Worker’s Compensation and Incident Reporting for Supervisors

This training session will help you to understand who is covered, how to report an accident, what the deadlines are for reporting, and what to do in case the employee is not released for work.

Workers Compensation: Overview

The State Accident Insurance Fund (SAIF) is OSU’s carrier for worker’s compensation insurance.

An “incident” is the term used to explain any accident, injury or illness that occurred to an employee while on the job.

Who Must Report Incidents?

Everyone.

This includes:

- Students
- Student employees
- Regular employees
- Temporary employees
- Visitors

Who is Covered?

Generally anyone working for OSU paid through Oregon University System payroll is covered. SAIF may make an exception if an individual meets their “subject worker” criteria.

Volunteers may be covered under VIC coverage through the OSU Office of Risk Assessment.

Other risk policies may apply to persons not covered by SAIF or VIC.

The OSU Office of Risk Assessment can advise.

In Case of Injury

The employee must IMMEDIATELY report the incident to the supervisor and explain how it happened. All forms need to be submitted to Employee Benefits in the Office of Human Resources within 24 hours of the incident.

If the employee is injured, but NOT seeking medical treatment...

The supervisor must complete the OSU Report of Accident form. NOTE: Non-employees will need to also complete this form.

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If the employee is injured and seeking medical treatment...
The employee needs to:

- Provide information to the supervisor who completes the Report of Accident form.
- Complete the SAIF 801 form with the supervisor.
- Have the medical provider complete the Employee Status Report form.

(These forms are available online at http://oregonstate.edu/admin/hr/benefits/wc)

Here’s how your employee needs to inform you and the Office of Human Resources (OHR) under each scenario.

1) If not released back to work:
   a. Advise the supervisor and OHR immediately.
   b. Provide a written physician’s authorization for release from work to the supervisor and OHR.
   c. Check in with the supervisor weekly if additional time off is needed or in the case of changes in release status.
   d. Provided an update physician’s release after each appointment and at a minimum of every 30 days.

2) If released back to transitional work
   a. This must be reported to the supervisor and OHR immediately.
   b. Provide a written physician’s authorization with restrictions to the supervisor and OHR, and updates to any changes in release status after every appointment.
   c. Participate in the Early-Return-To-Work program.

If medical care is needed...
The employee may seek emergency treatment or visit a primary care physician. The physician will need to know if the incident occurred on the job.

If the employee is a student, the student may go to the Student Health Center.

When seeking medical care, the physician must provide a medical release or similar statement listing specific limitations that must be provided. (The employee should take a copy of the Employee Status Report to the appointment.)

Release to work...
If the employee is NOT released to work, the employee must contact the supervisor immediately and submit an Employee Status Report form with the attending physician’s validation immediately after the appointment.

If the employee is released to regular or restricted work, the attending physician must provide an Employee Status Report form (or similar release) immediately after the appointment that specifies release status and restrictions.

The Supervisors Role in the Worker’s Compensation Process

- Direct the employee how to respond.
- Notify the Office of Human Resources.

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- File the claim IMMEDIATELY and complete the necessary forms.
- If transitional work is required, find suitable duties within the department. In this case,
  - Complete the Worker’s Compensation Regular Position Description form to document the physical requirements of the position.
  - Complete the Worker’s Compensation Modified Position Description form to address physical limitations.
- If time loss occurs, be in weekly contact with the employee.

Employee Benefits in the Office of Human Resources Role

- Assist the employee and supervisor during the process.
- Assist the department with transitional work for employees released with restrictions.
- Apply for the Employer At Injury program purchases on behalf of the department.
- Act as liason with SAIF on claims management.
- Attend appeal hearings on behalf of the employee.

Success Tips for Supervisors

1) Train employees so that they know their responsibilities when reporting incidents.
2) Make sure they understand safety procedures and how to prevent accidents.
3) If an incident occurs, take corrective action to see that it does not happen again. Consider:
   a. Are safety procedures in place?
   b. Have employees been trained on safety procedures?
   c. What protection equipment is needed?

Temporary Disability

If the employee is NOT released to work, temporary disability or time loss benefits may kick in, depending on certain circumstances. If a “bona fide” modified job offer is not in place within a 3-day waiting period from the date of the incident, temporary disability coverage may take effect. (The 3-day period includes unscheduled days, holidays and weekends.)

The waiting period begins:
- On the date of injury if leave starts before the end of the employee’s shift OR
- On the first day missed after the date of injury.

SAIF Salary Payment If SAIF Claim

If time loss is for a SAIF claim and the employee receives temporary disability, there is a specific time loss and pay calculation that is applied.
1) SAIF pays 2/3 of the employee’s average gross wages earned in the year preceding the incident.

Setting up a “bona fide” modified job offer

- Complete the Worker’s Compensation Modified Position Description form to meet restrictions.
- Obtain the physician’s approval of the modified position description.
- If approved by the physician, a copy of the approved job and “bona fide” job memo is presented to the employee.
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2) The 2/3 wage contribution for the normal shift is recorded on the employee’s timesheet as **leave without pay** to avoid overpayment.

3) The employee may choose to use paid accruals to make up to 100% of their wages.

**FMLA/OFLA**

Worker’s compensation claims with time loss run concurrently with Family Medical Leave/Oregon Family Medical Leave benefits.

Visit [http://oregonstate.edu/admin/hr/sites/default/files/ercc/fmla/reporting-protected-leave-on-timesheet.pdf](http://oregonstate.edu/admin/hr/sites/default/files/ercc/fmla/reporting-protected-leave-on-timesheet.pdf) to view additional details and guidance.

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**Permanent Impairment**

If an employee suggests a permanent impairment or a need for accommodation, refer the employee to the OSU Office of Equity & Inclusion for guidance and consideration.

When this referral is made, notify Employee Benefits in the Office of Human Resources.

**Fraudulent Claims**

Unfortunately, OSU has experience fraudulent claims. If the employee’s actions do not appear genuine and you have reason to believe the employee has filed a fraudulent claim, you are obligated as the supervisor to notify Employee Benefits in the Office of Human Resources.

Below is a list of behaviors that might alert you:

- Report of an injury after a weekend or day off.
- Delay in reporting.
- No witnesses.
- Differing descriptions of the accident.
- Difficulty contacting the injured worker at home.
- Employee refuses a reasonable diagnostic procedure.
- Reported just before a layoff, project conclusion, end of seasonal work or similar situation.
- Employee recently obtained a disability policy.
- Frequent change of medical providers.
- Employee seen being active while allegedly disabled from work.
- Employee makes excessive demands.
- Employee receives a Release to Work followed by a change in medical provider.
- The disability is beyond normal for the circumstance.

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Guidance to Assist You

Should an injury, illness or accident occur in your workplace, you will find incident reporting forms and guidance to assist you at this link: http://oregonstate.edu/admin/hr/wc