

**Idaho Department of
Juvenile Corrections
Administrative
Policy/Procedure**

NUMBER
375

REVISED
08/28/23
EFFECTIVE
01/00

REVIEWED
08/28/23
PAGES
11

SUBJECT: WORK-RELATED EMPLOYEE INJURY OR ILLNESS

CATEGORY: HUMAN RESOURCES

Policy

The purpose of this policy is to ensure that the Idaho Department of Juvenile Corrections (IDJC) takes all reasonable action to provide a safe and healthy workplace for all persons working in or using its services and premises. When an employee becomes ill or injured on the job, efforts are focused on recovery and a safe return to work. Our employees are vital to the productivity and success of the IDJC in meeting its mission and goals.

Employees who sustain injuries or illnesses arising out of their employment with the IDJC are entitled to benefits under Idaho's Worker's Compensation and Related Laws—Industrial Commission, Idaho Code, Title 72. This coverage is maintained through IDJC's insurance carrier, Idaho State Insurance Fund (ISIF). Injuries are also reported to the Idaho Industrial Commission, as required by law.

A good working relationship with preferred health care providers can help both the IDJC and its employees. The IDJC has been able to choose professionals whose credentials meet IDJC's standards and who will be able to facilitate the earliest possible safe return to work by employees injured on the job.

Benefits to the employee include timely access to care by a health care provider that is knowledgeable about worksite injuries, work rehabilitation, and return-to-work options. The preferred health care provider will continue to monitor the employee's progress until the ISIF closes the case.

It is therefore the policy of the IDJC that every supervisor and employee shall accept responsibility for accident prevention and conduct themselves in a manner that will ensure their own safety and the safety of those working with and for them. This policy is intended to make the process by which injured employees receive proper care and return to work with IDJC as efficient as possible.

Operating Procedures

I. Benefits

An employee suffering a job-related injury or occupational exposure may be entitled to receive compensation for medical care, lost wages, or other related benefits and/or services, depending upon the individual situation. Claims are sent to ISIF only when an injured employee seeks medical care or there is a loss of work of one or more days.

A. Medical benefits

Medical benefits are medical, surgical, hospital, and nursing care, provided by a preferred health care provider, reasonably necessary for treatment and rehabilitation; prescribed medications; reasonable travel expenses for the purpose of medical examination or treatment; and replacement of eyeglasses when broken in a work-related accident where an injury has been sustained.

B. Income benefits

Income benefits are payable to an injured worker if disabled from work more than five days. Benefits are payable from the sixth day following disability, unless the claimant is hospitalized overnight or the disability exceeds 14 days. Under these conditions, benefits are payable from the date of disability.

1. The amount of income benefits depends on the worker's average weekly wage. For the first 52 weeks, it is 67% of the employee's average weekly wage.
2. Other benefits may be received by an injured worker or their family as a result of permanent partial impairment or death.

II. Preferred Health Care Provider

- A. When medical attention is requested or required, an employee seeks treatment with a medical provider listed on the preferred/designated medical provider list. A copy of the preferred medical providers list is available to State of Idaho employees on the Division of Human Resources website or by contacting the Human Resources department.
- B. If an employee needs medical care outside of the preferred providers' business hours or needs emergency care, the employee should seek treatment with the nearest emergency room or urgent care. After receiving emergency care, the employee should seek any follow up treatment with a preferred/designated medical provider from the preferred medical providers list.
- C. If an employee chooses not to seek treatment with a preferred/designated medical provider, then the employee may be responsible for any/all expenses associated with their medical treatment.

III. Reporting a Work-Related Illness or Injury

Employee/Supervisor Accident Report (DJC-045) form: Employees are required to report all on-the-job accidents, injuries, illnesses or occupational exposures, regardless of severity and whether or not an injury occurred, to their supervisor

prior to end of shift. The employee should include when, where, and how the accident happened. If an injury occurred, it should be described in detail.

The DJC-045 form provides a tool for supervisors to:

- A. Provide immediate notification when injuries occur.
- B. Provide information for Human Resources (HR) to complete required forms and paperwork for ISIF.
- C. Provide for a review to identify unsafe procedures or conditions.
- D. Identify and take corrective action to prevent similar accidents.
- E. Remove faulty equipment from service until repaired.
- F. Establish a record for future reference.

IV. Injury/Incident Witness Statement

If there were witnesses to the accident, injury, illness or occupational exposure, the employee's supervisor, or designee, ensures statements are gathered and reported using the State of Idaho Injury/Incident Witness Statement form.

V. Occupational Exposure

IDJC follows US Department of Labor, Occupational Safety and Health Administration (OSHA) standards for incidents involving possible exposure to a bloodborne pathogen. When an incident involves an occupational exposure to a body fluid, the employee will notify their supervisor, if available, and contact a facility nursing supervisor, or designee, as soon as possible, regardless of where the exposure occurred. Body fluid is defined as blood, vomit, sputum, saliva, urine, feces, semen, vaginal secretions, amniotic fluid, and similar.

- A. The employee and supervisor complete the DJC-045 form.
- B. The nursing supervisor will investigate the incident and complete an Occupational Exposure Assessment (DJC-246) form. Based on the risk assessment, the employee may be advised to seek a confidential medical evaluation from a preferred health care provider.
- C. If further medical evaluation is recommended, nursing staff will provide the employee with a copy of the DJC-246 form to take to the preferred medical provider.
- D. If it is determined by nursing staff that the employee may have been exposed to a bloodborne pathogen or other infectious disease, the employee will be informed by nursing staff. The employee shall abide by all federal, state, and IDJC confidentiality policies and requirements concerning the identity and disease status of the source individual.

- E. The original DJC-246 form will be maintained in the Nursing Supervisor office in a confidential manner, with a copy provided to HR for the employee medical file.
- F. IDJC will, within ten days of hire, make available Hepatitis B vaccinations to employees who may have possible occupational exposure to bloodborne pathogens.

VI. Division Administrator (DA) Responsibilities

- A. Promote and model safe work practices within the IDJC and ensure that safety measures are in place and followed.
- B. Ensure all accidents, injuries, illnesses, or occupational exposures are reported immediately, as set forth in this policy.
- C. Review quarterly worker compensation summary reports supplied by HR and take appropriate action based on trend analysis, accident reports, workers' compensation reports, and other available information.

VII. Employee Responsibilities

- A. Employees are responsible to practice safe work habits and report all unsafe situations or equipment to a supervisor immediately.
- B. Each employee is required to report (prior to the end of the employee's work shift) all work-related incidents, accidents, illnesses, injuries, or occupational exposures to their supervisor and complete the DJC-045 form. Immediate reporting of injuries and illnesses is important in establishing that the injury/illness is covered by workers' compensation.
- C. Assist the supervisor and HR in completing an ISIF Workers' Compensation First Report of Injury or Illness (FROI) form if medical care is needed or if absent from work due to the injury for one or more days.
- D. Use IDJC's designated preferred health care provider for treatment of job-related injuries, unless prevented by emergency circumstances. If emergency circumstances result in the employee seeing a health care provider other than the preferred health care provider, the employee must see the preferred health care provider for subsequent visits. Visits to other health care providers without referral from the preferred health care provider, or specific approval from the ISIF, may not be covered by workers' compensation.
- E. Take a copy of the written job description, which includes essential functions, on the first visit to the preferred health care provider. This will allow the health care provider to see exactly what tasks the employee performs and the physical requirements of the job, and help determine if the employee can be released to normal job duties.

- F. Notify the supervisor and HR if the preferred health care provider makes a referral to a specialist or other health care professional. If the employee desires to change health care providers, a referral to a new health care provider must be obtained from the current treating health care provider.
 - G. Maintain weekly contact with their supervisor if unable to work and inform the supervisor of their progress, including advising the supervisor as soon as possible of upcoming medical appointments or any changes in scheduled appointments. Provide the supervisor with preferred health care provider updates on work limitations, follow-up appointments, and progress after each appointment.
 - H. Prior to return to work, provide a return-to-work release (doctor's note) from the preferred health care provider listing any restrictions and duration of restrictions that may apply. The return-to-work release must be delivered and discussed with the supervisor before returning to work. If the return-to-work release indicates restrictions, and temporary modified duty work is requested, this request must be reviewed and approved by the supervisor prior to starting any work.
 - I. Attend all medical and therapy appointments, as recommended by preferred health care provider or with other specialists, if a referral has been made.
 - J. An employee who refuses temporary modified duty work after being certified by the preferred health care provider to perform such work is no longer eligible to receive workers' compensation benefits. However, such individual can remain on unpaid leave as per the Family and Medical Leave Act (FMLA) and retain reinstatement rights to their prior position if the 12-week FMLA leave entitlement has not been exhausted.
- VIII. Supervisor Responsibilities (It is understood that if the supervisor is not available, the designee will be responsible.)
- A. Supervisors are responsible to promote and model a safe workplace for the safety of all employees.
 - B. Supervisors are responsible for ensuring that injured employees receive necessary medical attention. Ensure safe transportation for the employee to the preferred health care provider for care or 911 ambulance response to the nearest emergency care facility if the injury or illness appears to need immediate emergency attention. Ensure that the injured employee has a copy of their written job description to give to the preferred health care provider on the first visit. In some cases, it may be possible to provide the health care provider with the job description by faxing it prior to the initial visit.
 - C. Schedule an incident review **as soon as possible** after each injury, occupational exposure, or accident.

- D. Collaborate with HR and the injured employee in completing the required forms in a timely manner. Employees must complete a DJC-045 form prior to end of shift. Supervisors must complete the supervisor's section of the DJC-045 form and submit to HR within 24 hours after receipt of the form. If the employee is not initially able to complete their portion of the form due to injury, the supervisor should fill in as much information as possible regarding the incident and injury.
- E. If the employee did not seek medical care, check with the employee frequently to see how they are feeling. If the employee is exhibiting pain or medical problems as a result of the injury, medical care must be encouraged.
- F. Require that the employee maintain weekly contact and provide preferred health care provider updates/orders regarding work limitations, follow-up appointments, and progress after each medical appointment. Forward all health care provider communications (e.g., progress notes, return-to-work release) to HR.
- G. Ensure the accurate recording of lost work time on the employee timesheet. For all time absent from work due to an on-the-job injury, including medical appointments, time should be coded as JAT if the employee wishes to use leave credits (sick, compensatory or vacation) to cover the absence.
 - 1. For time coded as JAT, leave will be used in the following order: sick leave until exhausted, compensatory time until exhausted, and then vacation. If there are no leave credits or when leave credits are exhausted, JAT will default to LWA (Leave without pay [LWOP] for an on-the-job accident).
 - 2. If the employee does not wish to use leave credits, then the code LWA should be used —the result will be leave without pay for the hours coded as LWA.
 - 3. If the employee is off from work for more than five days, they may be eligible for workers' compensation income benefits at 67% of gross income. Employees may use any available leave credits in order to supplement the workers' compensation income to 100%. The IDJC does not allow reimbursement over 100% of the employee's normal salary. Timesheets should be coded as LWA for 67% or 5.4 hours for an 8-hour shift (or 6.7 for a 10-hour shift) and JAT for 33% or 2.6 hours (3.3 hours for a 10-hour shift) of leave credits.
 - 4. If the employee is hospitalized or misses 14 or more days due to an on-the-job injury, then workers' compensation income benefits may be payable from the date of disability. No supervisor may require an employee to use sick leave, vacation leave, or compensatory time off in lieu of workers' compensation.

5. If the employee requests, qualifies for, and is granted FMLA leave, or the leave is designated by the IDJC as FMLA (See Section XI. of this policy for timesheet coding), contact Payroll (Fiscal) or HR for assistance with timesheet coding.
 - H. Do not allow the employee to return to work without a written release from the treating health care provider listing any restrictions. This release must be reviewed and approved by the supervisor and HR prior to the employee's return to work to assure the employee can do the work to which they return. In some instances, temporary modified duty work may be available. See Temporary Modified Duty/Return to Work Program (373) policy/procedure for information.
 - I. Comply with all requirements of the FMLA, Americans with Disabilities Act (ADA), and privacy/confidentiality laws and rules.
 - J. Supervisors are responsible to review and document incidents, accidents, illnesses, and occupational exposures whether an injury occurred or not. The factors involved in each accident must be known so that corrective action and/or training, if needed, can be taken. In-depth review enables supervisors to identify questionable claims and secure accurate information about the accident before pertinent details become faded or overlooked.
 - K. After the review, supervisors will report findings on the DJC-045 form. Supervisors are responsible to ensure that hazardous or unsafe conditions or equipment are reasonably remedied, repaired, or corrected.
- IX. Human Resources Responsibilities
- A. Ensure that the appropriate forms have been completed and filed.
 - B. Ensure that a written job description listing the essential functions of the job has been provided to the supervisor and/or injured employee to take to the initial visit and on all subsequent visits with a health care provider and before a return to work release is signed.
 - C. Assist with communication between the injured worker and the ISIF or preferred health care provider when needed.
 - D. Be available to meet with the employee and supervisor regarding the claim, as needed.
 - E. Ensure that all ADA and FMLA requirements are met.
 - F. Ensure that the supervisor investigates the incident/accident and that any recommendations are acted upon.
 - G. Consult with the supervisor and/or employee on a possible temporary modified duty assignment, if appropriate, and if specified by physician and/or requested by injured employee. Approval must be given by the

supervisor, with HR and DA consultation, prior to an employee returning to a temporary modified duty assignment. Receive and track health care provider documentation including restrictions, follow-up visits, progress notes, and temporary modified duty assignments.

H. Instruct supervisors and ensure accurate coding of timesheets for injured employees who are off work.

I. Provide quarterly workers' compensation reports to DAs.

X. Coordination with Leave Credits

A. An injured worker who is disabled and unable to return to work for a period of time may be given the choice of either (1) taking a leave of absence without pay while receiving workers' compensation or (2) utilizing a portion of accrued leave (sick, vacation or compensatory time) to supplement workers' compensation to maintain their regular base salary. Maximum combined income is not to exceed the equivalent of 40 hours per week (100% of salary).

B. No supervisor may require an employee to accept sick leave, vacation leave, or compensatory time off in lieu of workers' compensation benefits.

C. An employee may not waive their rights to workers' compensation benefits and cannot use earned leave or other benefits in lieu of workers' compensation.

XI. Medical Layoff

A. If an employee is unable to return to all regular work duties (i.e., without restrictions or temporary modified duty) after 12 weeks or when accrued sick leave has been exhausted, whichever is longer, the position may be declared vacant and the employee placed on medical layoff.

B. The 12-week period is calculated by the number of days from the first date of absence related to the injury. The 12-week period is not interrupted by the employee's full return to work for less than two consecutive work weeks and return to work as part of a rehabilitation program does not interrupt the calculation of the period of absence.

C. The employee shall be entitled to re-employment preference and their name certified to a re-employment preference register under State of Idaho layoff rules and reinstatement privileges when the administrator of the Division of Human Resources (DHR) has been notified by the treating health care provider that the employee is able to return to work, per IDAPA Rule 15.04.01, Section 241.02.

XII. Workers' Compensation and FMLA

- A. While an employee is on leave related to a workers' compensation-eligible injury, IDJC may designate the employee's leave as FMLA leave. The timesheet would be coded as follows:

FJL – Family Medical Leave On The Job Accident Leave Without Pay (**FJL LWO) – Leave without pay for Family Medical Leave on the job accident. This earnings code is used to track FMLA hours due to an on-the-job accident. If the employee reaches FMLA maximum of 480 hours, the system will default to LWA. This earnings code generates employer costs for health and life insurance.

FJS – Family Medical Leave On The Job Accident Sick (**FJS SICK) – Sick leave taken for Family Medical Leave on the job accident. The hours submitted are subtracted from the employee's sick leave balance. This earnings code is used to track FMLA hours due to an on-the-job accident. If FJS is coded on an employee's timesheet and the employee does not have enough sick leave or vacation leave hours the system will default to FJL.

FJC – Family Medical Leave on the Job Accident Comp Time

FJV – Family Medical Leave on the Job Accident Vacation Time

- B. If an employee on workers' compensation leave is approved for temporary modified duty work but remains qualified for FMLA leave, they may choose not to work and to use FMLA leave. However, refusal of the temporary modified duty work may lead to loss of workers' compensation benefits.

XIII. Corrective or Disciplinary Action

- A. Division Administrators, Superintendents, and supervisors shall take corrective measures as necessary to ensure safety rules and work practices and procedures are not violated. Initial corrective measures include employee training, instruction, and guidance to achieve a positive attitude toward working safely.
- B. In every preventable accident, the employee shall be made aware that the IDJC will discourage unsafe work practices. Preventable accidents include, but are not limited to, those caused by:
 - 1. Failure to use available safety and/or personal protective equipment;
 - 2. Failure to use proper lifting and/or restraint techniques/procedures;
 - 3. Violations of policy in treatment or restraint of juveniles;
 - 4. Failure to observe hazardous footing conditions and wear appropriate footwear;

5. Failure to observe facility policy on participating in sports or large muscle activities with juveniles;
 6. Careless or thoughtless acts;
 7. Horseplay or practical jokes;
 8. Misuse of equipment;
 9. Being under the influence of alcohol or drugs; and
 10. Failure to complete mandatory training in a timely manner.
- C. In situations where there is a willful disregard for safety rules or the employee fails to accept and follow safe work practices, corrective or disciplinary action shall be considered. Corrective or disciplinary action may include verbal or written counseling, disciplinary probation, suspension, or dismissal. The following will be considered when determining whether corrective or disciplinary action is warranted:
1. Action leading to the severity of the incident;
 2. Unsafe acts and contributing negligence;
 3. Previous or repeated violations of the safety policy and practices;
 4. Safety rule violations;
 5. Repeated or willful disregard for safety rules;
 6. Work and safety attitude;
 7. Training and experience;
 8. Environmental conditions and degree of exposure to hazardous conditions; and
 9. Failure to use or improper use of personal protective equipment.

XIV. Temporary Modified Duty Assignments and Return to Work Program

See Temporary Modified Duty/Return to Work Program (373) policy/procedure for information.

Reference:

IDJC Glossary of Terms and Acronyms
IDAPA 15.04.01 –Rules of the Division of Human Resources & Idaho Personnel Commission, 241. Workers' Compensation or Disability
Title 72, Worker's Compensation and Related Laws, Idaho Code
TrainCaster Training: Intro to Workplace Safety

OSHA Bloodborne Pathogen Standards
Records Retention Schedules
Records Destruction Logs
State of Idaho Preferred Provider Handout (provider list)
State of Idaho Workers' Compensation Policy

Desk Manuals: *N/A*

Related Policies: *Americans With Disabilities Act (301)*
Family and Medical Leave (352)
Temporary Modified Duty/Return to Work Program (373)
Safety and Loss Control (376)
Records Management Program (117)
Public Records (901)

Related Forms: *Employee/Supervisor Accident Report (DJC-045)*
Occupational Exposure Assessment (DJC-246)
Records Destruction Worksheet (DJC-279)
State of Idaho, Injury/Incident Witness Statement