

# **Five Colleges, Incorporated (“FCI”)**

## **Workers' Compensation Benefits**

**June 2013**

### **Eligibility**

All employees of FCI are covered by the Massachusetts Workers' Compensation Insurance Law. Workers' Compensation Insurance provides partial income replacement and medical care payments for employees who experience a job-related injury or illness. If death results, benefits are payable to a surviving spouse and dependents or to the employee's estate as defined by law. Coverage is automatic upon employment. Workers' Compensation Insurance is paid for entirely by FCI.

### **Reporting an Accident**

If you are injured at work or while performing a job-related function required by FCI, you must report the accident to your supervisor as soon as possible and complete a *First Report of Job-Related Accident* form within 24 hours. See the Business Office for assistance in completing this form.

FCI must report all accidents to the workers' compensation insurance company. The insurance company has the responsibility for investigating all claims and determining eligibility for workers' compensation benefits.

### **Reimbursement for Medical Treatment**

If you are determined by the insurance company or the Massachusetts Department of Industrial Accidents to be entitled to workers' compensation, you will be reimbursed by the insurance company for any necessary medical treatment and care that you receive.

If a job-related accident requires treatment, you may be seen and treated by an occupational health specialist retained by FCI. If you subsequently choose to be seen by another physician, that physician must be advised that the visit and any treatment are work related. The physician is required to fill out workers' compensation forms in order to receive payment for services.

If you receive medical treatment for a work-related injury at a hospital, doctor's office, or health center, you should:

- inform the provider of services that the injury is work related and request that all bills for services be forwarded to: Meadowbrook, 10 New England Business Center, Suite 303, Andover, MA 01810;

- submit receipts for prescription medications, crutches, or other medical equipment to: Meadowbrook, 10 New England Business Center, Suite 303, Andover, MA 01810 for reimbursement by the insurance company;
- provide the Business Office with documentation regarding referrals, treatment, and work notes.

Charges or bills for medical treatment or prescriptions resulting from a work-related injury should not be submitted to your medical insurance carrier.

## **Workers' Compensation Leave**

Should a work-related injury prevent you from working, you may be eligible for workers' compensation leave, with disability payments and injury-related medical benefits paid by FCI's workers' compensation insurance carrier. You should complete the [\*Employee Application for Medical Leave\*](#). The physician who prescribes medical leave is also required to complete a [\*Medical Leave Physician Statement\*](#).

## **Reimbursement for Lost Wages**

Should your injury result in time off from work, you may qualify for disability payments to compensate you for lost wages. The disability payments from the insurance company are set by law at approximately 60% of your average weekly earnings (plus allowances for dependents) up to a maximum benefit which is subject to change. These weekly disability payments are nontaxable.

FCI will advance your regular salary for the first week of disability. Should you ultimately receive workers' compensation benefits for the first week from the carrier, you must repay to FCI the amount advanced.

Supplemental payments: For regular full- and part-time staff, FCI will, upon request, pay any differential required to continue your regular salary or wages up to 80% for the first three months of the disability from any sick time you have accrued.

Supplemental payments will be discontinued after three months; however, employees will continue to receive workers' compensation payments from the insurance company for the duration of any approved absence for a work-related injury, or as long as provided by law.

## **Eligibility for Paid Time Off and Benefits**

During a workers' compensation leave, you continue to be eligible for paid time off as follows:

- you continue to accrue personal time;
- you accrue vacation and sick leave during the first 12 weeks;
- you are not eligible for paid holidays, paid funeral or jury duty leave, or any other paid leave.

You continue to receive employee benefits for up to six months, as outlined below. If you are on workers' compensation for longer than six months, you are expected to apply for long-term disability (LTD) insurance; if your LTD application is approved, you will be granted an LTD leave, and benefits may continue under the terms of that plan.

*Health, Life, and LTD Insurance Plans:* You may continue to participate in FCI's group health, FSA, HRA, Emeriti, life, and LTD insurance plans for up to six months from the beginning of a workers' compensation leave. Your life and LTD insurance will continue at the salary level in effect at the time the workers' compensation leave began. You remain subject to the specific terms of each insurance contract.

FCI will continue to pay its normal share of the premiums toward your coverage and you will be billed for your share. You must pay your share of the premiums within 30 days of the billing date to ensure continued coverage.

If you do not qualify for LTD leave after six months, you may elect to participate in the health plans under COBRA, and you have the option to convert to nongroup life and LTD insurance policies.

*Tuition Policy:* You continue to be eligible for benefits under this policy for up to six months from the beginning of a workers' compensation leave.

*Retirement Plan:* For eligible employees, FCI will pay retirement contributions on any supplemental payments. Retirement contributions are not made on workers' compensation disability benefits.

## **Application Procedures**

The Business Office is responsible for the filing and processing of workers' compensation claims and for monitoring workers' compensation leaves.

If you are absent on workers' compensation leave, you should contact your supervisor at least once a week to report on your estimated or actual return-to-work date, unless you and your supervisor agree to another reporting schedule.

Whenever possible, the duties of a position may be modified temporarily to enable employees to return to work during a lengthy recovery period.

The date the individual returns to work and any subsequent absences from work due to the work-related injury or illness must be reported to the Business Office so that benefits can be coordinated and state-mandated records accurately maintained.

## **Return to Work Certification**

If you are cleared to return to work (whether full- or part-time), you should ask your doctor to complete the [\*Physician's Approval to Return to Work\*](#) form. You must provide your supervisor and the Business Office with this completed form prior to returning to work. To ensure your ability to resume the duties of your job, FCI may require an examination by an FCI-designated physician before your return to work.

## **Extended Absence**

Extended absences due to work-related injuries, illness, and/or inability to meet the requirements of the position can be reason to file for long-term disability insurance benefits, or may prompt other action as deemed necessary by the department and/or FCI.

In the case of a job-related disability which may extend beyond six months:

- employees eligible for FCI's LTD insurance plan should consult with the Business Office about filing for LTD benefits;
- employees not eligible or approved for LTD benefits may be eligible for a leave without pay (see *Leave Without Pay*); and
- employees who are not eligible for LTD benefits or a leave without pay will have their employment terminated. However, termination of employment will not affect the employee's continued eligibility for workers' compensation benefits and other rights under the workers' compensation statute.

## **Replacement of Staff on Worker's Comp Medical Leave or Disability**

Under normal circumstances, FCI will hold a position open for a regular full- or part-time employee with a serious illness or disability during the first 6 months of an authorized paid or unpaid leave. During such an authorized leave the employee's position will normally be filled on a temporary basis only. Following 6 months of absence, the staff member's employment will be terminated. Termination of employment will not affect the employee's eligibility to continue receiving workers' compensation benefits and other rights under the workers' compensation statute.

FCI reserves the right to fill such a vacant position on a regular basis prior to 6 months after the start of an authorized leave in situations such as the following: 1) in the case of senior administrators who occupy strategic positions; 2) when FCI's or the department's needs require this action; or 3) where it appears highly unlikely that the employee will be able to return to work. The decision to fill such a position on a regular basis prior to 6 months after the start of an authorized leave must be approved by the Executive Director.