

## **SERENITY BEHAVIORAL HEALTH SYSTEMS**

**SUBJECT:** LEAVE AND PAYMENT FOR WORKERS'  
COMPENSATION AND SPECIAL INJURY CLAIMS  
**POLICY NUMBER:** HR-18.03  
**EFFECTIVE DATE:** May 1998  
**SUPERSEDES:** NA  
**LAST REVISION DATE:** February 2011

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### **POLICY:**

It is the policy of Serenity Behavioral Health Systems (SBHS) to be subject to the requirements of the Workers' Compensation Law and the Special Injury Law. All employees are to ensure that appropriate procedures in this policy are followed.

### **ELIGIBLE EMPLOYEES:**

- I. All employees of SBHS are covered by the Workers' Compensation Law unless specifically excluded by law or regulation.
- II. All full-time employees who regularly work thirty (30) or more hours each week are covered under the Special Injury Law.

### **DENIAL OF COMPENSATION:**

- I. No compensation will be allowed for an injury, illness or death due to the following:
  - A. The employee's willful misconduct, including intentionally self-inflicted injury
  - B. Growing out of his/her attempt to injure another
  - C. Due to intoxication by alcohol
  - D. Due to being under the influence of marijuana or a controlled substance, except as may have been lawfully prescribed by a physician for such employee and taken in accordance with such prescription
  - E. Due to willful failure or refusal to use a safety appliance or perform a duty required by statute, or
  - F. Due to the willful breach of any policy and/or procedure of the SBHS of which the employee had knowledge prior to the incident.

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**REPORTING:**

Work-related injuries and/or illnesses are to be reported immediately as outlined in this policy.

**ACCESS TO INFORMATION:**

Department Of Administrative Services (DOAS) Workers' Compensation investigators acting as agents for SBHS are authorized to have access to personnel and any other related files necessary to complete a review or investigation of a workers' compensation or special injury claim. An employee's medical information is confidential and is available to individuals only on a "need to know" basis.

**SATISFACTORY MEDICAL DOCUMENTATION:**

- I. An employee must provide satisfactory medical documentation of an injury, illness or exposure to occupational disease to the Human Resource Benefit Coordinator and the immediate supervisor.
- II. Failure by the employee to submit satisfactory medical documentation of a work-related injury, illness or exposure to occupational disease within two (2) weeks may result in the employee's benefits being suspended.
- III. Satisfactory medical documentation is certification from a workers' compensation approved physician or emergency health care provider that the employee is physically unable to perform the duties of employment as a result of the injury, illness or exposure to occupational disease on the specified date.
- IV. An employee who does not initially use a worker's compensation physician is not eligible for workers' compensation benefits (unless the employee received emergency treatment).

**WORKERS' COMPENSATION PAYMENT AND LEAVE PROCEDURES - USE OF LEAVE OR LEAVE WITHOUT PAY:**

- I. If employees are absent due to workers' compensation claims, employees have the option of:
  - A. Using some or all of their accrued FLSA compensatory time, sick, annual or personal leave, or
  - B. Receiving worker's compensation payments for lost salary during the period of disability

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- II. Employees must provide written notification of the selected option by using the Selection of Payment Option Form.
- III. Absences due to a work-related injury and/or illness which qualifies as a serious health condition will be charged to family leave with and/or without pay if available and as determined appropriate.
- IV. Employees who choose to receive worker's compensation payments for lost salary will be placed on leave without pay. Employees cannot receive workers' compensation payments and regular salary (i.e. use of accrued FLSA compensatory time or leave) at the same time.
- V. The Human Resource Benefit Coordinator must notify DOAS Workers' Compensation when the employee loses work time or when the employee returns to work.

**WAGE LOSS PAYMENT:**

- I. The waiting period for workers' compensation wage loss payments is seven (7) calendar days. Usually no payment is due for the first week of the disability.
- II. Entitlement to benefits for the first seven (7) calendar days of disability or any portion of the time, requires that the employee be disabled for at least twenty-one (21) consecutive calendar days and that the first seven (7) calendar days were leave without pay.
- III. In the event available leave is inadequate to cover the entire period of disability (in excess of the first seven (7) calendar days of disability) the employee would be entitled to weekly benefits as of the day the leave was exhausted.

**MEDICAL PAYMENTS:**

- I. Medical expenses arising from a work-related injury and/or illness are covered if the claim is accepted by DOAS Workers' Compensation. This includes hospital bills, prescribed drugs, ambulance, physicians and other medical expenses. Expenses connected with a work-related injury and/or illness is excluded under the State Health Benefit Plan.
- II. For treatment that is for some reason not covered by worker's compensation benefits, or if workers' compensation benefits terminate, employees should seek treatment from their personal health care provider.

**DISABILITY DUE TO VIOLENCE BY A THIRD PARTY:**

A full-time employee who becomes physically disabled as a result of an injury incurred in the line of duty and caused by a willful act of violence committed by a non-agency employee is

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entitled to a leave of absence for the period the employee is physically unable to perform his/her duties. Such a leave of absence will be provided in lieu of sick leave and the employee will continue to receive his/her regular compensation, subject to the limitations below. Leave granted under this provision cannot exceed 180 working days for any single incident. An employee seeking leave under this section must submit documentation of his/her disability to SBHS.

- I. Benefits received under this provision of the policy will be subordinate to any workers' compensation benefits, which the employee is awarded and will be limited to the difference between the amount of workers' compensation benefits, actually paid and the amount of the employee's regular compensation.
- II. Special injury claims are to be reported in the same manner as other workers' compensation claims.
- III. Requests for special injury leave should be carefully reviewed. The individual responsible for workers' compensation reporting should review all available information with the appropriate Human Resource Benefits Coordinator to determine if the injury falls within the provisions of the Special Injury Law.
- IV. Notification of the decision should be sent to the injured employee.

NOTE: If special injury leave is approved or extended but the physician's certification of physical disability does not give a definite return to work date, the Human Resource Benefit Coordinator will contact DOAS for assistance to select and approve a reasonable period of time.

- V. The Human Resource Benefits Coordinator must also notify DOAS Workers' Compensation when the injured employee loses work time or when the employee returns to work.
- VI. If supported by satisfactory evidence of physical disability, any absence during the first seven (7) days of physical disability is covered by special injury leave and must not be charged to sick leave, annual leave, personal leave or leave without pay (LWOP).

**PROCESSING:**

- I. For an initial outage due to special injury leave, the employee's Human Resource Benefits Coordinator must place the employee on Short Term Injury Leave.
- II. Any leave charged in error to the employee during this period must be restored.
- III. Salary adjustments must be made if the employee was placed on LWOP.
- IV. During the first seven (7) days of physical disability, the employee is not eligible for workers' compensation benefits, therefore, coordination of benefits with DOAS Workers' Compensation is not necessary at this time. Refer to the Coordination Section of this

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policy if absence due to disability exceeds twenty-one (21) consecutive calendar days. In this case, SBHS and DOAS Workers' Compensation will coordinate benefits resulting in the employee receiving the normal rate of pay for the first seven (7) days.

**COORDINATION:**

Coordination of workers' compensation benefits with DOAS Workers' Compensation is required for employees absent due to physical disability beyond the first seven (7) days. The Human Resource Benefit Coordinator will process special injury leave in accordance with the following procedures:

- I. For any period of time other than the initial seven (7) days (additional outage), the Human Resource Benefits Coordinator should not move the injured employee from Short Term Injury Leave to Leave Due to Injury. The Human Resource Department is responsible for monitoring special injury leave data entry and will immediately reduce the injured employee's regular salary by two-thirds (2/3), resulting in the injured employee receiving one-third (1/3) of their regular salary from SBHS.
- II. The Human Resource Benefits Coordinator must contact DOAS Workers' Compensation to determine the amount of any workers' compensation award and forward that information directly to them.

**RETURN TO WORK/CHANGE IN STATUS:**

- I. The injured employee's work location must notify the Human Resource Benefit Coordinator when the employee returns to work or has any other change in employment or workers' compensation status. This includes time status changes. The Human Resource Benefit Coordinator must immediately notify DOAS Workers' Compensation.
- II. If the injured employee returns to work from a period of special injury leave, the supervisor should notify the Human Resource Benefit Coordinator, who will enter the authority code "return" in the Phoenix system.

**EXPIRATION SPECIAL INJURY LEAVE BENEFITS:**

An injured employee who remains physically disabled after 180 workdays is no longer eligible for special injury leave benefits. Regular workers' compensation benefits will then apply. The appropriate human resource representative should ensure that the authority code "return" is entered.

**HEALTH/FLEXIBLE BENEFITS PREMIUMS:**

The injured employee's Human Resource Benefits Coordinator is responsible for ensuring that the employee continues to have payroll deductions for any health insurance and/or flexible benefits premiums for which the employee is responsible during the period of special injury

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leave. If payroll deductions are not possible, the employee's Human Resource Benefits Coordinator must ensure the employee is made aware of the employee's responsibility to make direct payment(s) to the SBHS' Payroll Department.

**REFERENCES:**

- I. 478-1-18 and 478-1-23 Rules and Regulations of the State Board of Workers' Compensation
- II. DHR Personnel/Human Resource Policies 1003,1005,1007, and 1701
- III. State Personnel Board - Rule 16 (Absence From Work)

**ATTACHMENTS:**

- I. [Selection of Payment Option SBHS Form 457](#)
- II. [Approval Notice—Physician Gives Specific Period of Disability SBHS Form 596](#)
- III. [Approval Notice—Period of Disability not Specified by Physician SBHS Form 597](#)
- IV. [Extension Notice—Physician Gives Specific Period of Disability SBHS Form 598](#)
- V. [Extension Notice—Period of Disability not Specified by Physician SBHS Form 599](#)
- VI. [Denial Notice SBHS Form 600](#)

**APPROVAL SECTION:**

\_\_\_\_\_  
Chief Executive Officer

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Date

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Committee Chairperson

\_\_\_\_\_  
Date

**RESCISSION SECTION:**

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Chief Executive Officer

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Date

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**REVIEW SECTION:**

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Committee Chairperson

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Date

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Committee Chairperson

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Committee Chairperson

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