

**Compensation**

**Worker's Compensation Benefits**

Worker's Compensation Benefits Payable

Employees who suffer work-related injury will receive benefits paid by the District according to the Workers' Compensation Law of the State of Missouri ("the Law").

If an injury is deemed compensable, the employee will receive, subject to all provisions of the Law:

1. Medical treatment approved by the District or the District's insurer.
2. Temporary total disability (TTD) benefits from the District's insurer, if the employee is absent from work for more than three working days. TTD benefits are equal to two-third of the employee's average weekly wage. The average weekly wage is calculated by the district as the average of the employee's wages for thirteen weeks preceding the work-related injury.
3. If an employee is absent from work due to a work-related injury for only three working days or less, the employee will not receive TTD benefits; however, the employee may elect to use any accumulated sick leave days for any missed time from work.
4. Subject to any exceptions below, TTD benefits provided under the Law shall be the sole source of payments for absence from work due to a work related injury. Employees may not use accumulated sick leave benefits or vacation benefits to supplement wages while absent from work due to a work-related injury.
5. While absent from work, employees are not eligible to accumulate further sick leave and/or vacation benefits.
6. When an employee sustains an injury directly from the intervention of the employee in a physical conflict involving students, staff or visitors, and the injury results in absence from work, in addition to the benefits provided under the Law, such employee will receive, without having to exhaust any accrued sick leave
7. If the injury is severe and it causes permanent disability, the Division of Workers' Compensation may award a lump-sum benefit for the disability.

An employee's available Family and Medical Leave Act (FMLA) absence allowance may be drawn down concurrent with absences due to a work-related injury, if the absence qualifies as a "serious health condition" under the FMLA.

#### Notice Requirements

A work-related injury or illness must be reported in writing by the injured employee to his/her supervisor immediately. If an injured employee fails to report an injury in writing within 30 days, the Division of Workers' Compensation may be entitled to deny any benefits under the Law.

#### Direction of Medical Care

In Missouri, the District is afforded the right to select the medical care provider(s) for employee work-related injuries. The District's Central Office secretary will direct the employee to an approved medical provider. The employee, however, maintains the right to use a provider of the employee's choice, but any expenses associated with that use will be borne solely by the employee.

#### Compliance with Physician's Orders

An employee with a compensable injury must strictly follow any and all instructions of the treating physician. This compliance includes, but is not limited to: prescription use, therapy, rests, following activity restrictions, and returning for follow-up visits. Compliance with medical instructions is mandatory on and off the job. Failure to comply with the treating physician's instructions may result in the denial of benefits under the Law.

#### Modified Duty

Employees who suffered a work-related injury may be required to return to work on a modified duty schedule prior to reaching maximum medical improvement, if certified to do so by the treating physician.

#### Failure to Return to Work After Physician Release

An employee who fails to return to work after receiving a release from their treating physician to do so, will be considered absent from their job without authorization. The District considers three (3) days to unauthorized absences without notice to be a voluntary resignation.

#### Continuation of Employee Benefits While Off Work Due to Compensable Injury

If an employee is not able to work due to a compensable injury, and as long as the injured person remains an employee of the District, all regular employee benefits may continue. However,



since the employee will receive wage benefit checks directly from the District's insurer and not through the District's regular payroll system, the employee's portion of the cost of those benefits cannot automatically be deducted from the employee's payroll check. Therefore, the employee is responsible for making separate payment arrangements with the District's Business Office.

**Drug and/or Alcohol Use**

Under the Law, worker's compensation benefits can be denied if an employee is found to be using alcohol and/or non-prescribed controlled drugs in the work place and the use is the proximate cause of the injury. If the employee is found to be using alcohol/drugs and the use is not the proximate cause of the injury, a 15% penalty can be levied against otherwise payable benefits.

**Rule Violation or Willful Failure to Use Safety Devices**

If an employee violates a rule of the District or willfully fails to use a required safety device, that employee's workers' compensation benefits may be reduced by 15%.

**Penalties for Fraud**

In accordance with the Law, any employee who submits fraudulent workers' compensation claim and /or misrepresents facts can be found guilty of a Class A misdemeanor and may be subject to substantial criminal fines.

**Policy/Regulation Compliance**

Employees are expected to comply with these policies and regulations as a condition of their employment. This includes, but is not limited to, the expectation that employees shall:

1. comply with physician's orders, workers' compensation guidelines and guidelines for modified duty;
2. immediately notify supervisor of work-related injury or illness;
3. refrain from the use of drugs and/or alcohol in violation of the District's policies;
4. comply with safety standards;
5. return to work under release of physician and
6. be absolutely truthful and accurate in all claims and reports.

Failure to comply with this policy and regulation may result in District discipline, up to and including discharge.

Adopted: July 15, 2003

Knox County R-I School District, Edina, Missouri