

PROCEDURES MEMORANDUM

TO: MCC Staff

FROM: Office of the President

SUBJECT: Workers' Compensation for On-the-Job Injuries

DATE: August 4, 2021

PURPOSE: To provide employees with guidelines to follow if an injury by accident or occupational disease occurs in the workplace.

SCOPE: These procedures apply to all classifications of paid College employees.

1) General

A. In Nebraska, workers' compensation is designed to provide certain benefits to employees who sustain injury by accident or occupational disease arising out of and in the course of employment, and who are not willfully negligent in incurring such injury.

B. Some of the benefits provided by workers' compensation may include:

- 1) Medical Benefits — Reasonable medical and hospital services, appliances, prescribed drugs, prosthetic devices, and other necessary supplies.
- 2) Wage Loss Benefits — Compensation benefits begin on the eighth calendar day of disability due to the injury. Compensation for work time lost during the first seven days of disability is not paid unless the employee's disability lasts six weeks or more. The first day of disability is included in the seven-day waiting period and a partial day of disability is considered a full calendar day for purposes of the waiting period.

Under the current state statute, employees receive 66 2/3% of wages or up to the weekly maximum for time lost due to total disability, beginning on the eighth calendar day of total disability, subject to a maximum and minimum weekly benefit as prescribed by law. (State law is subject to change and an employee who believes that they may qualify for workers' compensation benefits will be bound by the law at the time of injury, or as otherwise prescribed by law.)

Employees may supplement this partial payment and receive up to 100% of pay by using accrued sick leave or annual leave. Note: Different benefit amounts, and the duration of such benefits, are established by law for cases of partial disability or death.

3) Vocational Rehabilitation - When, as a result of an injury covered under the Nebraska Workers' Compensation Act, an employee is unable to return to suitable employment for which he or she has previous training or work experience, the employee is entitled to vocational rehabilitation services. These services are voluntary and, if not offered by the employer/insurer, the employee can request vocational rehabilitation services. If the parties are unable to agree on the choice of a vocational rehabilitation counselor, the parties can request the court's Vocational Rehabilitation Section to appoint a vocational rehabilitation counselor. If it is determined that the employee will need services, the vocational rehabilitation counselor can submit a plan of vocational rehabilitation services to the court for approval. The employer/insurer pays temporary disability benefits while the employee participates and makes satisfactory progress in the plan. The fee for evaluation and for the development and implementation of the plan will be paid by the employer/insurer. The Workers' Compensation Trust Fund, which is administered by the court, pays for the costs of the vocational rehabilitation plan.

2) Responsibilities

The Human Resources office is responsible for submitting a "First Report of Alleged Occupational Injury or Illness" form to the College's workers' compensation insurance carrier, as appropriate, and for monitoring any claims and/or work loss that result from an incident. Police/Public Safety is responsible for investigating and submitting a written incident report on all workplace injuries or illnesses.

3. Procedures

- A. When an on-the-job injury or illness occurs, the employee must notify his/her supervisor immediately, unless the employee is prevented by incapacity from doing so. In any event, notification must occur within 24-hours of the incident.
- B. Once notified, the supervisor, or his/her designee, must contact the Police/Public Safety Officer on duty and the Human Resources office (if during regular business hours). Police/Public Safety will investigate and document the incident, and Human Resources will provide direction to the injured or ill employee and the supervisor, or his/her designee, as to the appropriate course of action, including treatment facility options, the paperwork to be completed, and the employee's benefits provided by law.
- C. The Human Resources office will evaluate the application of Family and Medical Leave Act (FMLA) per P.M. VI-13, Short-term Leaves of Absence, Family and Medical Leave (FMLA) for any absence resulting from a work-related injury that exceeds three, full consecutive days with continuing medical treatment, or that results in inpatient care.

Adopted 10/19/94; Revised 1/1/00 (combined PM-VI-31 with VII-29); Revised 6/15/09; 9/24/14, 8/4/2021