

## College Operating Procedures (COP)



**Procedure Title:** Workers' Compensation  
**Procedure Number:** 02-0304  
**Originating Department:** General Counsel

**Specific Authority:**

Board Policy 6Hx6:5.00 1001.64;  
Florida Statute 440.12; 440.13  
Florida Administrative Code n/a

**Procedure Actions:** Adopted: 11/21/96; 12/2/08; 01/15/10; 02/16/10; 11/1/10;  
10/27/15

**Purpose Statement:**

To provide the employee with procedures to follow in case he/she is injured or is involved in an accident while at work.

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### **Guidelines:**

Workers' compensation is a benefit provided to employees who are injured at work. Florida SouthWestern State College fully supports the right of every employee to file a workers' compensation claim when a work related injury or an occupational disease occurs. The College carries insurance to cover the cost of work related injury or illness and specific benefits are prescribed by Florida law.

It is the responsibility of the supervisor and the employee to immediately report the injury to the Office of Public Safety and the General Counsel's Office. The Office of Public Safety will investigate. All incident/accident reports and accompanying documentation (pictures, witness statements, etc.) should immediately be forwarded to the General Counsel's office so that a timely first report of injury can be made to the insurance carrier. State law has very specific reporting requirements for the timely submission of workers' compensation claims. Failure to timely report may lead to severe penalties for the college.

### **Procedures:**

#### Medical Emergency

When a work related injury or on-the-job accident occurs and is a medical emergency, call 911 immediately and notify Public Safety. Someone should stay with injured person until assistance arrives. Once medical assistance has been obtained and the emergency has passed, an incident accident report shall be completed and submitted to the General Counsel's Office.

#### Non-Emergency

Notify immediate supervisor and Public Safety who will complete an incident accident report. If medical treatment is not necessary or refused, then the employee must submit a letter or e-mail to the General Counsel's Office indicating such. If medical treatment is needed, the employee should contact the General Counsel's Office at 239-432-7313 who will arrange for treatment at

an approved treatment facility and complete an authorization for medical treatment. Note: The College's Workers' Compensation carrier will only pay for services provided by an approved facility.

### Benefits

Benefits administration is provided through Gallagher Basset Services, Inc. with an agreement made through the Florida State College Risk Management Consortium. The amount, duration, and rates of compensation are determined in accordance with Florida Law.

The Florida Workers' Compensation law mandates that the first 7 days of disability after an injury are a waiting period. However, the College does not pay for the first 7 days of loss time due to a work related injury. The employee may choose to use their accrued sick, personal or vacation time to cover that lost time from work. If no leave exists, then the absence will be unpaid. No Workers' Compensation payments will be made for the first 7 days, unless the employee's inability to work lasts more than 21 business days.

From day 8 and during the continuation of the disability, Workers' Compensation payments—generally equal 66 2/3% of average weekly wage not to exceed the maximum benefit established by the State—will be made. An employee may elect to use accrued sick or other leave in an amount necessary to achieve full-pay status while absent from work due to a workers' compensation claim. If no leave exists, is exhausted, or employee does not elect to use leave, then the employee shall receive normal workers' compensation benefits only. In no case shall the employee's salary and workers' compensation benefits exceed the amount of the employee's regular salary payments.

Employees are expected to work with the assigned claims adjuster to facilitate treatment and appointments and to keep the College informed as to their work status. Employees are expected to keep all appointments and to return to work—unless authorized treating physician provides a properly documented medical diagnosis that prevents employee from returning to work—after each appointment.

### Return to Work (with and without restrictions)

Employees are expected to return to work on the day that they have been released from the physician to return to work. Failing to do so will result in being charged for a sick day, vacation day, or leave without pay and may subject the employee to disciplinary action.

Employees reaching Maximum Medical improvement and who are able to work without restrictions must provide the College with a written statement from their physician indicating such.

Employees able to return to work with restrictions must provide the College with a written statement from their physician that outlines any limits and restrictions. The General Counsel's Office will notify the employee's supervisor and will work with the supervisor and other appropriate College officials to determine the adjusted schedule and/or tasks assigned to the employee to accommodate the Physicians recommendation. If the employing department is unable to temporarily modify the job functions to provide modified/alternate duty assignments for the employee, duties outside of that department will be sought.

Employees reaching Maximum Medical Improvement with permanent restrictions must provide the College with a written statement from their physician indicating the limitations. General

Counsel's Office, the Office of Human Resources, and the Equity Office will review the restrictions upon submittal.

If the employee refuses to work with restrictions, the employee may take time off from work, if eligible, within the criteria established by the Family and Medical Leave Act or may take vacation and personal time off within the criteria established by College operating procedures.