

**Policy:** The Office of the Chief Medical Examiner (OCME) is committed to providing a safe and healthful work environment for all employees.

**Purpose:** The purpose of the Safety policies are to provide a safe and healthy workplace for all employees and a formal Safety and Injury & Illness Prevention Program that involves management, supervisors and employees in identifying and eliminating hazards that exist or may develop during work processes.

**Scope:** The following guidelines are in accordance with the Occupational Safety and Health Administration's (OSHA) standard 29 CFR 1910.

## 1. INJURY AND ILLNESS

1.1. Worker's Compensation is a no-fault system of benefits provided by law for workers who have job-related injuries or illnesses. Benefits are paid for injuries or illnesses that were caused by an employee's work. The District of Columbia Office of Risk Management (DC ORM) provides oversight to manage the Disability Compensation Program through a third party administrator (TPA).

1.1.1. If you are injured while performing assigned job duties during assigned work hours, you are covered under the workers' compensation program.

1.1.2. Worker's Compensation benefits may include:

- Wage Loss Benefits
- Medical Benefits
- Vocational Rehabilitation
- Compensation for future wage loss due to permanent or partial disability
- Death Benefits

1.1.3. When Are Employees Covered

1.1.3.1. When traveling in a government or personal vehicle, taxi, plane or mode of transportation while on government business. Travel to and from work is not included.

1.1.3.2. Benefits are not provided for injuries caused by an employee's willful misconduct or intention to bring about the injury, or that are caused by the intoxication of injured employee.

1.1.4. Benefits are not provided for mental stress or an emotional condition resulting from an action taken involving:

- Employees work performance, assignment or duties;
- Promotion or denial of promotion;
- Adverse personnel action;
- Transfer;
- Retrenchment or dismissal; or
- Provision of employee benefits.

1.1.5. The TPA coordinates all medical and disability wage loss payments related to an employee's work-related injury.

## **2. HOW TO FILE A WORKER'S COMPENSATION CLAIM**

2.1. In accordance with the District of Columbia Disability Act (Section § 1-623.03), the District will pay for all reasonable and necessary medical care for injuries which are causally related to and on the job injury or illness.

2.1.1. Within twenty-four hours, the employee should report the claim to their supervisor. The Supervisor will report the claim to the TPA.

2.1.2. After receipt of a claim, the TPA will contact the employee's supervisor, the injured employee, and treating physician. The employee is provided with a packet of injury report forms to the employee for completion by the employee and supervisor. The packet includes forms titled as follows:

- Form 1 – Employee's Claim Report
- Form 2 – Supervisor's Report
- Form 3 – Physician's Report
- Form CA3 – Report of Return to Work
- Form CA7, Part A – Employee's Claim for Compensation
- Form CA7, Part B – State of Official Employer
- Authorization to Release Medical Information
- Forms to Transfer Insurance Benefits

2.1.3. If the forms are not returned to DC ORM within 30 days, the employee's claim will be controverted (i.e., not accepted or denied) until all the required information is accepted.

- 2.1.4. A decision regarding the claim is typically made within 21 days and a Notice of Determination or Controversion of the claim will be provided to the claimant and the supervisor.

### **3. BASIC INFORMATION REGARDING WAGE LOSS**

3.1. When an employee files a claim for Disability Compensation benefits and the claim has been accepted, the calculations of benefits are as follows:

- First 3 days of disability are charged to sick/annual leave
- Continuation of pay (COP) period is 21 to 45 calendar days, depending on your date of hire, during which the agency pays the employee's full salary
- After the COP expires, time away from work is paid by DC ORM at a basic rate of 66 2/3 (no dependents) or 75% (dependents) of the employee's monthly pay.
- The claim must be compensable in order for payments to be issued.
- Proper wage information must be submitted
- Proper medical documentation must be submitted in order to receive compensation for wage loss.
- A decision is typically made within 21 days.

### **4. RETURN TO DUTY**

4.1. When An Injured Worked is Released To Return To Work Full- Duty:

- 4.1.1. Employee must notify their supervisor and provide to the supervisor a copy of the medical release. A copy of the release needs to be furnished to the TPA/DC ORM.

4.2. When A Doctor Releases An Injured Worker To Light Duty/Modified:

- 4.2.1. When an employee is released to light duty/modified duty, the TPA or DC ORM will contact the supervisor to determine if work is available at the work site. If not, the DC Government has implemented a *Return to Work Program* for those employees released for light or modified duty.

4.3. Return to Duty/Work

- 4.3.1. The program is designed to benefit both the employee and the District of Columbia by retaining our valued experienced employees that have been injured on the job by creating light duty or modified duty employment assignments that are temporary in nature. We are providing them with an opportunity to return to work encompassing both the medical and physical limitations required by their physician.

4.3.1.1. The assignment may be in the employee's former Agency or in a new one. The position must accommodate the medical and physical restrictions of the employee. Because of a work assignment outside the scope of the employee's limitations, the light and/or modified position(s) will allow an employee to slowly re-enter the workforce during his/her recuperation process without the risk of re-injury.

4.3.1.1.1. Types of modified duty include:

- A reduction in work hours
- A shortened work-week
- A telecommuting arrangement
- Mid-day or periodic breaks from work
- A change in the type of job the individual is doing
- Utilization of ergonomic adjustments to the employee's work space
- An alteration of the employee's work location or environment
- Special Project Assignments

4.3.2. The DC ORM personnel will coordinate training for all agency employees assigned to the Return to Duty program. Returning individuals to work is contingent on the continued development of the Job Bank. The Job Bank provides an agency with an on-line resource of light and/or modified job opportunities within the District of Columbia Government. For those employees returning to work whose agency is unable to place them, the Job Bank provides information on other available positions. The Job Bank exists as a venue for all agencies looking to post available light and/or modified duty positions or projects available to Return to Duty employees.

## **5. REPORTING SUSPECTED FRAUD**

5.1. What Should Be Done If Workers' Compensation Fraud Is Suspected?:

5.1.1. If worker's compensation fraud is suspected, please contact DC ORM and ask to speak to the adjuster assigned to handle the injured employee's claim. Suspected fraud may also be reported to the DC ORM's Disability Compensation Program.