

HUMAN RESOURCES ADMINISTRATIVE MANUAL
EMPLOYEE BENEFITS & SERVICES: WORKER'S COMPENSATION AND RETURN-TO-WORK



Worker's Compensation and Return-To-Work

**CITATION
REFERENCE**

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|---------------------------|---|
| OFFICIAL TITLE | POLICY ON WORKER'S COMPENSATION BENEFITS AND RETURN-TO-WORK |
| VOLUME | HUMAN RESOURCES |
| RESPONSIBLE OFFICE | USG HUMAN RESOURCES OFFICE |
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Policy Statement

The University System of Georgia provides benefits for employees in the event of work-related injuries, illnesses, exposures, or accidents as the means to return employees to meaningful, productive employment following the injury or illness. When an injury, accident, exposure or illness is sustained as a result of, out of, or in the course of employment, all employees of the University System of Georgia shall be covered under provisions of the Worker's Compensation Act.

This policy outlines the requirements associated with reporting injuries or illnesses that arise in or out of the course of employment and the coverage that will be made available ensures consistency among institutions of the University System as necessary for meeting applicable reporting requirements. This will provide employees and supervisors information concerning employee benefits and instructions for the treatment of work related illnesses, injuries, accidents or exposures, and the completion of the required forms.

This policy also provides a program designed to encourage employees to return to work following a work-related injury or illness. If an employee is able to work but is unable to return to their regular duties, this policy is designed to provide methods by which consideration may be given to allow the employee to return to work in a modified or alternative assignment, when possible. This policy applies to classified and University staff employees, wage employees, and where appropriate, it applies to faculty employees who have sustained occupational injuries and non-occupational (personal) illnesses and injuries.

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Applicability

All units of the University System of Georgia are covered by this policy.

Who Should Read This Policy

All Human Resources personnel and employees within the University System of Georgia should be aware of this policy.

Definitions

These definitions apply to these terms as they are used in this policy:

- **Board of Regents (BOR):** The governing body of the University System of Georgia.
- **Disability:** An illness, injury, or other medical condition, including pregnancy, that prevents an employee from performing the duties of their job. A disability can be total or partial.
- **DOAS:** State of Georgia Department of Administrative Services.
- **Authorized Treating Physician:** An approved doctor, clinic, or facility that may be used in case of a workers' compensation claim that requires treatment.
- **Emergency:** An injury that requires immediate medical attention.
- **Modified/Transitional Assignment:** A temporary job modification that is provided when an employee returns from a work-related injury or illness to medically-restricted or modified duties. Duties assigned can be those identified in the employee's current job description with restrictions or another assignment at the discretion of management.
- **Worker's Compensation:** Program of compensation insurance that pays benefits to an employee who experiences a job-related injury.
- **Work-Related Injury/Illness:** An injury or illness that occurs on the job to an eligible employee for which benefits are awarded and payable by Workers' Compensation.

Process and Procedures

In accordance with the regulations issued by the Georgia Department of Administrative Services, the University System of Georgia (USG) provides Workers' Compensation coverage for all of its employees on all campuses statewide. All USG employees are also covered when conducting business off-site on behalf of the University System of Georgia. All USG employees as well as USG leased employees must report promptly to their immediate supervisor any work-related injury. If an employee requires treatment or has any lost work days for a work related accident, injury, exposure or illness, the employee's supervisor must report the injury to the Georgia Department of Administrative Services (DOAS) at 1-877-656-7475. In turn, the employee should contact Amerisys at 1-800-900-1582 for assistance in selecting an Authorized

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Treating Physician. The provider of service should send any bills for treatment directly to the DOAS in Atlanta.

USG encourages injured employees to return to work as soon as it is reasonably possible in accordance with DOAS guidelines. Individual campus benefits departments should work with each employee and their department to develop opportunities to return to work in transitional capacities. A Return-To-Work Program includes an assessment/identification of duties that can be performed during a period of transition to allow an injured employee to work even though he/she may not be able to resume their full duties.

If the employee is not physically capable of returning to full duty initially, the Return-To-Work Program provides opportunities for offering the employee a temporary assignment in which the employee's regular position is modified: 1) to accommodate the employee's physical capabilities, or 2) to perform a transitional assignment with alternate duties. Assignment of any employee to a transitional position or modified regular position in accordance with the Return-To-Work Program, including determination of the pay rate for the transitional position, requires review and approval from the human resources department. In the case of a faculty member, the human resources department will work with the Vice-President for Academic Affairs to determine appropriate transitional work and compensation.

Participation in the Return-To-Work Program shall not be construed as acceptance, acknowledgment, or recognition by the university, its management, or its employees that an employee has a disability as defined by the Americans with Disabilities Act of 1990. If an employee sustains an injury or illness resulting in a disability under the Americans with Disabilities Act, it is the employee's responsibility to inform their supervisor or a person in a responsible management position when a disability under the Americans with Disabilities Act exists and that a reasonable accommodation is necessary to perform the essential functions of their job.

Transitional Duty for Occupational Injuries and Illnesses

As soon as the employee is released to return-to-work activities, the employee will be asked to meet with the supervisor to determine if the employee can return to their regular duties. If the employee cannot immediately return to their regular duties, the employee may be given a special assignment as follows:

- Assignment to the employee's regular position with temporarily modified duties designed for an employee who is temporarily unable to function at full capacity in the regular position due to work-related illness or injury, but who is expected to return to regular duties within ninety (90) days. Such duty modification requires the certification of the employee's treating physician. Once the physician certifies that an employee can return to work with temporarily modified duties, the supervisor must return the employee to work and provide the modified duties based on the employee's physician-certified medical restrictions.

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- Return to work to a transitional position with different duties designed for employees who are temporarily unable to function at full capacity in the regular position due to work-related illness or injury, but who are expected to return to regular duties within ninety (90) days. The employee must possess the knowledge, skills, and abilities required to function in the transitional position. Such temporary reassignment is to be used only when temporarily placing the employee in the transitional position would provide mutual benefits to the university and the employee, and when no current employee would be displaced by such reassignment. Such temporary reassignment requires the certification of the employee's treating physician. Once the physician certifies that an employee can return to work with different duties, the supervisor must return the employee to work in the transitional position and adhere to the employee's physician-certified medical restrictions.

Employee Responsibilities

If medical services are needed, the employee must contact Amerisys to receive assistance in selecting an Authorized Treating Physician. If released by a physician to modified or transitional duty, the employee must accept the modified duties or transitional assignment offered. Failure to follow the agreed-upon course of action may jeopardize the employee's benefits.

An employee in a special, transitional assignment is responsible for providing a periodic report from their health care provider (for example, every 30 days) during the period of the temporary assignment.

Supervisor Responsibility

The supervisor is responsible for promptly reporting any accident, injury, exposure or illness that does not require medical treatment to Public Safety.

If immediate medical attention is needed for the injured employee, the supervisor will report by contacting the Georgia Department of Administrative Services (DOAS) at 1-877-656-7475. If emergency medical treatment is necessary, the injured employee must be directed or taken to the nearest hospital Emergency Room. If the doctor recommends that the employee not return to work immediately following a required treatment, the supervisor must notify the Human Resources Benefits Section on campus or off campus within 24 hours of injury, including the expected return date, if known. The Human Resources Benefits Section must also be advised of the option selected by the employee whether the employee chooses to use sick leave, annual leave or leave without pay while out due to the covered injury.

As soon as possible after notification of a work related automobile accident or serious bodily injury, the supervisor should notify University Public Safety. An examination of the facts surrounding the accident will be made in an effort to prevent recurrence of the incident. Supervisors are expected to work with Human Resources to identify options for an employee's return-to-work, including identification of duties that can be performed.

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Department Responsibilities

When requested to provide modified or transitional duties, managers are expected to actively assess the workplace for appropriate tasks and duties to encourage the employee's return to work.

As a part of this determination, transitional duties must meet the University staffing needs and must accommodate the employee's medical restrictions while taking into consideration the welfare and safety of the employee, co-workers, students, and customers.

An employee who returns to work in a special assignment may be assigned to another work site within the university, depending upon the availability of vacant positions or the limitations and abilities of the employee. An employee will not be placed into a position if such assignment would displace another current employee.

Transitional assignments require advance approval of the human resources department. If a transitional assignment warrants a pay change for the affected employee, the human resources department is responsible for determining the correct pay rate for the transitional assignment. In the case of a faculty member, the human resources department will work with the Chief Academic Affairs Officer to determine appropriate transitional work and compensation.

Duration of Transitional Duty Assignments

The duration of the transitional duty assignment will be determined on a case-by-case basis by the employee's department in consultation with the University's Return-to-Work (RTW) Coordinator or designee, but will not normally exceed ninety (90) days. If it is determined that the employee has long-term restrictions that result in the inability to perform the essential functions of the regular position, the provisions of the Americans with Disabilities Act (ADA) and other applicable laws will be evaluated to determine suitability for employment.

ADA Compliance

The University System of Georgia complies with the Americans with Disabilities Act of 1990, which prohibits discrimination against qualified individuals with disabilities. Nothing in this policy shall be used as the basis for illegal discrimination against any individual or group.

FMLA Compliance

The University System of Georgia complies with the Family and Medical Leave Act of 1993, and as amended. Should a work related injury or illness be covered by the FMLA, the institution will apply the provisions of the appropriate policy.

Workers' Compensation/Return-To-Work Compliance

It is a violation of the Return-To-Work Policy, procedures, and state and federal law to discharge or in any other manner discriminate against an employee because he or she:

- Files a Workers' Compensation claim in good faith;
- Hires a lawyer to represent their interests in a Workers' Compensation claim; and/or

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- Institutes or causes to be instituted in good faith a proceeding with the Georgia State Board of Workers' Compensation.

Workplace Safety

The University will make every reasonable effort to investigate the cause of the occupational injury or illness to determine what actions can be taken to prevent a reoccurrence of the injury or illness. An employee will not be placed into a transitional or regular position if such an assignment would place the employee or others in danger.

Medical Expenses

Charges for first aid treatment, hospital bills, prescription drugs, doctor's charges, etc., are covered, provided the proper procedures are followed as outlined above for reporting the accident and treatment of the employee.

Payment for Lost Time

The Workers' Compensation Law provides benefits of 66 2/3% of an employee's average weekly earnings up to a maximum of \$525.00 per week. No compensation is allowed for the first seven calendar (7) days of incapacity (including the day of the injury) unless the employee is incapacitated for twenty-one (21) consecutive work days following the injury, in which event compensation is allowed for the first seven (7) days of incapacity, if an employee has not used accrued leave.

Employee Options

An employee has the following options on the use of Sick Leave or Annual Leave for absence due to a Workers Compensation claim:

- Use accrued sick or annual leave for the first seven (7) calendar days in order to be paid full salary, and then elect to receive Workers' Compensation during the remaining period of injury-related absence, or
- Exhaust all accrued sick leave and annual leave (in that order) and then receive Workers' Compensation, or
- Retain all accrued sick leave and annual leave, and after the seven (7) day waiting period (without pay), receive Workers' Compensation during the remainder of the injury-related absence.

Note: If an employee has no accrued sick or annual leave, any absence during the first seven (7) days must be Leave Without Pay (LWOP).

Bona Fide Offer of Modified or Transitional Employment

Assignment to any of the type of positions described in this policy will be documented in a 'bona fide offer of modified or transitional employment' letter to the employee. The 'bona fide offer of modified or transitional employment' letter shall include the following information:

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- The type of position offered and the specific duties;
- A statement that the university is aware of and will abide by the physical limitations under which the treating physician has authorized the employee to return to work;
- The maximum physical job requirements;
- The wage of the job;
- The expected assignment duration;
- A statement that the university cannot guarantee that a position will be available should the employee fail to accept the assignment; and
- The name of the person whom the employee can contact for answers to questions about the assignment, job modifications, or other relevant leave provisions

The employee may accept or reject the bona fide offer of employment. The employee should be informed that rejection of the bona fide offer of employment may jeopardize continued temporary income benefits (if applicable). If the employee accepts the bona fide offer of employment, then the employee shall perform the duties of the position for the term of the assignment or until the employee is able to return to full duty, whichever is sooner. If the employee rejects the bona fide offer of employment, then the employee remains off-work until the end of any approved leave period or until the employee is certified by the health care provider to return to full duty.

If the employee is unable to return to full duty by the end of the assignment period and/or by the end of the employee's approved leave period, then the employee's continued employment with the University shall be considered based upon the business necessity of filling the employee's position. Nothing in this policy shall be construed as requiring an institution to retain an employee who is not able to return to work following a workplace injury, and such decisions regarding continued employment will be the sole discretion of management with appropriate consideration and attention given to relevant laws.

Responsible Parties and Contact Information

| Party | Responsibility | Phone/Email/URL |
|--|---|--|
| Associate Vice Chancellor for Total Rewards | Ensure proper policy administration and procedural integrity. | 404-962-3235 usg-hr@usg.edu |
| Institution Chief Human Resources Officers | Ensure proper policy administration and procedural integrity | See University System HR Officer Listing |

Website Address for This Policy

- [Department of Administrative Services website](#)
- [USG Policy Manual Section 8](#)

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Appendices (Internal Documents, Forms and Web Links)

- None

Related Documents and Resources (External)

- All the most current forms associated with the State of Georgia's Worker's Compensation Program (including incident notice forms, leave election form, wage statement form, etc.) can be found under the ["Worker's Compensation Publications and Forms" section of the Department of Administrative Services website.](#)

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