NO-CHARGE WORKERS' COMPENSATION GUIDELINES Revised 1-22-2024

When an employee is injured by an ESBOCES student/parent, the following must be adhered to:

Form	Submit to	Timeline: From Date of Injury	Comments
5320F.1 – *Employee Injury/Incident Report* – **Page 1**	Risk and Asset Management Office	1 Business Day	Submit page 1, completed and signed by employee, to Risk and Asset Management Office. Page 2, signed by Principal, can be submitted separately if necessary (see next line).
5320F.1 – *Employee Injury/Incident Report* – **Page 2**	Risk and Asset Management Office	5 Business Days	Submit form to Principal immediately for signature, then Principal will submit Page 2 to Risk and Asset Management Office within 5 business days.
Notice of Right to Select a Workers' Compensation Board Authorized Health Care Provider	Principal	1 Business Day	Submit with Form 5320F.1 to Building Principal or Administrator
Medical documentation as requested by Travelers Insurance Co.	Travelers Insurance Company	10 Business Days	Keep Copy

All forms referenced above can be accessed via the ESBOCES website *(esboces.org)* under the **FOR STAFF** tab.

It is the employee's responsibility to ensure that documentation is received by the Risk and Asset Management Office within the required timelines. It is strongly suggested that the forms are submitted using a method that provides proof of submission (scan and e-mail, fax, or hand deliver for date stamp) and that you keep copies of these documents for your own records.

- If the injury warrants medical attention, the employee must be seen by a healthcare professional under a physician's supervision. It is the employee's responsibility to obtain and submit the medical documentation required by Travelers Insurance company. The medical documentation must be received by Travelers Insurance Company from the employee within 10 business days from the date of injury.

- The Department of Human Resources may request further medical documentation as needed.

- The employee must continue to enter absences into AESOP as alleged Workers' Compensation. All time will be charged as SICK until adequate medical documentation is received.

- The employee will be provided with a maximum of 180 school days (1 year), for qualifying absences related to a qualifying injury, starting from the date of injury. As an example, if an employee is injured on 12/1/2010, the opportunity to draw upon those 180 days concludes 11/30/2011. Any treatment/recovery time needed after that is charged at ½ Sick and ½ Workers' Compensation.

- No-charge time and compensation will end when the Workers' Compensation Board closes the employee's case, an independent medical examination determines that the employee is fit to return to work, after 180 school days, or on the date one year after the qualifying injury, whichever occurs first.

- After medical documentation is received by Travelers Insurance Company clearing an employee to return to work without restrictions, further no-charge time for any medical concern arising from the original injury will not be considered in the absence of re-documentation from a healthcare professional under a physician's supervision. If therapy services are required, appointments must be made either before or after the school day. Therapy sessions scheduled during the school day shall not be eligible for no-charge time.

- All no-charge cases may be reviewed by a committee and/or by the Agency's Workers' Compensation insurance carrier. The No-Charge Workers' Compensation Committee consists of equal administration and labor representation, including the unit President and/or designee. If the Committee cannot jointly reach a decision, the case will be brought to the Assistant Superintendent for Human Resources for review.

- At the determination of the Agency's Workers' Compensation insurance carrier, an additional signed statement from the injured employee may be required and taken by a representative of the insurance carrier. The Agency's Worker's Compensation insurance carrier may require an independent medical examination (IME), the expense of which is borne by the Agency. In the event that the IME determines that the employee is fit to return to work, the employee will be notified by the Department of Human Resources that his or her no-charge compensation and no-charge time will end. In the event the employee provides medical documentation that disputes the findings of the IME ordered by the insurance carrier, and except if otherwise precluded by law, the Agency will require that the employee undergo an IME by an Agency physician.

- The findings from the Agency IME will be evaluated and reviewed by the No-Charge Workers' Compensation Committee. If the Committee cannot jointly reach a decision to determine if payment and use of time for no-charge compensation will continue or terminate, the case will be brought to the Assistant Superintendent for Human Resources for review.

- In the event your claim is denied, you are entitled to appeal the decision. Submit your request for appeal to the Department of Human Resources along with any additional supporting documentation that you want considered during the appeal review. Appeals must be initiated by the employee and received by the Department of Human Resources within 30 days from the date of the Agency's communication of decision.