

Prepared by the Office of Human Resources.
This replaces Administrative Procedure No. A9.720
dated December 1996 and revised July 1999.

February 2001

SAFETY WELFARE AND BENEFITS

A9.720 WORKERS' COMPENSATION

1. Purpose

To set forth procedures for reporting work-related injuries/illnesses of individuals eligible for coverage pursuant to Chapter 386, HRS, Hawai'i Workers' Compensation Law, and Title 12, Chapter 10, Hawai'i Administrative Rules.

2. Objectives

- a. To prescribe the systemwide procedures for reporting work-related injuries/illnesses.
- b. To prescribe and provide the necessary forms and supporting documents to report work-related injuries/illnesses and to support benefit claims.

3. References

- a. Chapter 386, HRS, Hawai'i Workers' Compensation Law
- b. Title 12, Chapter 10, Hawai'i Administrative Rules
- c. Chapter 90, HRS, State Policy Concerning the Utilization of Volunteer Services
- d. Administrative Procedure, A9.041, Utilization of Volunteer Services at the University of Hawai'i
- e. Section 302A-430, HRS, Coverage for Workers' Compensation
- f. Title 12, Chapter 52, Section 8, Hawai'i Administrative Rules
- g. Administrative Procedure, A9.750, University Health and Safety Program
- h. Highlights of the Hawai'i Workers' Compensation Law, Department of Labor, (Rev. 02/95)

4. Applicability/Responsibility

- a. This procedure applies, as appropriate, to:
 - 1) All Board of Regents (BOR) and Civil Service employees of the University of Hawai'i.
 - 2) Official volunteers, as defined in accordance with Administrative Procedure, A9.041, Utilization of Volunteer Services at the University of Hawai'i, while providing services to the University of Hawai'i, provided that they have not received any payment for hospital and medical expenses from the State, County or any other person.
 - 3) Students participating in approved school-to-work programs sponsored by the University of Hawai'i who perform work for private employers as part of the students' work-based learning programs, whether paid or unpaid, pursuant to Section 302A-430, HRS, Coverage for Workers' Compensation.
- b. The Office of Human Resources (OHR), Workers' Compensation Section, is responsible for administering the University's workers' compensation program. The designated administrative or personnel officer of each college shall be authorized to serve as the Workers' Compensation Coordinator (WC Coordinator) for the respective college.
- c. The OHR may utilize the services of a third party administrator (TPA) or insurance carrier (IC), as appropriate.
- d. The Supervisor of the Employee shall timely advise and assist the Employee in securing medical attention, filing of the report of injury/illness, notifying the WC Coordinator of the injury/illness, and submitting required documents. (See listing of forms on last page.)
- e. The WC Coordinator shall advise the Supervisor and Employee of the Workers' Compensation Law and applicable administrative rules and University procedures pertinent to the reporting of work-related injury/illness and shall serve as the point of contact for the OHR and the TPA/IC.

5. Guidelines

The purpose of Chapter 386, HRS, Hawai'i Workers' Compensation Law, is to provide compensation to Employees for economic losses due to occupational injuries/illnesses arising out of and in the course of employment. The injury/illness must be work-related in order to be compensable.

a. Reporting Requirements

- 1) Under the workers' compensation law, each work-related injury/illness causing an absence of one or more days or which requires medical services other than first aid treatment must be reported by the University within seven (7) working days to the Disability Compensation Division (DCD) of the State Department of Labor and Industrial Relations (DLIR). The seven (7) working days reporting period begins from the first day the Employer has knowledge of the occurrence of the injury/illness. For purposes of reporting work-related injuries/illnesses, the Employer is defined as the Employee's Supervisor.

The WC Coordinator must report the injury/illness to the TPA/IC immediately after the Employee reports the injury/illness in order to permit the TPA/IC to file the report of injury on behalf of the Employer within the mandated seven (7) working days.

- 2) Title 12, Chapter 52, Section 8 of the Hawai'i Administrative Rules requires the Employer to report to the State of Hawai'i Department of Labor and Industrial Relations (DLIR) within eight (8) hours accidents that result in loss of life, injury of three or more employees requiring in-patient hospitalization, or property damage in excess of \$25,000.

The WC Coordinator shall report such catastrophic injury/illness to the DLIR within the requisite eight (8) hours of the accident. (Oahu: 586-9102 or Neighbor Islands: 1-800-468-4644).

- 3) To report an injury/illness of a person other than an Employee, i.e., student or visitor, while on University premises, the person reporting the injury/illness shall complete UH Form 29 (H&S), Accidental Injury and Occupational Illness Report, in accordance with Administrative Procedure, A9.750, University Health and Safety Program, and submit the report directly to the respective Campus Safety Office.

6. Procedures

The following procedures shall apply to the University's Workers' Compensation program.

a. An Employee shall:

- 1) report any work-related injury/illness to the Supervisor immediately after it occurs, or as soon thereafter as possible.
- 2) complete and submit to the Supervisor the UH Form 79 (OHR), Report of Work-Related Injury/Illness (Attachment 1) immediately or as soon thereafter as possible.
- 3) timely submit to the Supervisor any disability certification from the treating physician to support the request for sick/vacation leave or leave without pay.
- 4) review the copies of the "Highlights of the Hawai'i Workers' Compensation Law" brochure (Attachment 2) and "What To Do For Work-Related Injury/Illness" information sheet (Attachment 3).
- 5) upon return to work submit, as appropriate, the UH Form 83 (OHR), Time-Off for Treatment of Work-Related Injury/Illness (Attachment 4) for medical services during work time when unable to schedule such appointments during non-work time.
- 6) timely inform the WC Coordinator and TPA/IC of any changes in address; failure to do so may delay the receipt of benefits.
- 7) timely submit the UH Form 1, Application for Leave of Absence, as appropriate.

- b. When notified of the injury/illness, the Supervisor shall:
- 1) provide to the Employee the UH Form 79 (OHR), Report of Work-Related Injury/Illness (Attachment 1).
 - 2) as appropriate, facilitate the reporting by assisting the Employee in the completion of the Employee's statement on the UH Form 79 (OHR), Report of Work-Related Injury/Illness (Attachment 1).
 - 3) encourage the Employee to seek medical attention, if necessary.
 - 4) complete the Supervisor's statement on the UH Form 79 (OHR), Report of Work-Related Injury/Illness (Attachment 1), and forward it immediately to the respective WC Coordinator.
- c. The WC Coordinator shall:
- 1) file the report of injury/illness either telephonically or by FAX to the TPA/IC.

Note: If the injury/illness does not involve medical treatment beyond first aid and/or lost work time, do not submit the report to the TPA/IC; submit the UH Form 79 (OHR), Report of Work-Related Injury/Illness (Attachment 1) to the OHR for "records only" documentation.
 - 2) inform the Employee of the basic rights and benefits under Workers' Compensation Law by providing the Employee with copies of the "Highlights of the Hawai'i Workers' Compensation Law" brochure (Attachment 2) and "What To Do For Work-Related Injury/Illness" information sheet (Attachment 3).
 - 3) be cognizant of the statutory requirement that the TPA/IC must file on behalf of the University the WC-1 Employer's Report of Industrial Injury (Attachment 5) with the State Department of Labor and Industrial Relations no later than seven (7) working days after the Employee notifies the Supervisor of the injury/illness and that the

failure of the University to report promptly is a misdemeanor punishable by not more than a \$5,000 fine. The WC Coordinator will, therefore, make every effort to comply with the law. A copy of the WC-1, Employer's Report of Industrial Injury (Attachment 5) is attached for reference purposes only; do not complete this form.

- 4) ensure that copies of all forms submitted to the TPA/IC are submitted to the OHR. Additionally, ensure that the following forms and supporting documents are accurately prepared and submitted to the OHR immediately after filing the report of the injury to the TPA/IC:
 - a) Copy of the employment document in effect at the time of injury/illness; e.g., UH Payroll Notification Form (PNF), State DHRD Form 5 Employee Personnel Action Report (SF-5), UH Form 6, FMIS-36 (for those receiving stipends), Student Employment Work Agreement (SEWA), Volunteer Application Form, etc.
 - b) UH Form 41 (OHR), Sick/Vacation Pay During Receipt of Workers' Compensation Disability Benefits (Attachment 6).
 - c) UH Form 42 (OHR), Computation of Average Weekly Wages for Temporary Disability Payments (Attachment 7).
 - 5) maintain the accuracy of the leave accounting reports by timely submitting the UH Form 1, Application for Leave of Absence
 - 6) ensure that the Employee timely receives authorized sick/vacation pay by completing and submitting the UH Form 78 (OHR), Authorization for Sick/Vacation Pay While Receiving Workers' Compensation Replacement Benefits (Attachment 8) to the UH Payroll Office
 - 7) ensure that the UH Form 83, Time-Off for Treatment of Work-Related Injury/Illness (Attachment 4) is appropriately and timely completed and filed.
- d. The Office of Human Resources shall facilitate, coordinate and oversee the comprehensive University

systemwide workers' compensation program. The designated TPA/IC shall, on behalf of the University, timely file the Form WC-1, Employer's Report of Industrial Injury (Attachment 5) and determine the compensability of the claim.

- e. The responsibility of the TPA/IC shall include, but not be limited to, initiating, maintaining and updating a comprehensive systemwide case management and claims adjustment program to ensure prompt compensation of benefits to eligible Employees under the Hawai'i Workers' Compensation Law.

7. Forms

- a. UH Form 79 (OHR), rev. 02/01, Report of Work-Related Injury/Illness (Attachment 1)
- b. "Highlights of the Hawai'i Workers' Compensation Law", rev. 02/01, (Attachment 2)
- c. "What To Do For Work-Related Injury/Illness", rev. 02/01, information sheet (Attachment 3)
- d. UH Form 83 (OHR), rev. 02/01, Time-Off for Treatment of Work-Related Injury/Illness (Attachment 4)
- e. Form WC-1, Employer's Report of Industrial Injury (Attachment 5)
- f. UH Form 41 (OHR), rev. 02/01, Sick/Vacation Pay During Receipt of Workers' Compensation Disability Benefits (Attachment 6)
- g. UH Form 42 (OHR), rev. 02/01, Computation of Average Weekly Wages for Temporary Disability Payments (Attachment 7)
- h. UH Form 78 (OHR), rev. 02/01, Authorization for Sick/Vacation Pay While Receiving Workers' Compensation Replacement Benefits (Attachment 8)
- i. Leave and Additional Bargaining Unit Codes for Workers' Compensation Purposes (Attachment 8A)
- j. Sample Letter to Employee (Attachment 9)