

PERSONNEL  
WORKERS' COMPENSATION

Workers' Compensation

Pursuant to GO 4144.3, all permanent and temporary employees of the Association are covered by workers' compensation insurance.

It had been the past practice of the Association to pay an employee full salary for a work related injury/illness up to one full year. This past practice is consistent with N.J.S.A. 18A:30-2.1, which provides income protection up to one full calendar year for a work related injury/illness for school district employees.

Effective July 1, 2000 it will no longer be the practice of the Association to pay an employee full salary for up to a year for a work-related injury/illness. An employee who suffers a work related injury/illness would receive the benefit provided by N.J.S.A. 34:15-1.

Workers' Compensation Claim Filing Procedures

If the employee incurs a job-related injury/illness, he/she must immediately report that injury or illness in person or by telephone to his/her Department Director, immediate supervisor and the Director, Human Resources before the end of the workday in which the injury/illness occurred. The Director, Human Resources will discuss the following applicable information with the employee:

1. The employee will then need to complete the NJSBA Workers' Compensation Report Form. If the job related injury/illness occurs at an Association event outside of the office (i.e., Workshop, weekend conferences, board meetings, etc) the employee is to report the injury/illness within 24 hours. The Director, Human Resources will forward the information to the workers' compensation insurance carrier.
2. Employees are required to go to an authorized workers' compensation medical provider in order for the medical bills to be processed by the workers' compensation insurance company. The list of authorized workers' compensation medical providers will be provided by the workers' compensation insurance company. Failure to go to an authorized workers' compensation medical provider for non immediate emergency medical care will result in the employee being directly and personally responsible for medical bills incurred.
3. If the injury requires immediate emergency medical care or is life threatening, the expectation is that common sense will prevail by placing a phone call to 911 emergency medical care. However, once an emergency no longer exists, the workers' compensation medical case manager assigned to the claim will direct the employee to a workers' compensation network medical provider.
4. If the workers' compensation network physician or the treating hospital requires the employee to be on restricted duty (defined as performing the job functions with required medical restrictions), the employee

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is required to obtain the medical restrictions in written form and submit it to the Director, Human Resources prior to returning to work. The Director, Human Resources will forward information pertaining to the restricted duty to the immediate supervisor. OSHA requires work-related injury/illness restrictions to be recorded by the employer.

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5. If the workers' compensation network physician or the treating hospital requires the employee to be absent for a specified period of time the employee shall report the absence by telephone to his/her Department Director or immediate supervisor and the Director, Human Resources. The employee will forward to the Director, Human Resources a written statement from the treating physician which indicates the dates of absence. The written statement must be forwarded to the Director, Human Resources prior to returning to work. Since OSHA requires work-related injury/illness absences to be recorded by the employer, the original copy of the written notice will serve as the documentation to support recording such an absence. Upon the employee's return to work he/she is required to submit to the Director, Human Resources a return to work authorization signed by the treating workers' compensation physician or treating hospital.

Workers' Compensation Employee Benefit Entitlement

The following is a summary of employee benefit entitlement during workers' compensation leave of absence:

1. Health, Prescription, Dental, Life Insurance, and Long-Term Disability Insurance Benefits: All of these benefits continue as per the current Association benefit plan while the employee is out of work on a workers' compensation leave of absence.
2. Taxes: Federal, state and FICA taxes are not withheld from the income provided by the workers' compensation insurance carrier.
3. Pension: The Association will pay the employer and employee contributions to the employee's pension account on a biweekly basis while the employee is out of work on a workers' compensation leave of absence. It is the responsibility of the Association to remit contributions to the Public Employee's Retirement System when an employee receives the income benefit provided by the workers' compensation insurance company.
4. 403(b) and Employee Incentive Plan Contributions: During the time the employee receives supplemental salary and is enrolled in the 403(b) and/or Employee Incentive Plan, the Association will continue to deduct the employee's biweekly deduction from the supplemental salary.

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5. **Accrued Time Off Benefits:** While out of work on a workers' compensation leave of absence an employee will continue to earn vacation and sick hours in the same manner as if the employee was present at work.
6. **Income During Workers' Compensation Absence:** The benefit provided by the workers' compensation insurance company is 70% of the employee's weekly gross wage up to a maximum benefit established by law. The workers' compensation insurance company does not provide an employee with income equal to 100% of his/her gross weekly salary, therefore an employee may elect to use his/her accrued paid sick time in order to provide supplemental salary. The employee may request to use his/her earned sick time by contacting his/her Department Director. Once the employee's earned paid sick time has been exhausted, he/she will only receive the benefit provided by the workers' compensation insurance company.
7. **Taxes:** Pursuant to IRS guidelines there are no taxes deducted from the check provided by the workers' compensation insurance company, this income is non-taxable. The supplemental salary in which the employee will use his/her earned sick time is not subject to federal and state taxes. Social security and Medicare taxes will be deducted from the supplemental salary for up to the first six months of a workers' compensation absence, pursuant to IRS guidelines.

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See Also: GO/4144R