

Rule R5-404A: Scope, Eligibility, and Limitations for Workers Compensation Insurance

Revision 0. Effective date: April 5, 2010

- I. Purpose and Scope** 1
- II. Definitions** 1
- III. Rule**..... 2
 - A. Employer/Employee/Volunteer Responsibility..... 2
 - B. Workers Compensation Insurance Coverage..... 3
- IV. Policies/ Rules, Procedures, Guidelines, Forms and other Related Resources** 7
- V. References** 7
- VI. Contacts** 7
- VII. History** 7

I. Purpose and Scope

A. Purpose

To Implement University Policy 5-404 and outline the scope, eligibility and limitations for Workers Compensation Insurance.

B. Scope.

II. Definitions

The definitions provided in Policy 5-404 apply for this rule. In addition, the terms below apply for the limited purpose of this rule and for Policy 5-404.

- A. Work-related Injury/Illness - Any injury suffered by an employee or volunteer in the course and scope of the employee's or volunteer's work assignment or any illness resulting directly from the performance of assigned duties.
- B. UOSHA Recordable Occupational Injury and Illness - Any injury or illness which results in:
 - 1. A fatality, regardless of the time between the injury and death, or the length of the illness.
 - 2. Nonfatal cases with lost time away from work, beginning the day after the injury.
 - 3. Nonfatal cases without lost time which result in a transfer to another job, termination of employment, medical treatment (other than first aid), loss of consciousness or restriction of work or motion. Any diagnosed occupational illnesses which are reported to the employer but are not classified as fatalities or lost time.
- C. First Aid - Any one-time treatment and any follow-up visit for the purpose of observation of minor scratches, cuts, burns, splinters, etc. which do not ordinarily require the attention of a physician.
- D. Medical Treatment - Treatment administered by a physician, or trained personnel under the standing orders of a physician. Medical treatment does not include first aid treatment even though approved by a physician or trained personnel.
- E. Lost Time - The number of days (consecutive or not) after, but not including, the day of the injury or illness during which an employee or volunteer should have worked but could not do so and could not perform all or any part of the duties of the workday or shift because of the occupational injury or illness.

III. Rule

- A. Employer/Employee/Volunteer Responsibility

1. The university will comply with the standards promulgated under UOSHA. When the university becomes aware of any condition which might cause work-related injury/illness, it will exercise its best effort to correct such condition(s) as expeditiously as possible.
2. Each employee and volunteer will comply with UOSHA and university occupational safety and health standards, orders, rules and regulations.
3. It is the duty and responsibility of an employee or volunteer to report immediately to the employee's or volunteer's supervisor any unsafe condition(s) existing in the working place. If an unsafe condition exists, the supervisor must report it immediately to Environmental Health and Safety.
4. Supervisory personnel will enforce safety regulations and issue such rules as may be necessary to safeguard the health and lives of employees and volunteers. They will warn employees and volunteers of any dangerous condition and permit no one to work in an unsafe place, except for the purpose of making it safe.
5. Work-related injuries which occur on campus (or within a close proximity to campus) should be treated promptly at the University's Occupational Medicine Clinic. Serious or life-threatening injuries should be treated at the University Hospital Emergency Room. Work related injuries occurring off campus should be treated at a conveniently located medical facility.

B. Workers Compensation Insurance Coverage

1. Eligibility: University employees and volunteers in the service of the University, who are acting in the usual course of business for the University as defined by the Utah Workers Compensation Act, are eligible for Workers Compensation benefits.
2. Basic Benefits
 - a. Except as otherwise provided herein, employees and volunteers who are eligible for Workers Compensation Insurance under Policy 5-404 and this

Rule shall be entitled to medical insurance protection against work related injury through the Workers Compensation Act.

- b. Those who are employed for wages are eligible for income replacement for Lost Time (See iii.B.6.Below)
3. Injuries Requiring Medical Treatment. Employees and volunteers should receive medical treatment for a Work-Related Injury/Illness at an appropriate medical facility.
 - a. Employees and volunteers should tell the attending physician that the injury or illness is work-related.
 - b. The attending physician should complete a physician's report that is sent to Workers Compensation Fund of Utah.
4. Reporting Requirements: It is the responsibility of the employee or volunteer to report any Work-Related Injury/Illness as soon as possible to the employee's or volunteer's supervisor. It is the supervisor's responsibility to complete an "Employer's First Report of Injury Form" and fax/deliver it to the University's Division of Human Resources within 24 hours of the injury or illness if possible.
 - a. Any work-related injury/illness that results in hospitalization or fatality must be reported to the University's Environmental Health and Safety officer within 8 hours of the incident.
 - b. The Division of Human Resources will report the work-related injury/illness to the Workers Compensation Insurance carrier and the University's Environmental Health and Safety officer if required.
5. Investigation: Work related injuries/illnesses will be routinely investigated by Environmental Health and Safety officer and/or the Workers Compensation Coordinator.

- a. A copy of all reports will be forwarded to the director or head of the department in which the accident occurred and to the responsible individual at the next higher level of supervision.
 - b. It is the responsibility of the department head to promptly initiate action to eliminate any hazardous conditions and to reinforce safety rules.
 - c. The Division of Human Resources will notify the University's Environmental Health and Safety office of any ongoing Workers Compensation Fund investigations.
6. Compensation for Lost Work Time: If, due to a work-related injury, the attending physician determines that an employee cannot perform the employee's work assignments for a period exceeding three days, the employee may be eligible for compensation for lost time.
- a. The attending physician must complete and forward a Physician's First Report of Injury, a detailed medical report, and an invoice to the Workers Compensation Fund.
 - b. Compensation is computed in accordance with the Workers Compensation Act and payments will be processed to eligible employees by the and from the State of Utah Workers Compensation insurance carrier Fund.
 - c. University sick leave benefits may be paid to eligible employees in accordance with the rules governing sick leave payments. Any sick leave paid shall be reduced by the amount of workers compensation received. See Policy 5-200.
7. Repeated Multiple Accidents: If an employee or volunteer has three injuries / accidents within a 12-month period, or a substantial number of incidents over a period of years, efforts should be made to reduce the number of incidents and increase safety awareness and responsibility.

- a. If an accident could or should have been prevented, The incident should be reviewed with the employee or volunteer.
 - b. Awareness of and demonstrated performance supporting safety adherence to safety rules should be part of an employee's or volunteer's annual performance evaluation.
 - c. If an employee or volunteer chooses not to perform job tasks and assignments safely clearly ignores safety rules, an official reprimand should be issued, discussed with the employee, and made part of the employee or volunteer file.
 - d. If there is reason to believe an employee or volunteer is not suited for the employee's or volunteer's job because of repeated multiple accidents, an evaluation by a rehabilitation counselor may be recommended to the employee or volunteer.
 - e. The Utah State Industrial Commission cannot deny a claim because an employee or volunteer has had repeated multiple accidents but may penalize claimant by reducing compensation 15%.
 - f. Copies of all reports, reviews and comments should be retained for reference.
 - g. Multiple accidents may in some cases be cause for termination and denial of disability retirement. See Policy 5-111, Section IV.C. 8. Reports and Record Keeping: The Division of Human Resources will prepare reports as required by UOSHA. The Department of Public Safety prepares all annual reports required by UOSHA and governmental entities and is the custodian for the university of all records required by the Utah Occupational and Health Act.
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Sections IV- VII are for user information and are not subject to the approval of the Academic Senate or the Board of Trustees. The Institutional Policy Committee, the Policy Owner, or the Policy Officer may update these sections at any time.

IV. Policies/ Rules, Procedures, Guidelines, Forms and other Related Resources

A. Policies/ Rules.

1. Policy 5-404: Workers Compensation Insurance

B. Procedures, Guidelines, and Forms. [*reserved*]

C. Other Related Resources. [*reserved*]

V. References

- ##### A. Rule R3-300A: Tobacco Free Campus

VI. Contacts

The designated contact officials for this Regulation are

- ##### A. Policy Owner(s) (primary contact person for questions and advice): Director of Benefits
- ##### B. Policy Officer(s): Vice President for Human Resources

See Rule 1-001 for information about the roles and authority of policy owners and policy officers.

VII. History

Revision History.

A. Current version. Revision 0.

1. Approved by -- Board of Trustees May 11, 2010, with effective date of May 11, 2010.
2. Editorial Revisions

- a. Editorially revised January 25, 2024 to move to current regulations template
 - b. Editorially revised April 5, 2022 to replace gender-specific pronouns.
- B. Previous versions.
- C. Renumbering
- 1. Not applicable