

<b>NORTH CAROLINA DEPARTMENT OF COMMERCE</b>		<b>POLICY # HR 26</b>
<b>Title:</b> Worker's Compensation		
<b>Effective Date:</b> October, 1996	<b>Administering Authority:</b> Human Resources Dir.	
<b>Revisions:</b>		
<b>Statutory Authority (if applicable):</b>		

**Purpose:** To provide information and assist employees regarding Worker's Compensation.

**Policy:**

The Workers' Compensation Policy of the Department of Commerce is the same as that of the North Carolina State Personnel Commission: *"...to insure that the employees injured on the job are provided compensation in accordance with the Workers' Compensation Act and to provide consistent application of these rules and regulations. Further, the purpose is not only to provide swift and certain remedy to an injured employee, but also to insure a limited and determinate liability for the employer."*

To this end, all Division Directors, supervisors and employees have responsibilities to insure compliance with this policy in a timely manner. The following procedures outline those responsibilities in order to streamline the claims process and save time and money:

The agency's responsibility is to:

- insure that employees are informed of their rights under the Workers' Compensation Act,
- provide the medical care needed to help an injured employee reach maximum improvements and return to work as soon as possible; and
- compensate the employee for any disability received from a compensable injury. The agency is responsible for accepting or denying liability for the State and is responsible for monitoring and processing the claims and paying expenditures.

To meet this responsibility, all employees are given a copy of the Workers' Compensation Employee Handbook: at orientation and encouraged to read it in order to know their rights as well as their responsibilities under the Act. A Workers' Compensation Administrator is designated by the Human Resources Director to assure employees receive consistent application of benefits and to establish and maintain an effective claims management system. The Administrator monitors both administrative and fiscal control procedures and insure both compliance with state personnel policies as outlined in the *State Government Workers' Compensation Program* requirements and the *Workers' Compensation Act*.

**PROCEDURE**

**Division Director's and Supervisor's Responsibility**

The primary responsibility of Commission Heads/Division Directors and supervisors is to arrange for and provide the necessary treatment for any work-related injury. The Commerce Human Resources Office maintains a list of designated physicians for work-related injury cases.

The agency does have the right to send an employee to a physician designated by the agency in cases where a second opinion is deemed necessary or a question of liability exists. As soon as possible after an injury is sustained, the supervisor investigates the accident, obtains the following documents and forwards them to the Workers' Compensation Administrator in the Human Resources Department:

- A written and signed statement of exactly what happened from the injured employee. This can be done on NCIC 18, "Notice of Accident to Employer" or the back of Form NCIC 19, "Employer's Report of Injury to Employee."
- Form NCIC 19, "Employer's Report of Injury to Employee, completed by the supervisor or manager (not employee). This must be received by the Workers' Compensation Administrator within **five** days after knowledge of the injury.
- "Supervisor's Accident Report Form" completed by the supervisor.

In keeping with the primary responsibility of Division Directors and supervisors stated above, the agency is to arrange for and provide treatment for any work-related injury. Therefore, when an employee is injured, the employee will be sent or taken to a physician of their choice immediately. If they have no choice of physician, the supervisor or Workers' Compensation Administrator will assist in selecting one.

For first-aid cases, injuries requiring one-time treatment and subsequent observation of minor scratches, cuts, burns, splinters, etc. that do not ordinarily require medical care, form NCIC 19 "Employer's Report of Injury to Employee" and the "Supervisor's Accident Report Form" are to be completed, labeled "First-Aid Case" across the top of the forms and submitted to the Workers' Compensation Administrator.

In borderline incidents where it is difficult to determine if the employee needs to see a physician or receive first-aid only, the policy of the agency is to use judgment in these cases. The agency will pay for the visit in accordance with the approved *Medical Fee Schedule of the North Carolina Industrial Commission*.

### **Employee's Responsibility**

It is the employee's responsibility to immediately give notice of an accident or injury to the manager or supervisor, or to give notice as soon as possible after the accident occurs. Under the Workers' Compensation Act, an employee shall give written notice to the employer within 30 days of an accident or no compensation shall be payable. The requirement is satisfied when the accident or injury has been reported to the supervisor or manager and the Form NCIC 19 has been completed by the supervisor. (Not the employee.)

An employee should complete a Form NCIC 18, "Notice of Accident to Employer" which is an official notice from the employee to the employer that an accident or injury occurred. This form may also be used by the employee to notify the Industrial Commission of an accident if there is any problem with the employer accepting the claim. The reverse side of Form NCIC 19 when completed by the employee may serve as the form NCIC 18 in the agency.

The employee must accept the medical treatment provided by the employer to treat an injury. If the employee is dissatisfied with the medical treatment provided by the physician involved, the employee can request referral to a different physician. This referral should be approved by the DOC Workers' Compensation Administrator or the Industrial Commission prior to the change.

It is the employee's responsibility to accept any medical, hospital, surgical or other treatment, or rehabilitation procedure when ordered by the Industrial Commission. Refusal shall bar the employee from further compensation until such refusal is resolved.

An injured employee should advise the physician, hospital, or other attending medical personnel that the injury is to be filed under Workers' Compensation and not the employee's medical insurance. If there are questions or problems, the Workers' Compensation Administrator may be called for answers and verification.