

North Dakota State University

Policy Manual

SECTION 144 WORKER'S COMPENSATION

SOURCE: NDSU PRESIDENT
NDUS Human Resource Policy Manual, Section 8

1. The North Dakota State Board of Higher Education recognizes that the safety, health and well-being of its employees is important. To this end, a priority will be placed on the prevention of accidents and occupationally-incurred illnesses. It is a goal to reduce claims costs. It is the responsibility of every employee to work in a safe manner, and intervene when others are performing in an unsafe manner.
2. All employees are protected by Workers Compensation against accidental injury or occupationally-incurred illness in the performance of their official duties.
3. NDSU will maintain an approved North Dakota Workers Compensation Risk Management Program. Components of this program include:
 - 3.1 All on-the-job accidents and injuries or occupationally-incurred illnesses must be reported within twenty-four hours to the employee's supervisor and the *University Police & Safety Office (UP&SO)*. This is for the protection of the employee as well as the University.
 - 3.1.1 The Employee Incident Report and the Supervisor Incident Report (<http://www.ndsu.edu/forms/#univ14>) must be submitted immediately or within 24 hours to the Safety Office.
 - 3.2 All employees must receive training or information on general safety rules, safe operating procedures, ergonomic hazards and the institution's claims management procedures. Employees in unique work environments must receive additional training relevant to their position.
 - 3.3 To have a claim paid by Workers Compensation, employees must seek medical care from the University's Designated Medical Provider(s). However, employees have the option of choosing their own medical provider for Workers Compensation care if they make that known in writing to the UP&SO in advance of any injury or treatment for an occupationally-incurred illness or *injury*.
 - 3.3.1 *All claims for medical expenses or time loss payment must be filed through the UP&SO Claims Specialist.*
 - 3.3.2 *Return to work accommodations will be coordinated for all time loss claims. Employees must comply with the physician's recommendations and accept temporary work accommodations as facilitated by the Workers Compensation Claims Specialist, UP&SO and the employee's supervisor.*
 - 3.3.3 *If no accommodations can be made and the employee is eligible to receive Workers Compensation time loss benefits due to his/her absence from work, the employee*

may elect to use Workers Compensation benefits only or use it in combination with the University sick leave and/or annual leave.

4. In the case of absence due to illness or injury, for which Workers Compensation time-loss benefits are received, sick leave pay may be utilized to the extent of the difference between such benefits and the employee's regular salary. The employee may elect to use Worker's Compensation only or use it in combination with sick leave and/or annual leave. However, the employee's leave account shall only be charged that percentage of time which corresponds to the percentage of salary that the institution shall pay. The total time-loss payment shall not be more than the employee's regular pay.
 - 4.1 *The employee may elect to use Workers Compensation time-loss only, or use it in combination with sick/annual leave.*
 - 4.2 *If the employee elects to use Workers Compensation only, not in combination with University sick and/or annual leave, then he/she is placed on leave without pay at the University for the amount of time not covered by the reimbursement from Worker's Compensation.*
 - 4.3 *If the employee wishes to use sick/annual leave for the portion of salary not covered by the Workers Compensation time-loss payment, the employee must submit leave cards for all time loss from work through their regular department process.*
5. During the time that the injured employee is using sick leave and/or annual leave, the institution will continue to issue a payroll check. Thus, when the injured employee receives a check from the Workforce Safety & Insurance, that check must be turned over to the NDSU HR/Payroll Office.
6. Upon using all accrued benefits, an employee will be placed on leave without pay for a maximum of 90 calendar days. At the end of that period, the employee, the supervisor, the Workforce Safety & Insurance and the *UP&SO Claims Specialist* shall evaluate the medical prognosis. If it is unlikely the employee will return to work in a reasonable amount of time (*within 90 days of being placed on leave without pay*), the position the employee holds will be filled through regular procedures. When the employee, upon medical approval, is able to return to work, *within two years of being placed on leave without pay*, the employee is entitled to be placed in the same classification, if qualified, when a position becomes available.
7. If an employee must be completely retrained into a different capacity from their employment at the time of injury, the employee's position shall be filled through regular procedures. When the training is complete, the employee may compete as an internal candidate for a position at *NDSU*.
8. If the employee is not able to return to work within two years of being placed on leave without pay, their employment shall be terminated.
 - 8.1 *For Workforce Safety purposes, North Dakota Public Employees Retirement System (NDPERS) maintains employee records for two years. If the employee is not able to return to work in any capacity after two years, he/she forfeits his/her rights to be considered for placement into a position at NDSU except to participate in regular recruitment procedures.*

HISTORY:

New	July 1990	Amended	October 2007
Amended	April 1992	Amended	January 2008
Amended	April 1996	Housekeeping	June 5, 2012
Amended	June 1997		