

Important Information for Employees with Occupational Injuries/Illnesses

This letter will provide you with important information about workers' compensation and University procedures associated with an on-the-job injury/disease. If you have questions, please contact Heidi Melton, Human resources Officer, at 541-737-2916 or by email at Heidi.Melton@oregonstate.edu. Additional workers' compensation information is available online at <http://oregonstate.edu/admin/hr/benefits/wc.html>.

WORKERS' COMPENSATION INSURANCE CARRIER:

SAIF Corporation is the University's workers' compensation carrier. If you have questions about your workers' compensation claim, contact SAIF at 1-800-285-8525.

SAIF will evaluate your claim and determine whether to accept or deny it. During this time, the claim is defined as being in deferred status. SAIF may pay you temporary partial/total disability (see below) while your claim is in deferred status. During this time, medical providers (other than pharmacies) should bill SAIF. If your claim is accepted, SAIF will pay medical providers and reimburse you for the cost of prescriptions. SAIF will notify you in writing about the acceptance or denial of your claim.

MEDICAL APPOINTMENTS:

Notify your supervisor of any scheduled medical appointments, following your department's policies and procedures. Employees are expected to make follow-up appointments at times that are least disruptive the department when at all possible (for example at the beginning or end of a shift). You may use accrued leave to cover time off to attend regular medical appointments due to your occupational injury/illness (this is usually not covered by SAIF).

EMPLOYEE STATUS REPORT (ESR):

Each time you see a physician for your injury/disease, you will need to have the physician complete the Employee Status Report (ESR). Return the ESR to the Office of Human Resources and provide a copy to your supervisor. You can find this form online at the OSU web site on workers compensation at <http://oregonstate.edu/admin/hr/benefits/forms.html>.

If you are released to work with restrictions or are not released to work, you must have your doctor complete a new ESR at least every 30 days or sooner, if the ESR indicates a follow up appointment in less than 30 days.

TRANSITIONAL WORK:

Your doctor may indicate on the ESR that you have temporary restrictions because of your injury/illness. Whenever possible, your supervisor will find work for you within these restrictions. This is called transitional work (also called modified, light, or restricted duty/work). Transitional work is a temporary adjustment of your regular job or a temporary reassignment.

When returning to transitional work, you will be asked to sign a transitional work job offer letter. This letter outlines when work is to begin and advises you that transitional work is a temporary assignment. Transitional work assignments are reviewed every 30 days and are to last no longer than 90 days, with some exceptions.

TIME LOSS FROM WORK:

If you begin to miss work from reasons other than medical appointments, please contact Human Resources immediately (see contact information at top of last page). Any time off work related to your

injury/illness requires a Doctor's authorization for time loss in order for that time to be eligible for possible SAIF time loss payments.

TEMPORARY PARTIAL/TOTAL DISABILITY – TIME LOSS PAYMENTS:

If you are missing time from work, SAIF may reimburse you for part of your normal earnings. This is called temporary partial or total disability (also called time loss). Time loss payments amount to approximately two-thirds of gross salary for many employees. The amount may vary for academic year employees and/or employees who are paid hourly, work varied hours, receive overtime pay and/or are paid more than the Oregon Employment Department average weekly wage. If you are working less than your regular hours, SAIF may prorate your time loss payment based on earnings from the University.

Time loss must be authorized, in writing, by your attending physician. Contact SAIF for more information.

MEDICAL AND PHARMACY BILLS:

While your claim is in a deferred status, you should not pay medical providers for expenses related to your claim. If SAIF accepts the claim, they will pay for medical care related to the claim. If the claim is denied, the worker or the worker's private health insurance carrier will be responsible for medical expenses. As of January 1, 2002, a claim that is denied or on appeal will be processed by the health insurance company, provided the worker has coverage. However if there is a balance remaining, the medical provider can bill the workers' compensation carrier, who will pay up to the fee schedule for certain types of medical services prescribed to reduce pain, diagnose the condition or prevent disability. If the claim denial is ultimately upheld, the amount paid can be held as an overpayment and deducted from future workers' compensation benefits with the same insurer.

By law, if an injured worker is receiving medical care in Oregon, the doctor may not seek payment from the worker for the treatment related to the claim during the time the claim is being evaluated or if the claim is accepted. It is also important to know that during the time the claim is being evaluated (deferred), SAIF will not make payment for any medication the doctor may prescribe or for any other expenses such as transportation costs for visits to the doctor's office. Workers should keep receipts for these expenses as they will be paid by SAIF, in addition to related medical bills, if the worker's claim is accepted and they can provide documentation of expenses to SAIF. If SAIF sends a worker for an evaluation during this "deferred" period, SAIF will reimburse expenses to attend the appointment(s).

CLAIM APPROVAL/DENIAL:

A claim is evaluated by SAIF and accepted or denied as quickly as possible. Sometimes your adjuster may need additional medical information or must request an investigation. This may cause a delay in the decision to accept or deny the claim. By law, insurers have 60 days from the time your employer knew of an injury to make this decision.

WORKER'S RESPONSIBILITIES:

If your claim is denied, you have 60 days to appeal the denial. If a claim is denied and the denial becomes final, you are responsible for the payment of all medical bills. You may bill your private health insurance company for medical treatment if the claim is denied by sending a copy of the denial to them.

According to Oregon's workers' compensation law, it is up to the injured worker to prove that an injury occurred on-the-job or that an illness was due to job-related factors. Workers who file a workers' compensation claim for an injury that they know occurred off-the-job or attempt to collect wage replacement and benefits for one job while failing to report earnings at another may be committing fraud and could be prosecuted.

If your claim is accepted, you will need to keep your claims adjuster and supervisor up to date on your progress and recovery. Be sure to ask questions of your claims adjuster if you don't understand something or receive forms or letters that are confusing.

It is your responsibility to do all you can to return to work. You should fully cooperate with those who are helping you return to work. You should keep your medical appointments and follow your doctor's instructions and treatment plan. Avoid any activities that will stop or slow your recovery.

It is important that you keep your supervisor and the Office of Human Resources informed about your condition. Have your doctor complete the Employee Status Report (ESR) form after each medical visit and submit it to the Office of Human Resources and your supervisor. When your doctor releases you to work, contact your supervisor immediately. Be sure to obtain a written copy of the work release for your supervisor and the Office of Human Resources.

FAMILY MEDICAL LEAVE ACT:

The Family Medical Leave Act of 1993 (FMLA) is a federal law that requires employers to provide job protection to qualifying employees who take time off for their serious health condition, a family member's serious health condition, or to care for a newborn, adopted or foster child. Human Resources administer FMLA for the University. Oregon also has the Oregon Family Leave Act (OFLA) for which you may be qualified, but in most cases OFLA also qualifies as FMLA. If this is the case, OFLA and FMLA will run concurrently.

Your occupational injury/disease may meet the definition of a FMLA serious health condition. If you are missing time from work, contact Tracey Coats at 541-737-5946 for more information on FMLA eligibility. Time loss and FMLA run concurrently.

USE OF ACCRUED LEAVE OR LEAVE WITHOUT PAY:

If you are absent from work for your injury/disease and receiving time loss payments, you may elect to use accrued leave (if available) or leave without pay, in accordance with all applicable contract rules. You must notify your supervisor or department payroll administrator about your use of accrued or leave without pay.

IMPORTANT: You cannot be paid more than your normal salary. If you are being paid time loss by SAIF and using accrued leave, you will be required to pay the University back on any amount exceeding your normal salary. Accrued leave, amounting to the overpayment, will be restored.

To avoid an overpayment, contact payroll to adjust your leave taken during this period to one-third as leave time and two-thirds as leave without pay time for any time SAIF is paying time loss at two-third salary.

HEALTH, DENTAL & OTHER INSURANCES (Academic & Classified Employees):

The University is required to continue to pay the employer contribution towards medical and dental insurance, if you lose coverage due to an occupational injury/disease. Your medical and dental coverage will be continued for a maximum of 12 months from the University's date of knowledge of the occupational injury or disease. This coverage is called the Continuation of Benefits for Injured Workers (CBIW). CBIW coverage may end before the maximum period for one of the reasons listed on the attached "CBIW notice". Please carefully read this information.

If you have additional insurance, such as optional life insurance, you will need to self-pay the premium(s) to continue coverage. Contact the Benefits team in the Office of Human Resources for additional information at 541-737-2835.

RETIREMENT (Academic & Classified Employees):

Should you have questions about retirement or how leave without pay associated with workers' compensation injury/disease affects your retirement benefits, please contact the Benefits team in the office of Human Resources for additional information at 541-737-2806.

COLLECTIVE BARGAINING AGREEMENTS:

The collective bargaining agreements may provide job protection for employees who suffer occupational injury/diseases. For information, please refer to your collective bargaining agreement.