

GEORGIA DEPARTMENT OF CORRECTIONS

Standard Operating Procedures

Functional Area: Support Services/Personnel	Reference Number: IVO04-0002	Revises Previous Effective Date: NEW
Subject: Workers' Compensation		
Authority: Donald/Owens	Effective Date: 5/01/05	Page 1 of 9

I. POLICY:

- A. Every employee of the Georgia Department of Corrections (GDC) is required to maintain the essential physical and mental capabilities to perform assigned job functions satisfactorily. Accordingly, each employee and supervisor is encouraged to take a heightened interest in promoting work place safety and accident prevention.
- B. In the unfortunate event of a work place accident or injury, necessary precautions and actions will be followed to ensure prompt delivery of quality medical care for an injured worker, as provided by the Georgia Workers' Compensation (WC) Act [Official Code of Georgia - Title 34, Chapter 9].
- C. Effective management and control of the absence and compensatory process should support the employee's medical recovery and return to duty - either through transitional, modified or a regular work assignment.
- D. Injured workers and supervisors must cooperate fully with the authorized healthcare provider(s) and the WC Risk Management specialists, in efforts designed to return the employee to duty after an on-the-job injury. Close and professional communication among all affected parties will assure better administration of the employee's claim/injury investigation, medical evaluations, treatment, and rehabilitation services.

NOTE: As an agent for the Department, the Department of Administrative Services (DOAS)/Workers' Compensation investigators are authorized to have access to personnel and other related files and information necessary to complete a

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review or investigation of a workers' compensation or special injury claim.

E. Upon hire, each GDC employee must review and sign the "Memorandum To Personnel File" regarding reporting of accidents/incidents and obtaining treatment for work-related injury or illness. This form is retained permanently in the official personnel file.

II. APPLICABILITY:

All employees of the Georgia Department of Corrections (GDC).

III. RELATED DIRECTIVES:

A. Official Code of Georgia Annotated (O.C.G.A.):

1. 34-9, Workers' Compensation
2. 34-9-350, Subsequent Injury Trust Fund
3. 45-7-9, Special Injury

B. State Personnel Board (SPB) Rules:

1. Rule 13.300, Performance Management
2. Rule 18, Leave and Holidays
3. Rule 30, Leave Donations

C. GDC Standard Operating Procedures:

1. IIA07-0001, Fitness for Duty (Facilities Operations)
2. IIIA02-0007, Probation Operations Fitness for Duty
3. IVO04-0001, Americans with Disabilities Act, Title I
4. IVO04-0003, Return To Work Program
5. IVO08-0001, Working Hours, Overtime, and Compensatory Time (FLSA)
6. IVO08-0002, Time Keeping Requirements (FLSA)
7. IVO10-0002, Injury Leave With Pay

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8. IVO10-0003, Leave Without Pay
9. IVO10-0005, Sick Leave
10. IVO10-0011, Family Leave
11. IVO10-0012, Leave Donation Program
12. IVO16-0001, Performance Management
13. IVO21-0001, Teleworking

IV. DEFINITIONS:

- A. Transitional work is restructured duties or job assignments that can be performed on a short-term basis (normally not to exceed 90 calendar days). This job restructuring or work is **temporary** in design and may consist of either limited modification of the regular job duties, and/or limiting the number of hours of daily duty (in compliance with specific medical restrictions and as recommended by an authorized healthcare provider).
- B. Modified duty refers to performance of job tasks that have been specifically changed (as a temporary or permanent arrangement) to allow individuals to perform their regular-duty assignments, in a **limited** manner. However, modifications that are **permanent** or long-term in character (i.e., being performed more than three months after the injured employee has returned to duty) are not authorized without prior approval of the Personnel Director. The only exception is work that is approved for qualified individuals, as a "reasonable accommodation" - in strict accordance with provisions of the Americans with Disabilities Act (ADA).

V. ATTACHMENTS:

- Attachment 1 - Employee Incident Notice
- Attachment 2 - Notice of Injury and Leave Election Form

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VI. PROCEDURE:

A. Any injury or illness arising out of and in the course of employment is, by definition, a compensable on-the-job injury. All employees are responsible for immediately reporting any accident or injury to their local Personnel Representative and to their Supervisor or Duty Officer.

NOTE: The home workspace of an employee approved for Teleworking is considered to be an extension of GDC workspace. The state's liability for job-related accidents or injuries will continue to exist during the approved work schedule and in the employee's designated work location. The teleworker is covered under the State Workers' Compensation Law for injuries occurring in the course of the actual performance of official duties at the alternate workplace.

1. Supervisors should be familiar with both the OFFICIAL NOTICE FOR MEDICAL TREATMENT and the BILL OF RIGHTS FOR THE INJURED WORKER. These posters must be displayed in at least one conspicuous place on the work premises.
2. In the event that an injury does not require medical treatment beyond simple first aid, the supervisor or designee will complete the Employee Incident Notice (Attachment 1) and place it in the employee's local medical file.
3. Injuries requiring medical care or lost time from work must be reported to Teleclaims, via the telephonic reporting system at:

1-877-656-RISK (7475)

NOTE: This report should be made immediately but no later than 24 hours after the injury/illness occurs.

4. The Personnel Representative or Supervisor must provide the following to Teleclaims:
 - a. Name, Home Address, Telephone Number, Social Security Number, Date of Birth and Gender of Injured Employee;

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- b. Name of Employing Agency/Facility, Work Address and Telephone Number;
 - c. Part of Body Injured and Type of Injury (left hand, middle finger, cut, scrape, burn, etc.);
 - d. Hourly, Weekly or Monthly Wage;
 - e. Name, Address, Telephone Number, and Fax Number of Healthcare Provider or Hospital; and
 - f. If time from work was lost, has employee returned to work?
5. If medical attention is required, the caller will then be transferred to speak with the Managed Care Organization (MCO) dispatcher. **As much descriptive information as possible about the individual and the accident, injury, or illness should be given.**
 6. Medical treatment should be rendered only by the authorized healthcare provider, as directed by the MCO dispatcher or MCO Case Nurse.
 7. If a true **emergency situation** exists, supervisors should insure that the injured employee receives immediate attention from the nearest medical facility or emergency room. After the emergency is over, any further treatment must be provided only as directed by the MCO or the DOAS claims specialists.

NOTE: An injured employee may be treated by medical personnel employed by GDC or an on-site contractor only if there is a need to stabilize the employee prior to transporting to the nearest medical facility or emergency room.
 8. When possible, the supervisor or designee should transport the injured employee to receive medical attention if the condition of the employee allows it. [This demonstrates support to the employee and ensures that the authorized healthcare provider can speak with the supervisor/designee to discuss the job tasks and make a decision regarding the employee's return to work.] However, if there is any doubt about the seriousness of the employee's

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condition, an ambulance should be called to transport.

9. Generally, the Department/DOAS will not be liable for paying medical costs, if the employee voluntarily goes to his or her personal physician for treatment of an on-the-job injury after being made aware of the MCO/Panel of Physicians. **If an employee is dissatisfied with the services of the authorized healthcare provider, he or she can receive approval from DOAS/WC for one change to another healthcare provider from the MCO Group.**
 10. Once an accident or injury requiring treatment by a healthcare provider is reported, **the supervisor (or designated representative) must ensure that appropriate parties are promptly made aware of the employee's condition and medical status.** A management representative also should expeditiously provide the healthcare provider with specific information about the injured worker's job duties and responsibilities. [Use the official job description or Georgia Activity Analysis form, attached to GDC SOP IVO04-0003, Return-to-Work Program.]
- B. An employee who loses time from work, must complete a Notice of Injury and Leave Election Form (Attachment 2) to notify their local Personnel Representative of their desire to continue receiving their full pay by use of accrued compensatory time, sick, annual and/or personal leave, or to receive wage payments from DOAS/WC.
1. The employee is entitled to receive two thirds of his/her average weekly wage, not to exceed the maximum amount provided by law at the time of injury, illness or exposure to occupational disease.
 2. The "waiting period" for qualifying to receive workers' compensation wage loss payments is seven (7) calendar days. Usually no payment is due for the first week of the disability.
 3. Entitlement to benefits for the first seven (7) calendar days of disability or any portion of that time, requires the employee to be disabled for at least twenty-one (21) consecutive calendar days,

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and the first seven (7) calendar days must have been designated as leave without pay.

4. In the event available leave is inadequate to cover the entire period of disability (in excess of the first 7 calendar days of disability) the employee would be entitled to weekly benefits as of the day the leave was exhausted.
5. **Employees who choose to receive workers' compensation payments for lost salary will be placed on leave without pay.** Employees cannot receive workers' compensation payments and regular salary (i.e., use of accrued compensatory time, sick, annual or personal leave) at the same time.
6. Employees who are absent due to an injury or illness compensable by workers' compensation are not eligible to solicit or receive Donated Leave.
7. **DOAS/WC must be notified immediately** any time the employee's work status changes (either to leave without pay, return to pay status utilizing accrued leave, or a return to work). The local Personnel Representative must complete the necessary Personnel Action Request (PAR) forms and submit promptly to the assigned Personnel Technician in Central Personnel Administration (CPA).

NOTE: Absences due to a workers' compensation claim which qualifies as a serious health condition will be designated as Family Leave without or without pay if available and as determined appropriate.

C. Medical expenses arising from a work-related injury, illness or exposure to occupational disease are covered if the claim is accepted by the DOAS Workers' Compensation Program. This may include hospital bills, prescribed drugs, ambulance charges, healthcare provider fees and other medical expenses.

1. The DOAS/WC claims administrator/specialist will work closely with the injured employee and the treating healthcare provider to ensure that all appropriate & necessary arrangements are made prior

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to scheduling major surgical procedures, MRI/CT scans, or physical therapy.

NOTE: If the authorized healthcare provider prescribes medication for the injured or ill employee, our WC/Managed Care prescription drug program will permit the employee to obtain prescription drugs at a designated pharmacy, at no charge to the employee.

2. Expenses connected with a work-related injury, illness or exposure to occupational disease are excluded under the State Health Benefit Plan or other group plans.
 3. Treatment that is not covered by workers' compensation, or if workers' compensation benefits terminate, employees should seek treatment from their personal healthcare provider.
- D. An eligible employee who becomes physically disabled as a result of a physical injury incurred in the line of duty and caused by a willful act of violence committed by a person other than a fellow employee shall be entitled to regular compensation, up to a maximum of 180 work days, for the period of time that the employee is physically unable to perform the duties of employment (see GDC SOP IVO10-0002, Injury Leave With Pay).
- E. When the injured or ill employee is preparing to return to work, management should require medical certification of the individual's health/condition, including specific information about any physical limitations or job restrictions imposed by the healthcare provider.
- F. If the injured employee's claim is denied, the employee is entitled to receive written notice (from DOAS) regarding the reasons for the denial. The Claims Administrator will accomplish this by using Form WC-1 (Employer's First Report of Injury), which is filed with the State Board of Workers' Compensation (via the DOAS Claims Specialist). The employee has a right to request a hearing before the Board if he or she disagrees with the denial of the claim.

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- G. The workers' compensation law limits the extent to which an aggravation (re-injury) of a pre-existing condition or injury is compensable. Aggravation of a pre-existing condition will be "compensable" only if found to be the cause of the disability. Once the aggravation resolves, and the injured employee returns to the pre-injury condition, the claim will no longer be compensable.

NOTE: Compensation under these conditions will be made as provided by the Georgia Subsequent Injury Trust Fund. Local Personnel Representatives will provide documentation regarding pre-existing conditions and if the claim is substantiated, the Department will be reimbursed some of the costs. There will be no difference whatsoever in the benefit paid to an eligible employee.

- H. It is essential that GDC supervisory personnel support and encourage the employee's safe return to appropriate work, as soon as the healthcare provider believes it is medically feasible.
- I. Sufficient contact should be maintained with the injured worker and the treating healthcare provider, to insure that the employee has the incentive to return to work (as soon as the healthcare provider indicates that returning to work is advisable & appropriate).
- J. The injured employee is expected to ensure that the local Personnel Representative is informed regarding any change in his/her condition, outcome of medical appointments, and/or return to work status.
- K. Supervisors (or the designated GDC representatives) must keep the WC claim administrator informed regarding the status of an injured employee.
- L. When the Department offers suitable employment to an employee who has been released to return to work (with prescribed medical limitations), through a transitional or modified duty plan), and the employee refuses to attempt the transitional duty or modified job - DOAS/WC can suspend the disability benefits.
- M. In accordance with State law, a recuperating employee is allowed a 15-workday grace period to attempt to return to

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a transitional (modified) duty assignment following a work-related injury or illness without fear of losing WC benefits.

- N. Absences due to a work-related injury or illness will not affect eligibility for salary increases except that performance-based increases cannot be granted to an employee who is absent 50% or more of their rating period unless specifically provided by law.
- O. An employee whose absence was designated as Leave Without Pay due to a work-related injury or illness may purchase (within 6 months of return to State employment) up to 12 months of retirement service - in a five-year period - by paying employee contributions plus 4% interest (compounded annually). The period of time and cause must be certified by the Department.
- P. Any employee who willfully makes any false or misleading statement for the purpose of obtaining or denying any benefit or payment, or who receives and retains any income benefits to which he or she is not entitled shall be guilty of a misdemeanor. Upon conviction, he/she shall be punished by a fine of not less than \$1,000 or more than \$10,000, or by imprisonment up to 12 months, or by both.

VII. RECORD RETENTION:

Attachment 1 - Employee Incident Notice

Retain in the local medical file until replaced by the official copy of the WC-1, Employer's First Report of Injury

Attachment 2 - Notice of Injury and Leave Election Form

Retain permanently in the local and official personnel file