

WORKERS' COMPENSATION POLICY

PURPOSE

The County of Monmouth ("County") has established a Workers' Compensation Policy (the "Policy") to provide guidance for reporting workplace incidents that involve injury, illness or occupational disease. This Policy ensures compliance with applicable workers' compensation laws and regulations, and promotes a safe and supportive work environment.

SCOPE

This Policy applies to all full and part-time employees, seasonal and temporary employees, and paid interns, at any workplace location of the County. Management and supervisory personnel are responsible for assuring that all workplace incidents and injuries are reported and addressed in a manner consistent with the procedures outlined in this Policy.

POLICY

In accordance with applicable law, the County pays for and maintains workers' compensation insurance for occupational (work-related) injuries and illnesses. This Policy outlines the process and procedure for: (i) reporting occupational injuries and illnesses and seeking the appropriate medical attention for such injuries/illnesses; (ii) investigating and recording incidents of occupational injuries and illnesses; (iii) seeking and receiving workers' compensation benefits; and (iv) returning to work from an occupational injury or illness.

ELIGIBILITY

Except in extremely limited circumstances, as set forth below, employees are eligible for workers' compensation benefits if they sustain an injury or illness arising out of and in the course of employment. The County provides a comprehensive Workers' Compensation benefit program at no cost to employees. This program covers injuries and occupational illnesses/diseases arising out of the course of employment.

Eligibility is subject to the following conditions:

- The injury or illness must be work-related.
- The incident must be reported promptly as per the procedures outlined herein.

DENIED CLAIMS

The County is not liable for any injuries occurring outside the scope of employment, or not arising as a direct result of employment, including but not limited to recreational and social activities that may be sponsored by the County, but do not require participation.

The County reserves the right to deny any and all claims directly incurred as a result of unsafe work practices or behaviors, or in the event of an intentional self-injury. In such instance, the County reserves the right to pursue disciplinary action if deemed appropriate.

In the event an employee is ineligible for workers' compensation benefits because a claim is denied by the County's Third Party Administrator, that employee may be eligible for Short-Term Disability benefits. An employee should consult with the Division of Benefits & Workforce Wellness regarding what benefits may be available.

PROCEDURES

An employee is required to notify their supervisor **immediately** upon sustaining a work-related injury or illness, or as soon as that employee becomes aware of such injury or illness. If due to the severity of the injury or illness, immediate notification is not possible, notification must be made as soon as it is possible to do so. While New Jersey law sets a deadline that injuries be reported within 30 days and hernias be reported within 48 hours, this Policy requires all County employees to report any such injury or illness as soon as it is possible to do so. Failure to make such notification may result in exacerbating an employee's medical condition and delaying necessary treatment, and may be grounds for adverse employment action.

All forms needed to comply with this Policy are available on the Employee Intranet. To access them, navigate to **Human Resources > Documents & Forms > Workers' Compensation Accident Forms**. The forms can be prepared online and can also be downloaded and printed as needed.

The County has established a Workers' Compensation Unit within the Department of Human Resources, Division of Benefits & Workforce Wellness to oversee all aspects of this Policy and its associated Procedures.

Employee's Responsibilities

- 1) Employees must immediately report *any* injury believed to be work-related to their supervisor, or other designated authority, even if the injury is believed to be minor in nature. All injuries must be reported to the Workers' Compensation Unit on the day the injury occurred, unless it is impossible to do so due to the severity of the injury, in which case notification is required as soon as possible thereafter. Illnesses or diseases must be reported as soon as an employee has any reason to believe there may be a connection to County employment.
- 2) At the direction of a supervisor and/or the Workers' Compensation Unit, employees must obtain appropriate medical care and treatment for the occupational injury or illness.
- 3) Employees must complete the following forms and return them to their supervisor by the end of their scheduled work shift on the day of the incident, or if due to the nature of the injury or illness, as soon as it is feasible to do so:
 - a. *Monmouth County's Workers' Compensation Accident Employee Report*
 - b. *County of Monmouth "Statement of Authorization."*
- 4) Following any medical treatment for an occupational injury or illness, employees must review, sign, and submit their "Medical Documentation" and return it to their supervisor immediately following each treatment. Medical Documentation refers to the paperwork an employee receives following a medical visit related to their workplace injury. This may include a visit summary, medical evaluation, or a work status note issued by the workers' compensation treating medical professional(s). These documents typically outline the

diagnosis, treatment provided, any work restrictions, and the employee's ability to return to work.

- 5) Employees must complete any and all paperwork relating to an occupational injury or illness completely and accurately. This includes any paperwork requested by the County, its Third Party Administrator, legal representatives, or medical providers associated with the occupational injury or illness.
- 6) Employees must follow all medical direction and treatment protocols related to an occupational injury or illness. This includes attending all medical appointments as directed by a medical provider, the County's Workers' Compensation Unit, or supervisory personnel. Failure to attend scheduled medical appointments related to an occupational injury or illness may result in loss of benefits and claim status. Employees may NOT change scheduled medical appointments without consulting the Workers' Compensation Unit.
- 7) Whether at or away from work, employees must follow the guidance provided by the medical providers responsible for the treatment regimen associated with the occupational injury or illness, including with respect to any physical restrictions.
- 8) Employees who are unable to work and are on workers' compensation leave are prohibited from engaging in activities that may inhibit their recovery and potentially prolong an eventual return to full-duty employment. This specifically includes:
 - a. Engaging in strenuous recreational or other physically challenging activities without the approval of the County's authorized treating medical provider.
 - b. Being employed, self-employed, or performing work of any kind without prior authorization from the County and/or the designated occupational health network. This includes any previously approved Outside Employment activity, regardless of its nature, which shall cease immediately.
- 9) Employees receiving Temporary Total Disability (TTD) Benefits while on leave are expected to be available to attend all medical appointments as directed by the County and its physician network personnel.
- 10) Employees are required to update any changes to their address or phone number during any absence from employment.
- 11) Employees are to participate in the County's Safety Intervention Program when required.
- 12) Employees must cooperate with all investigations and medical evaluations arising from any workers' compensation matter and are expected to truthfully provide all pertinent information when requested regarding a workers' compensation matter.
- 13) Employees should be aware that N.J.S.A. 34:15-57.4 (P.L. 1998, c. 74) provides that any person who knowingly makes a false statement, misrepresentation, or concealment of fact, or engages in any other fraudulent act in an effort to falsely obtain benefits is subject to

adverse civil and administrative consequences and potentially, criminal prosecution. **The County takes workers' compensation fraud extremely seriously and will pursue all available avenues under the law to address incidents of fraud.**

If an employee is in full compliance with all of the procedures and protocols enumerated above, the County, at its discretion, may waive the seven-day disability waiting period to receive workers' compensation benefits (N.J.S.A. 34:15-14).

Supervisor's Responsibilities

- 1) Immediately report *any* workplace injury sustained by a subordinate to an appropriate manager, Division/Department Head or designee.
- 2) All injuries must also be reported to the Workers' Compensation Unit immediately on the day of the incident or as soon as the injury becomes known to the supervisor.
- 3) Collect the following completed forms from the subordinate on the day of the incident and by the end of the affected employee's scheduled work shift:
 - a. *Monmouth County's Workers' Compensation Accident Employee Report*
 - b. *County of Monmouth "Statement of Authorization"*
- 4) Train and inform subordinates on the provisions of this Policy.
- 5) Report all job-related injuries, regardless of severity, to the County's Workers' Compensation Unit at (732) 866-3622, OPTION #1, and update the PEOSHA 300 database.
- 6) Ensure proper medical treatment is arranged for the injured employee(s) within County guidelines. Contact the Workers' Compensation Unit for guidance when necessary.
- 7) In the event of hospitalization, the supervisor must go to the hospital to assist in the completion of all paperwork associated with the injury.
- 8) Complete the County [Workers' Compensation Accident Supervisor Report](#) and submit it within 24 hours of the incident to the Workers' Compensation Unit. In the event not all information is available to complete the form and/or the investigation, submit the form as "preliminary". Once all information is available and the form is completed in its entirety, submit the form as the "final report".
- 9) Ensure all required paperwork is fully completed, and then within 24 hours of the incident, submit all such paperwork to the appropriate Department Head or designee, as well as the Workers' Compensation Unit. Incomplete or unclear paperwork will be rejected and will be returned to be properly completed.

- 10) Obtain and review the “Medical Documentation” following all injury-related treatment. In the event clarification is needed, contact the Workers’ Compensation Unit for approval to return the employee to work.
- 11) If approved, monitor the employee’s Alternate Duty status within policy guidelines.
- 12) Coordinate all medical appointments with the Workers’ Compensation Unit. Employees may NOT change scheduled medical appointments without consulting the Workers’ Compensation Unit.
- 13) Communicate any knowledge of previous claims to the Workers’ Compensation Unit.
- 14) Take an active role in the County’s Safety Intervention Program to help facilitate a safe and healthful work environment.
- 15) If applicable, conduct well-being checks with the employee on leave. At no time should any protected health information questions be posed to the employee.

Department’s Responsibilities

- 1) Each Department Head must appoint a Workers’ Compensation representative and an alternate for the Department.
- 2) Names of both the representative and the alternate must be submitted in writing to the Workers’ Compensation Unit when appointed and whenever a change occurs.
- 3) The Department representative is required to represent, support and communicate policy and procedure requirements to all personnel within that Department.
- 4) Once Department Heads receive all completed reports, they shall review the Workers’ Compensation Accident Employee and Supervisor Reports for completion and accuracy.
- 5) Department Heads shall complete the [Workers’ Compensation Department Head Review Form](#) and submit it to the Workers’ Compensation Unit **within 72 hours** of the injury/incident.
- 6) Ensuring a seriously injured or ill employee receives prompt, professional medical care and is accompanied to the hospital by a supervisor or manager.
- 7) Ensuring the [New Jersey Employer’s First Report of Accidental Injury or Occupational Illness Report](#) is properly completed.
- 8) Submitting the following reports to the Workers’ Compensation Unit consistent with established timelines provided in this Policy:
 - New Jersey Employer’s First Report of Accidental Injury or Occupational Illness

- County Workers' Compensation Accident Employee Report
 - County Workers' Compensation Accident Supervisor Report
 - County Workers' Compensation Accident Department Head Review Form
 - Workers' Compensation Authorization Form
- 9) Maintaining Departmental incident reports only. All accident and medical records must be filed and securely maintained by the Workers' Compensation Unit in accordance with legal requirements.
 - 10) Following an injured or ill employee's medical progress by obtaining medical documentation following each medical appointment.
 - 11) Managing the Departmental alternate duty process in accordance with this Policy and in conjunction with the Workers' Compensation Unit.
 - 12) Telephoning the Workers' Compensation Unit to confirm an employee's return-to-work date.
 - 13) Ensuring all lost time is recorded in the County's time and attendance system as Workers' Compensation-related lost time.
 - 14) Taking an active role in the County's Safety Intervention Program to help facilitate a safe and healthful work environment.
 - 15) When an injury or accident results in no lost time and no medical treatment beyond ordinary first aid, Departments are required to complete and submit all reports to the Workers' Compensation Unit consistent with established timelines provided in this Policy.

REPORTING PROCEDURES FOR WORK RELATED HOSPITALIZATIONS

When an employee suffers a work-related accident, injury or illness, and is admitted to the hospital on an in-patient basis, the employee's supervisor will contact the individuals listed below within eight (8) hours of the occurrence.

This eight hour window is crucial as the County's Safety Office must notify PEOSHA of any employee admitted to the hospital, as per the revisions to the PEOSHA Standards regarding the reporting of work-related injuries and illnesses, effective January 2015.

During Normal Business Hours Before 5:00 p.m.:

County Safety Office, Kathleen West ----- (732) 409-4898
 County Workers' Compensation Office ----- (732) 866-3622

After 5:00 p.m.:

County Workers' Compensation Office ----- (732) 866-3622
 County Safety Consultant ----- (866) 745-3002

NOTE: A safety consultant will respond only if the employee has been admitted to the hospital as an in-patient.

The following information shall be reported:

- Injured employee's name (please spell it out)
- Employee's position and department assignment
- When, where and how the injury occurred
- Description of the injury
- The hospital where the employee has been admitted
- Name of supervisor calling in the injury (please spell it out)
- Phone number of notifying supervisor for follow up information, if required

If the supervisor calling in the injury has an assigned cell phone, this number should be provided to avoid any delays should a call back become necessary.

The above notification procedure does not eliminate the necessary reporting requirements established by the Workers' Compensation Program.

TREATMENT

All employees seeking treatment for an alleged work-related injury must obtain treatment through the County's designated occupational health network, unless directed otherwise. Please refer to the [Injured Worker Quick Guide](#) for a list of providers.

Emergency Treatment

In the event emergency treatment is required, the employee should be transported to the NEAREST hospital emergency room. Emergency room treatment is restricted to situations where symptoms appear suddenly, are severe in nature and require immediate medical attention.

The emergency department is authorized to treat medical emergencies; however, the designated occupational health network and its providers will be utilized as the County's primary determining entity with respect to fitness-for-duty, physical restrictions and non-emergency medical treatment for occupational injuries or illnesses.

Employees must seek treatment only from County-authorized providers unless emergency care is required. Unauthorized medical treatment may not be reimbursed.

Non-Emergent Treatment During Business Hours (Before 5 p.m.)

The injured worker, or supervisor of the injured worker, must **immediately** call the Workers' Compensation Unit to report the injury and obtain authorization to seek treatment at a County-authorized facility.

Non-Emergent Treatment After Business Hours (Between 5 p.m. – 8 p.m.)

County employees have access to after-hours treatment of their non-emergent, work-related injury or illness. In the event of an after-hours injury or illness, supervisors can direct employees to the designated urgent care facility. If the injury occurs after 8 p.m., the employee should be directed to a county authorized hospital emergency room.

MODIFIED OR ALTERNATE DUTY

The County requires that all Departments establish alternate duties for employees who have sustained a work-related injury or illness, and whose medical restrictions prohibit them from performing their regular job duties.

Employees on Alternate Duty may be assigned to any Division within their Department as needed, and may be scheduled for a variety of hours and shifts consistent with business needs (including weekends and holidays).

Employees who refuse an Alternate Duty assignment will not be eligible to receive any Workers' Compensation benefits. To the extent permitted by law, such an employee may apply for leave of absence under the Family Medical Leave Act ("FMLA") if eligible.

In the event an employee presents medical documentation from a personal medical provider contradicting the determination of the County's medical provider regarding the ability to perform an Alternate Duty assignment, this documentation should be immediately forwarded to the County's Workers' Compensation Unit, which will determine how to proceed in conjunction with the County's medical professionals.

All Departments are encouraged to develop internal procedures to ensure a seamless application and facilitation of this policy.

MODIFIED DUTY/ EXTERNAL ACTIVITY AND EMPLOYMENT RESTRICTIONS

While an employee is assigned to Modified Duty as a result of an occupational injury or illness, that employee is prohibited from engaging in any activity, employment, or self-employment - whether paid or unpaid - which is inconsistent with or exceeds the medical restrictions outlined by the treating medical professional.

Participation in activities that conflict with such restrictions may be considered a violation of this Policy and may result in disciplinary action, and/or impact benefit eligibility.

Employees are required to report any outside employment or participation in physically demanding activities to the Workers' Compensation Unit for review to ensure compliance with medical restrictions.

PRESCRIBED PHYSICAL THERAPY

Required physical therapy appointments must be scheduled outside working hours. An employee attending PT during work hours will not be paid by the County and such time will be considered personal or sick time.

COMPENSATION

If an employee is unable to work due to a work-related injury, compensation will be issued via direct deposit to the same account on file for regular salary payments.

Such employees may be entitled to either wage continuation at full net pay, or the wage replacement benefit using the formula established by New Jersey law through the County's Third Party Workers' Compensation Administrator (TPA). Current County policy provides that wage continuation at full net pay will last for an aggregate period of six months of leave for any one

occupational injury or illness. If the employee is subject to a collective negotiations agreement, the terms of that agreement shall apply regarding compensation, even if that differs from general County policy.

Once the full salary period has ended, if the employee is still entitled to wage replacement, those payments will be made by the County's TPA under the New Jersey Workers' Compensation Law.

County employees who are receiving Workers' Compensation benefits may not utilize accrued sick or vacation time to supplement their pay.

PENSION CREDIT

Employees on Workers' Compensation leave and are receiving periodic benefit payments are entitled to pension credit. Consult New Jersey Division of Pensions and Benefits Fact Sheet #45 (<https://www.nj.gov/treasury/pensions/documents/factsheets/fact45.pdf>) for further information.

HEALTH CARE COST-SHARING CONTRIBUTIONS

County employees who receive health care coverage through the County's benefit programs, and are unable to work as a result of an occupational injury, remain responsible for their required health care coverage cost-sharing contributions as established by New Jersey law, County policy, and if applicable, the employee's collective negotiations agreement.

If the affected employee continues to receive a paycheck from the County, then such deductions will automatically continue to be processed. If at any time an employee is not receiving a County paycheck, the employee will be contacted by the County's Third Party Administrator to coordinate payment of these required contributions. Failure to make payment in a timely manner could result in loss of health care coverage.

FML AND WORKERS' COMPENSATION LEAVE

Leave pursuant to the federal Family and Medical Leave Act ("FMLA") will run concurrent with a Workers' Compensation leave, provided that the affected employee qualifies for FMLA leave. The County's FML Policy, which can be found in the Employee Guide via the County's Self Service portal (<https://employeeguide.co.monmouth.nj.us/topic/family-and-medical-leave/>), sets forth the requirements to be eligible for such leave.

OTHER (OUTSIDE) EMPLOYMENT

When an employee is unable to work for the County while receiving workers' compensation benefits, he or she may not engage in other gainful employment in any capacity, even if previously authorized to do so, absent specific authorization by the County. Engaging in such employment without authorization may result in disciplinary action.

SAFETY INTERVENTION PROGRAM

The County has established a Safety Intervention Program, which is designed to identify and remediate safety concerns associated with workplace injuries and illnesses.

Function

In an effort to provide a safe and healthful work environment for its personnel, the County has established a "Safety Intervention Program." In conjunction with the County's Safety Consultant, the County will identify and meet with employees who have had a substantial

amount of safety incidents over a three-year period. The purposes of the Safety Intervention Program are as follows:

- Remediate unsafe conditions
- Modify unsafe behavior
- Identify potential training improvements
- Prevent reoccurrences
- Enhance departmental involvement in the safety process

Process

The County's Third-Party Workers' Compensation Administrator will provide monthly statistical data to assist in identifying prospective employees for participation in the Safety Intervention Program.

First Level Meetings

- a) The County's Safety Department will review monthly incident reports for matters that present a risk of serious injury.
- b) The Workers' Compensation Unit, Safety Department and the County's Safety Consultant will then determine those employees to be included in the Safety Intervention Program.
- c) Affected Department Heads will be notified of the need for a Safety Intervention Program meeting.
- d) Department Heads will then notify the direct supervisor of the need for the upcoming Safety Intervention meeting(s).
- e) The supervisor will schedule the meeting with the Workers' Compensation Unit, Safety Department, the County's Safety Consultant and the affected employee(s).
- f) The meetings are to be held in the spirit of cooperation and open, honest communication.
- g) The County's Safety Consultant will provide a question template to be utilized during the meeting.
- h) The County's Safety Consultant will retain a record of the meeting.
- i) Following the meeting, the employee's safety performance will be monitored to determine if additional measures are needed.

Additional Measures

There are two forms of additional Safety Program interventions as follows:

a) Second Level Meeting with County Administration

In the event the County determines a Second Level Meeting is required, the above procedure will be used to schedule the meeting, to be held in the County Administrator's Office with the County Administrator, or designee. Second Level

Meetings are scheduled when the County believes the employee has the capability of safely performing his or her job, however, additional training, remedial efforts, or safety interventions may be required to ensure that is the case.

b) Functional Capacity Evaluation (“FCE”)/Fitness for Duty (“FFD”) Exam

An FCE and/or FFD exam may be scheduled by the Department of Human Resources, Division of Benefits & Workforce Wellness to determine an employee’s ability to safely perform the essential functions of his or her job. Exams of this nature will be scheduled when the County is concerned that an employee, despite prior efforts, may be physically or psychologically unable to safely perform the essential functions of his or her job. All such exams shall be job-related and consistent with business necessity.