

Policy: 2315-1- Workers Compensation Policy

Section: General Personnel Policies

Office/Department: Division of Human Resources

Reports To: Division of Admin/Gen Counsel

Contact: 404-631-1000

Workers' Compensation is the exclusive remedy for recovery in Georgia for work related injuries, illness or death. The rights granted under this law prevent injured employees from pursuing tort actions against the employer in exchange for indemnification benefits.

The State Board of Workers' Compensation governs the compliance of the law and is authorized to assess civil penalties for violations that range from \$100 - \$10,000 per occurrence.

Georgia workers' compensation laws provide for medical, indemnity, rehabilitation and death benefits to compensate employees for injuries or fatalities that occur while performing assigned duties, during assigned work hours without regard to negligence or fault.

The three requisites are:

- (1) Injury by accident;
- (2) Injury arising out of employment; and,
- (3) Injury arising in the course of employment.

APPLICABILITY

In accordance with this policy, employees shall adhere to the following requirements:

- (1) Immediately report all injuries to the supervisor or manager.
- (2) Agree to receive medical treatment from provider associated with MCO network of physicians.
- (3) Keep scheduled appointments.
- (4) Comply with all medical recommendations.
- (5) Obtain a work status report at each medical visit and provide supervisor or manager with a copy.

This policy applies to all full-time and part-time employees of GDOT injured in the course of employment. PROGRAM

RESPONSIBILITY/CONFIDENTIALITY

The Department respects the dignity and value of every employee. Managers, supervisors and employees share in the responsibility for reporting injuries within 24 hours and maintaining medical confidentiality at all times.

POSTING

The Certified MCO, Bill of Rights and Fraud Notice posters shall be displayed in prominent areas of each office or facility for immediate access and assistance to injured employees. Managers, supervisors and safety officers shall ensure that the posters are presented and explained to employees for sufficient use. An explanation of the posters will also be provided during New Employee

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Orientation.

Payment for medical expenses incurred as a result of non-compliance to this policy may be denied.

REPORTING

Employees shall report all injuries to their immediate supervisor, manager or lead person right away and no later than 24 hours after the occurrence. Failure to do so may result in loss of Workers' Compensation benefits.

FIRST AID

Minor injuries that require first aid without the attention of a medical professional shall be reported to a manager, supervisor or safety officer for investigation. Completion of the proper forms is required in the event that future medical treatment becomes necessary. The forms will be kept on file as "Report Only" and should not be called in to DOAS.

EMERGENCY

For emergencies, 911 should be contacted and the injured transported to the nearest emergency room or immediate care facility for the duration of the emergency only. Follow-up care should be arranged through the MCO case manager and rendered by an approved physician associated with the MCO network.

MEDICAL TREATMENT

Injuries that require professional medical care shall be reported within 24 hours of occurrence to the District Safety Officer and to DOAS Network Reporting at 1-877-656-7475. This will alert the Workers' Compensation provider that an injury has occurred and reduce the response time for authorization of medical treatment and pharmaceuticals. The claim number provided by DOAS should be used as reference when corresponding with the claims department and the medical facilities.

INVESTIGATION/ FORMS

An investigation must be performed following each incident by a manager, supervisor, or safety officer to confirm the facts surrounding the accident. The following forms are required for filing a claim:

- [Employee Statement](#)
- [WC-207 Medical Release](#)
- [Safety/Supervisor Incident Investigation](#),
- [LE-1 Leave Election](#),
- [Net Claim WC Questionnaire](#)

NOTICE

When there is evidence or rumor of an unreported accident, an investigation is required to resolve the "Employer's Notice" issue. Failure to report a known injury may result in a penalty assessment to the department.

BENEFITS

Indemnity payment for Wage Loss

When occupational injuries result in eight (8) or more lost work days, the employee is entitled to receive weekly indemnity payments at two-thirds (2/3) of his/her salary or use accrued sick/annual leave.

The employee is required to complete the Leave Election form, [DOT 2315-1c](#), selecting a payment option from the following:

- Salary continuation using accumulated sick/annual leave.
- Workers' Compensation indemnity payments.
- Salary continuation for a specific period and indemnity payments when sick leave expires.

Injured employees are prohibited from receiving both indemnity and salary payments for the same period of time.

In the event that an employee receives an overpayment or erroneous payment from either GDOT or DOAS, reimbursement will be due. If GDOT made an overpayment, the employee will be notified, and the amount will be deducted from the employee's salary. If DOAS made an erroneous payment, the employee will be notified and shall make arrangements for reimbursement of the indemnity payments erroneously received. If the employee separates from employment prior to payment of the balance, the entire balance will become immediately due in full. The Safety Office shall be notified of all overpayments to begin the recovery process.

Temporary Partial

The statute provides compensation for employees who return to work at reduced wages as a result of an on-the-job injury. The employee shall receive pay equal to two-thirds (2/3) of the difference in their wages (not to exceed the maximum limits) until the employee is physically capable of earning pre-injury wages.

Death Benefits

When fatal accidents are determined to be compensable by the insurer, benefits will include the medical expenses prior to death and burial expenses not to exceed the maximum standard. All dependents are entitled to receive compensation in the event of the employee's death. Proof of dependency will be required.

Waiting Period

The Georgia statute requires a seven day waiting period before employees disabled due to injury are eligible to receive payment for lost work days. The waiting period begins the day following an injury and includes the weekend. When an employee is rendered unable to work for seven days or less, he/she will not be eligible for compensation for time loss. The employee may use sick or annual leave, or be placed on leave without pay.

Medical Benefits

Medical benefits include examinations, medications, surgical and hospital care and other treatments, items and services prescribed

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by the authorized physician. Employees must receive prior approval for initial medical treatment, except in emergency situations, and keep all appointments as directed by the authorized treating physician. Treatment must be coordinated through the DOAS claims specialist and their Managed Care Organization. Time lapse between medical visits should not exceed one year for assurance of continued benefit coverage.

WAGE STATEMENT (WC-6)

The wage statement is used to review salary history and calculate the current payment rate. Salary data for this form should be completed by a designated representative from Human Resources or payroll. Upon request this form should be completed as soon as possible and forwarded to the case manager. The WC-6 form requests earnings for 13 weeks prior to the injury date. There are three distinct methods of completing this form to calculate the average weekly wage that will meet the State Board's approval: If an employee was employed for 13 weeks preceding the injury, total the wages earned during the 13 week period and divide by 13. If an employee did not work for all of the 13 weeks preceding the accident, the wages of a similar employee may be used. If the two above are not applicable, the full-time hourly wage may be used to calculate the average weekly wage. Overtime or extra work, the value of meals, lodging, or other compensation furnished without charge and which are listed as earned income on the W-2 tax forms may be added to the hourly wage.

REIMBURSEMENTS

Mileage, medical and other reimbursement requests must be submitted to the Workers' Compensation carrier within one year of the date of the incurred expense. Mileage requests should include date, time and roundtrip mileage. Prescription and medical charges should be billed to DOAS. If the employee elects to pay out of pocket, medical reimbursements are subject to the Workers' Compensation fee schedule limits.

FOLLOW-UP

The employee shall keep all scheduled appointments, request a work status report, and provide a copy for the supervisor or manager following each visit. The supervisor or safety officer will promptly notify DOAS when lost time occurs and provide beginning and ending dates, to ensure prompt issue and suspension of benefits.

DENIAL

Injuries that occur during scheduled rest or lunch breaks, when the employee is free to use the time as he/she desires, are generally not compensable because they do not arise out of or in the course of employment. If the injury occurs when the employee is performing duties as an assignment during the break, the injury may be considered compensable.

No compensation shall be allowed for an injury or death due to intoxication by alcohol or being under the influence of marijuana or a controlled substance, except as lawfully prescribed by a physician and taken in accordance to such prescription. Failure to submit to a reliable, scientific test creates the presumption that the accident and injury or death was caused by either of the above named intoxicants.

Workers' Compensation benefits may also be jeopardized for:

- Failure to promptly report injuries;

- Failure to cooperate with claims investigation;
- Failure to submit to a medical examination and treatment by the authorized treating physician;
- Refusal to return and attempt suitable employment;
- Working while receiving benefit payments; or
- Failure to submit to a drug test if required.

There is no Workers' Compensation coverage for injuries resulting from willful misconduct (i.e. fighting, horseplay). When claims are denied, the employee will be notified and receive a copy of the explanation.

Employees must notify the Workers' Compensation carrier of address changes.

EXCEPTIONS

The procedures outlined herein may be modified in whole or in part when necessary to comply with State or Federal laws. The Office of Human Resources must be consulted prior to any such modification.

References:

History:

annual review: 03/20/24;

added to P&P: 06/22/09