts, etc., with supporting agencies and vendors.

- 4) Departments must comply with all directives from LSU Risk Management regarding safety and/or risk management. To the extent any such directive is contrary to any existing department policy or practice then the existing policy or practice should be appropriately modified unless specific written authorization to deviate from the directive is obtained from LSU Risk Management.

For other types of insurance coverages, please see the LSU Risk Management website for instructions on how to file a claim, frequently asked questions and additional information.

Additional procedures for filing Workers Compensation claims, as well as all necessary forms, are available at: the [LSU Office of Risk Management Website](#).

REFERENCES

- 1) Louisiana State University Office of Risk Management
- 2) Louisiana State University Office of Environmental Health and Safety
- 3) Louisiana State Office of Risk Management (ORM)
- 4) Louisiana Department of Labor
- 5) Louisiana State University Office of Human Resource Management