

YOUTH CONSULTATION SERVICE (YCS)
WORKERS' COMPENSATION POLICY AND PROCEDURES

PHILOSOPHY STATEMENT

It shall be the philosophy of Youth Consultation Service to value its employees as important resources in accomplishing its mission to provide services. Each individual employee has a critical role and Youth Consultation Service will do whatever possible to provide a safe working environment.

This will be accomplished via supervisory training, in-services training focused upon safety in the workplace, monitoring of hazards, elimination of defined hazards, and encouraging awareness of safe procedures. Youth Consultation Service is also committed to rendering medical treatment to employees who are injured in the workplace.

Youth Consultation Service will do whatever it can within its resources to help facilitate the rehabilitation of injured employees, as all employees do have an important place at Youth Consultation Service.

RETURN TO WORK POLICY

It shall be the policy of Youth Consultation Service to take appropriate action to bring employees, who are injured in the line of duty, back to work as soon as it is determined to be a medically sound decision. Youth Consultation Service believes that it is important to aid an injured employee's rehabilitation by providing opportunities for returning to work at the earliest time possible.

Youth Consultation Service will make arrangements to accommodate, where possible, the return to work of an injured employee by one or more of the following means:

1. **ALLOWING THE EMPLOYEES TO RETURN TO WORK ON A PART TIME BASIS OR UNDER MODIFIED HOURS.**
2. **ASSIGNING DEFINED MODIFIED DUTIES TO THE EMPLOYEE BASED UPON THE NEED OF THOSE DUTIES AND THE MEDICAL CAPABILITY OF THE EMPLOYEE.**
3. **ASSIGNING EMPLOYEES TO A DIFFERENT DEPARTMENT OR LOCATION THAN THE EMPLOYEE'S ORIGINAL ASSIGNED LOCATION IF APPROPRIATE MODIFIED DUTIES ARE NOT AVAILABLE AT THE EMPLOYEE'S ORIGINAL LOCATION. IT SHALL BE UNDERSTOOD THAT THIS REASSIGNMENT SHALL BE WITHIN A REASONABLE GEOGRAPHIC DISTANCE TO THE EMPLOYEE.**

The above outline shall be temporary measures not to last more than a three-month period. If, at the end of three months, an employee is not medically ready to assume his/her original position, an evaluation will take place involving input from the employee, the treating physician, management of Youth Consultation Service and the Workers' Compensation Claims Management Company. Based upon this evaluation, a plan of action will be developed to determine how to proceed to continue to facilitate the total rehabilitation of the employee. If it is determined that the employee will not be able to assume his/her original position, an appropriate course of action will be taken on a case-by-case basis in accordance with the applicable Workers' Compensation Law.

REPORTING ALL WORK RELATED INCIDENTS

POLICY

In the never ending pursuit of a more healthful, safe and efficient work environment the following policy and procedures on the reporting and administration of job-related injuries and illnesses has been adopted.

It is the policy of YCS to accurately and timely report job-related injuries and illnesses to OSHA and state Workers' Compensation bureaus. Failure to report work related injuries may result in fines and penalties to the company. Conversely, over-reporting incidents may result in higher insurance costs and experience ratings.

PURPOSE

It is the intent of this policy to ensure injured employees receive proper and expedient care, reporting requirements to federal, state, and local organizations are met, and claims are handled in a cost effective and efficient manner. The company will encourage injured employees to return to work as soon as possible and will make modified duty positions available if the employee's medical condition and the requirement of the job allow for such assignments.

It is also the policy of YCS to ensure that employees who sustain an occupational injury or illness and who meet eligibility requirements will receive benefits in accordance with the New Jersey Workers' Compensation Act. These benefits are financed by the agency through insurance issued by Liberty Mutual. Under the Act both medical and work loss benefits are provided to injured employees.

SCOPE

This policy applies to all YCS employees, hourly, salaried exempt and non-exempt, part time employees as well as temporary employees. Contracted employees (i.e., employees from temporary agencies or consultants) are not covered under Worker's Compensation but must be included on OSHA logs.

PROCEDURES

1. An employee is required to report the injury to their site administrator and have the site administrator fill out and submit a First Report of Injury to Human Resources. If an accident occurs over the weekend, the first report of injury should be completed the following business day. Employees contracted out to the state must contact Educational Services Administrative Offices in Hackensack NJ and inform them of any work related injury.

2. Supervisors are required to report the injury to Human Resources via fax (973-672-7845 or 973-672-7876) within 24 hours of notification by the employee.
3. Injuries that require minimal medical attention, cause no lost time and incur claims under \$500 will be paid directly by YCS. The First Report of Injury Form needs to be forwarded to Human Resources for "reporting purposes only." Generally, incidents that do not require an emergency room visit, (i.e., bites, scratches, bruises, etc) and in which the employee has not lost time from work would fall under this category. If an employee is not sure, the supervisor should contact Human Resources. All work related injury invoices should be forwarded to Human Resources for processing.
4. Supervisors must notify Human Resources if an employee begins losing time.
5. Supervisors must note on the employee's time cards that the employee is out on Worker's Compensation and cannot be paid sick, vacation, or personal days while out on Worker's Compensation without pre-approval by Human Resources. Note: Employees do not accrue time while out on Worker's Compensation.
6. Supervisors must make every effort to accommodate and facilitate requests for modified or light duty as prescribed by the injured employee's attending physician.
7. OSHA must be notified at any time there is a loss of life and/or 3 or more employees are hospitalized. The notification must take place within 24 hours of the occurrence. In the unlikely event these circumstances occur, notify Human Resources.

Note: Employees are required to treat with medical providers listed on the YCS list of providers from the date of the first visit and throughout the injury period. Employees treating with their own doctors risk waiving their right to coverage under Worker's Compensation and become responsible for their own medical expenses.

REPORTING SERIOUS INJURIES AND ILLNESSES POLICY

POLICY

In the pursuit of a more healthful, safe and efficient work environment, the following policy on the reporting of serious injuries and illnesses to a Health and Safety Committee has been established. Serious injuries/illnesses, for the purposes of this policy, shall be defined as any injury or illness which results in a YCS employee missing three or more days from scheduled work days.

This policy will be used to ensure the committee is aware of serious injuries and their causes and to assist with the abatement and/or remediation of these causes.

PURPOSE

The purpose of this policy is to ensure:

- conditions which caused or attributed to the injury/illnesses are investigated.
- found causes are remedied or abated.
- information found during the investigation is disseminated to help ensure similar conditions are not present in other YCS operations.

SCOPE

This policy applies to all YCS employees, hourly, salaried exempt and non-exempt, part time employees as well as temporary employees. Contracted employees (i.e., employees from temporary agencies or consultants) are not covered under Worker's Compensation but must be included on OSHA logs.

PROCEDURES

1. All First Report of Injury forms for serious injuries/illnesses, as defined above, shall be reported to Human Resources.
2. All reports must be reviewed and submitted under the signature of the facility site administrator or supervisor.
3. Submittal must be made within 72 hours of the first lost day. These notifications may be made by fax or inter-office mail (if available).
4. The Health and Safety Committee will review loss run reports and open claim cases quarterly. The committee will review the information at quarterly meetings and propose recommendations.

WORKERS' COMPENSATION LEAVE OF ABSENCE

POLICY

A YCS employee who suffers a work-related injury or illness is entitled to a leave of absence until recovered, and subsequently to be reinstated in the position previously held unless a "business necessity" compels replacement of the employee, or until a determination is made that the employee's injuries are permanent and stationary, and the employee is medically unable to return to their prior position. Note: "Business necessity" requires evidence by the site that the employee's duties could not be performed temporarily by others without severe disruption to business operations.

The site administrator must obtain documentation from the employee which confirms whether the Workers' Compensation claim requires a leave of absence. If applicable, the documentation must contain a medical verification of the disability necessitating the leave, the expected date of return, and a statement that the employee is unable to perform job functions.

During a Workers' Compensation leave of absence, employee benefits such as vacation and sick leave do not accrue, and medical insurance premiums will be treated in the same manner as with other disability leaves of absence.

RUNNING ADA AND FMLA CONCURRENT WITH A WORKERS' COMPENSATION LEAVE OF ABSENCE

1. Coordinating ADA with Workers' Compensation (WC)

Some WC impairments may be sufficiently serious to constitute a disability under the American with Disabilities Act (ADA).

The ADA applies to an impairment which "substantially limits" an individual's ability to perform a "major life activity." (Call Corporate Human Resources if you have questions about the applicability of the ADA in any particular circumstance.) If an individual's work-related injury or illness does not meet this definition, he/she is not entitled to the protections offered by the ADA. For example, an YCS employee who suffered a broken leg on the job would generally not be covered by the ADA.

If an YCS employee suffered a work-related back injury which left them with substantial permanent restrictions, the ADA requirements would probably be triggered. Under these circumstances, YCS would be obligated to determine whether the disabled employee is able to perform the essential functions of the job

with or without reasonable accommodation, and to provide reasonable accommodation unless doing so would cause the company "undue hardship."

2. Coordinating FMLA with Workers' Compensation (WC)

A work-related injury may constitute a "serious health condition," thus entitling eligible workers to FMLA benefits. In such case, the individual on Workers' Compensation leave who also meets the eligibility requirements under FMLA is entitled to continuation of health benefits for up to 12 work weeks under the same conditions that would apply if the worker were actively employed. In order to count the time off on Workers' Compensation leave towards the individual's FMLA leave entitlement, the employee will be informed that this designation is being made and all applicable FMLA forms must be completed.

3. Coordinating ADA, FMLA, and WC

Where an individual with a work-related injury which qualifies as a disability under the ADA is also eligible for FMLA leave, then all three sets of rights and obligations come into play.

4. Duration of Leave

The employee taking Workers' Compensation leave and FMLA leave concurrently is entitled to job protection and continuation of health benefits for up to 12 work weeks in a 12-month period. If, after the expiration of the 12 weeks, the employee has not yet recovered from the Workers' Compensation injury, he/she may still be entitled to additional leave. If the employee's condition is an ADA-protected disability, YCS will provide reasonable accommodation. One such accommodation may be to continue the employee's leave of absence, provided that the additional leave will enable the employee to return and perform the essential functions of the job, and provided that doing so will not constitute an "undue hardship."

5. Reinstatement Rights

Under FMLA, the employee generally must be reinstated unless YCS can show that the employee would have lost his/her job for business reasons unrelated to the leave. If the employee also has a Workers' Compensation condition, the individual is entitled to be reinstated so long as the prior job has not been filled due to business necessity. Where the former position has been filled, the returning worker is entitled to be reinstated in a comparable available position for which he/she is qualified. If the worker's condition meets the ADA definition of a disability, YCS will be required to provide reasonable accommodation to enable the employee to perform the essential functions of the job to which the individual is reinstated.

GENERAL PROCEDURES FOR FOLLOWING-UP ON AN EMPLOYEE'S WORKERS' COMPENSATION LEAVE

The site administrator should contact the employee once near the scheduled conclusion of the leave to see if the employee believes he/she will be returning to work as scheduled.

GENERAL PROCEDURES FOR CONTACTING THE INSURANCE COMPANY DURING AN EMPLOYEE'S WORKERS' COMPENSATION LEAVE

The site administrator should contact Human Resources on a regular basis to see how the case is progressing and to encourage the insurance company to bring the case to a close as quickly as possible. Site administrators should also contact Human Resources to address any staffing needs or issues.

CIRCUMSTANCES IN WHICH AN EMPLOYEE'S WORK-RELATED DISABILITY LEAVE STATUS CAN CHANGE

YCS employees must be retained on work-related disability leave status until one of the following circumstances occurs:

1. The employee is released to work with no restrictions;
2. The employee is released to work with some restrictions and work is offered by YCS which is consistent with the restrictions or, where the employee has a disability under the ADA and YCS can provide a reasonable accommodation to enable the employee to perform the essential functions of the job;
3. Medical evidence establishes that the employee is permanently disabled from returning to usual duties;
4. The employee informs YCS of the intent not to return to work (either by directly communicating to YCS or by actions inconsistent with intent to return, such as moving out of state or accepting other employment).

An employee returning to work must provide YCS with reasonable advance notice of release to return and provide a physician's statement indicating fitness to perform the former duties. An employee returning to work will be returned to his/her former position if available or, if such position is not available, will be offered a comparable available position for which he/she is qualified.

TERMINATION OF AN EMPLOYEE ON WC LEAVE

Employees on Workers' Compensation leave should be maintained as YCS employees during the period of Workers' Compensation leave until the employee's injuries are deemed permanent and stationary and/or the employee is able to return to work.

Once the employee has been released to return to work without restrictions (unless the employee is "disabled" under the ADA, in which case the return to work may be accompanied with medical restrictions that can be reasonably accommodated), the employee has the right to return to his/her previous position, unless that position is no longer available due to business necessity such as layoffs or reduction in force that occurred while the employee was on leave and the employee would have lost their job if they remained actively working. In such case, the employee is entitled to a comparable position which he/she is qualified to perform. If no such comparable position is available, the employee may be terminated.

YCS RESERVES THE RIGHT TO MODIFY, OR ADD TO, THE CONTENTS OF THIS POLICY, OR TO DISCONTINUE ITS USE, AT ANY TIME WITH OR WITHOUT PRIOR NOTICE.