

427 INJURY MANAGEMENT PROGRAM POLICY

Scope: This Injury Management Policy covers those employees that have been injured/become ill, or allege to have been injured/become ill, in the scope of their employment with Park Rapids School District.

Purpose: To effectively manage Park Rapids School District's resources, both financial and human resources. To provide a work environment that acknowledges the value of each employee's contributions, including contributions as a result of temporary or permanent work restrictions when at all possible. To provide an environment where injured employees can safely engage in work-hardening activities as they recover from their work-related illness or injury when at all possible.

Values Statement: In today's business climate organizations are compelled to make the best use of available resources in order to stay competitive. Both workers' compensation costs and the Americans With Disabilities Act have demonstrated the need for, and feasibility of, organizations to embrace the contributions injured or disabled individuals can bring to the work environment. Within the framework of its business plan, this organization acknowledges the value of the contributions an employee can make when on appropriate temporary or permanent work restrictions. To that end this organization will provide appropriate alternate duty, when at all possible and do its best to ensure a safe work environment.

Executive and Management Commitment: Members of the Board of Education and Superintendent of Schools will ensure the Injury Management Program has the appropriate amount of resources: time, money and people, to be effective in meeting the organization's goals around workers' compensation losses when at all possible. Annual goals to control workers' compensation losses will be part of the strategic planning process. The executive and management group will provide visible and obvious support for the Injury Management Program, and to that end will make appropriate interventions with individuals, or groups of individuals, when indicated. This includes direct intervention with employee groups, medical providers, insurance providers and others as indicated.

Accountability: Each member of the organization has specific accountability to support the Injury Management Program and *as such this should be included as a part of the job description and performance appraisal process* (along with accountabilities to support the safety program in general). Specific accountabilities would include:

1. **Superintendent of Schools:** Delegation of appropriate levels of resources to the program including financial, time and people. Set *specific* annual goals for the program regarding workers' compensation losses. Intervene effectively when barriers are identified.

2. **Business Manager -Injury Management Coordinator:** Coordinate all pieces of the Injury Management Program procedures. Provide, directly or indirectly, WC loss information that demonstrates where the organization is in regards to the goals set for the program. Bring to the attention of the executive/management group any barriers to the effective administration of the program.
3. **Administration - Department Management:** Participate fully in the management of WC losses by supporting the organization's goals and procedures for the Injury Management Program. Intervene directly when any member of their staff fails to remain accountable to their responsibilities under the program.
4. **Direct Supervisor:** Help to identify appropriate alternate duty assignments when at all possible. Closely supervise the injured employee as they perform their alternate duty assignments. Keep the Injury Management Coordinator advised as to any issues that might develop as identified in the Supervisor Roles and Responsibilities document.
5. **Injured Employee:** Follow all Injury Management Program process steps as identified in the Injured Workers' Responsibilities document.
6. **Co-workers:** Provide an environment of support for employees that are work hardening and on restrictions as a result of their work-related injury/illness. Report any concerns about the injured employee's case/claim, or activities outside the work environment, to the Injury Management Coordinator. Harassment of co-workers on alternate duty will not be tolerated.
7. **Safety Committee:** Coordinate with the Injury Management Coordinator to eliminate or reduce hazards in the work environment that are causing, or have the potential to cause, injuries/illness to employees. Apply safety program tools such as the Repeater Counseling Program, Job Hazard Analysis, and Accident Analysis. Develop generic alternate duty task lists for each department when at all possible. Complete Standard Trends for WC Data Analysis per the Injury Management Program procedure document.

Communication: Effective injury management begins prior to employment when the employee is still an applicant for a position. The continuum of injury management follows a course through new employee orientation, annual safety training, to the time of injury and through recovery. Therefore effective communication of the Injury Management Program elements begins before an injury ever occurs. Copies of this policy, along with the Injured Worker's Responsibilities and Supervisor Roles and Responsibilities will be given out during the interview process, at the time of new employee orientation, at the time of annual safety program training and at the time the injury is reported. Copies of these will also be posted in a conspicuous place where employees will have ready access to the materials.

Disciplinary Action: Failure to comply with the Injury Management Program elements and failure to comply with safety policies and procedures will result in disciplinary action. Horseplay of any kind is strictly prohibited. Infractions will also be noted in the performance appraisal process. Failure to comply with medical restrictions, either inside or outside the work environment, will be specifically included in the disciplinary action/performance appraisal process as will other elements outlined on the Injured Worker's Responsibilities.

427 Some Injury Management Procedures

Designated Medical Provider:

The Injury Management Lead (Business Manager) will establish designated medical providers for medical doctors, chiropractic doctors, emergency facility or urgent care facility for after hours care, and (as indicated) any particular medical specialty groups that are frequently used, i.e. orthopedic, neurologist, etc.

As part of this process the Injury Management Lead (Business Manager) will provide these designated providers with current job demands, written and videotape formats are suggested.

The Injury Management Lead (Business Manager) will meet with the designated medical providers on an annual basis, and more often if issues arise, to discuss how the relationship is, or is not, working to the satisfaction of the company. An executive level employee of the company will participate in this meeting if there are any areas of dissatisfaction on the part of the Injury Management Lead (Business Manager) with the services provided by the designated medical provider(s).

At the time of a work-related injury, or at the time an employer representative is informed of a work-related injury, the injured employee will be routed to the designated medical provider. An employee may choose to continue to receive treatment from the designated medical provider or they may choose their own Primary Health Care Provider.

Additional action should be taken when issues such as the following are identified with either the designated provider and/or the employee's primary health care provider:

1. Failure to communicate adequately or effectively with the employer, employee, Qualified Rehabilitation Consultant, or the WC insurance company, about the medical treatment plan or return to work planning.
2. Failure to provide return to work capabilities with or without restrictions at the earliest appropriate time.
3. Failure to adequately complete the workability report. An employer has the right to ask for additional information on the workability report.
4. Failure to review job demands for Return To Work planning.

All action plans should be discussed with the claim handler prior to proceeding.

Additional action may include all or some of the following:

1. Attempt additional communication with the primary health care provider or the designated provider as the case may be. Written communication is preferred for future documentation. Consider sending a videotape if work-ability is an issue.
2. Sending the employee for an evaluation with the employer designated physician (if the employee's Primary Health Care Provider is the issue). Limit use of this option to avoid limitation on your future rights to an independent medical examination (IME). Discuss first with the claims handler.
3. Sending the employee for an independent medical examination. Discuss first with the claims contact.

Change of Employee's Health Care Provider

If the employee receives medical care after the injury from a provider on two occasions, the provider is considered the primary health care provider if that individual directs and coordinates the course of medical care provided to the employee. The employee may have only one primary health care provider at a time. The selection of a provider by an employee covered by a certified managed care plan is governed by chapter 5218 of the MN WC statute.

Following selection of a primary health care provider, the employee may change primary providers once within the first 60 days after initiation of medical treatment for the injury without the need for approval from the insurer, the department, or a workers' compensation judge. After the first 60 days following initiation of medical treatment for the injury, any further changes of primary health care provider must be approved by the insurer, the department, or a workers' compensation judge.

If the employee or health care provider fails to obtain approval of a change of provider before commencing treatment where required by this part, the insurer is not liable for the treatment rendered prior to approval unless the insurer has agreed to pay for the treatment.

Transportation Issues:

Transportation issues will occasionally arise. These issues must be *immediately* addressed so as not to delay the injured employee's recovery progress. Identify *ahead of time* what alternate routes of transportation can be used on short notice. This might include carpooling options, transportation by a relative, transportation by a supervisor or management level employee, or the use of a taxicab, "handicab", or bus system. Any additional costs of transportation will be expensed to the employer or to the WC claim itself if appropriate.

Timeliness of Addressing Issues:

Timeliness of communications and actions cannot be stressed enough as a component of successful injury management. Therefore all accident investigations should occur immediately if possible, or by the end of the employee's work shift at the latest. Arrangements must be made on all weekend and off shifts for a person in charge to complete the investigation and make the decisions to route an individual to a medical provider. This information must be sent to the Injury Management Lead (Business Manager)'s attention immediately. If the Injury Management Lead (Business Manager) is away from work and not immediately available someone else will need to act on the information.

Information is expected back from the employee immediately after being seen by the medical provider. The individual must bring the Report of Workability slip to the Injury Management Lead (Business Manager) or appropriate designated person on an "off shift." Even if the employee is totally disabled from work he or she must drop the paperwork off prior to leaving the workplace. In the instance where, *due to their medical condition*, it would be impossible for the employee to bring in the Report of Workability slip they must ensure the medical provider faxes it to the organization immediately after the appointment.

The Injury Management Lead (Business Manager) must immediately complete the paperwork for the insurance company. If any delay is expected, the Injury Management Lead (Business Manager) should make telephone contact with the claim adjustor to advise them of the claim. All subsequent information provided by the employee or medical provider(s) must be immediately passed on to the claim handler.

The Injury Management Lead (Business Manager) must make immediate assessment of the application of other disability programs in the company, such as ADA, FMLA, STD, LTD, vacation time, sick time, etc.

Any deviation whatsoever from the expected must be communicated immediately to the appropriate person such as the claim handler, Injury Management Lead (Business Manager), supervisor, injured worker, medical provider(s), etc. Some examples are listed below:

- if an injured employee fails to come to work or calls in sick for their shift
- if an injured employee fails to keep a medical or therapy appointment
- if an injured employee feels they are being asked to work outside their restrictions (an *immediate* evaluation must occur by the supervisor and Injury Management Lead (Business Manager))
- if information affecting the compensability or status of disability is learned
- if there is an increase of symptoms or adverse reactions to medical treatment
- if transportation issues arise
- if issues develop between the injured employee and co-workers or management
- if an injured employee is engaging in activities outside their restrictions either in the work or home environment

Management of Paperwork:

The Injury Management Lead (Business Manager) must guard the confidentiality of all medical information related to the case. Therefore medical information will not be placed in the employee's personnel file. The OSHA 300 log will be maintained. Either the First Report of Injury (that includes OSHA 301 information) or the OSHA 301 records will be maintained. Due to the complex nature and legal implications of the information gathered; consult your legal counsel for additional guidance and advice on confidentiality of personal information, security of personal information and storage of personal information.

Coordination of Procedures/Legal Review:

The WC Injury Management Policy & Procedures should be coordinated with other Human Resources Policy & Procedures so that they are consistent with current management practices around: disciplinary action, confidentiality, coordination of benefits, disability management (LTD, STD, FMLA, ADA), communication, training, etc. The policy and procedures should be evaluated on a periodic basis and as changes in WC laws and case law dictates. *In addition, the WC Injury Management Policy & Procedures should be evaluated by legal counsel prior to implementation.*

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