

RESOLUTION

WHEREAS, Beaufort County Council hereby amends the Personnel Policies Manual, Article VII, Fringe Benefits, Section 4, Workers' Compensation Insurance (replaces existing Section 4 in its entirety) as follows:

Workers' Compensation Insurance Procedures

A. General Policy

Title 42, of the SC Code of Laws contains the South Carolina Workers' Compensation Act. The Rules and Regulations of the South Carolina Workers' Compensation Commission provide the basic legal foundation for administration of the Act. Beaufort County provides Workers' Compensation Insurance to provide medical benefits and/or compensation (indemnity) benefits for a covered worker who sustains a disabling injury by accident arising out of and in the course of his or her employment.

B. Medical Attention and Compensation

Workers' Compensation Insurance provides medical attention and compensation. However, in accordance with the South Carolina Code of Laws 42-15-80, failure to use the services of Beaufort County's appointed physicians, or changing physicians without prior approval of the South Carolina State Workers' Compensation Fund, may result in denial of all claims against the Workers' Compensation Insurance Fund. Also, failure to use safety equipment provided and/or violation of the County's regulations may result in denial of all claims against the Workers' Compensation Insurance Fund.

1. **Medical Attention:** An employee who receives an injury arising out of and in the course of his employment is entitled to all necessary medical, surgical, and hospital attention, as well as original artificial members and medical supplies. Medical treatment will continue until the authorized treating physician discharges and the employee has obtained Maximum Medical Improvement (MMI).
2. **Compensation:** An employee who receives an injury, which causes him to be absent from work for seven consecutive calendar days or less, is not entitled to compensation from Workers' Compensation Insurance. **Workers' Compensation will begin on the eighth day of disability; however, if the disability lasts longer than fourteen calendar days, the employee will also be compensated for the first seven days.** The injured employee is entitled to compensation at the rate of **sixty-six and two-thirds percent (66-2/3%)** of his average weekly wage.

For days not worked, when the employee is entitled to Workers' Compensation Insurance, Personal Leave (PLD), Disability Leave (DL) or Salary Continuation Account (SCA) may be used until the earned leave time is exhausted. The employee's timekeeper and the Workers' Compensation administrator should

coordinate leave-time reporting. Those hours will be reinstated at sixty-six and two-thirds percent (66-2/3%), if the insurance carrier reimburses the County.

Also, employees injured under the South Carolina Workers' Compensation Commission may elect to voluntarily utilize accrued Personal Leave (PLD), Disability Leave or Salary Continuation Accounts (SCA) in conjunction with receiving sixty-six and two-thirds percent (66-2/3%) of average wages from the Commission, not to exceed normal bi-weekly paychecks. During this time employees will not accrue PLD. Nor will employees receive reimbursement for leave time taken except which is applicable within the law. In addition, required deductions and any voluntary deductions will be deducted from the paycheck. Required deductions consist of: Federal, State, Social Security (FICA), Medicare, and court-ordered child support payments.

In addition, the employee is entitled to mileage reimbursement if the mileage to and from the facility exceeds ten (10) miles round trip.

Employee

- a. **Health Benefits Payments:** While receiving Worker's Compensation payments, **the employee is responsible for health benefits payments, out of pocket.**

Employee

- b. **Light-Duty Work:** An employee on Workers' Compensation must accept reasonable light-duty work when it is offered to him, provided he is able to do the work offered. If he does not accept such work, all compensation ceases for the hours he refuses to do the light work. If the light work is at a lower wage, the employee is entitled to compensation at the rate of sixty-six and two-thirds percent (66-2/3%) of the difference between his old wage and the new wage.

C. Procedure to Follow When an Injury Occurs

Employee/
Supervisor

When an employee receives an injury arising out of and in the course of his employment, the employee must inform his immediate Supervisor and the Supervisor must contact Beaufort County's Risk Manager. Failure to give prompt notice of the injury and cause of injury may cause a penalty to the County.

Supervisor

The employee will be given a copy of the **Workers' Compensation Authorization Form** and sent to the County's appointed physician(s). The physician's office should be notified that the injured employee is on his way.

Exceptions: In a **life-or-death situation**, when employee is out of the area, or when the appointed physicians are not available, the employee may **use the nearest physician or the emergency room at a hospital. Beaufort County's Risk Manager is to be notified when this occurs.** In the Beaufort area, when an employee is seen in the emergency room or by another physician, the employee is to be referred to the Beaufort County Workers' Compensation authorized physician for follow-up treatment.

In non-emergency situations, a physician other than the appointed physician(s) may see employees with approval from the designated Workers' Compensation physician(s).

**Director/
Supervisor or
Risk Manager**

1. Upon notification of the alleged injury, the Department Director or Supervisor, along with Beaufort County's Risk Manager, shall investigate immediately. A **First Report of Injury or Illness (12A)** must be completed and sent to the Human Resources Department for submission to the Workers' Compensation Insurance Carrier.

**HR
Workers' Comp
Administrator**

The State Workers' Compensation insurance carrier must receive this report from Human Resources within ten days after the accident or the Industrial Commission may fine the County. The insurance carrier must receive the First Report of Injury and the Supplemental Report of Injury, if there is lost time, prior to any bills being paid. Failure to give notice by submission of the First Report of Injury within the ten days is a serious matter and may deprive the employee of rights to compensation.

Employee

If the employee is incapacitated and absent from work, the employee must submit a written statement from the County's appointed physician, as soon as possible. This statement should give the name of the employee being treated, the diagnosis, expected length of disability and expected date the employee can return to his normal work or return to light work. **Without this written notification from the physician, the employee will not be considered absent due to Workers' Compensation injury and all bills will be submitted to the employee for payment.**

Physician

Employee

2. If there is lost time and the employee has submitted the physician's written notification, the Department Director will, upon the return of the employee to his normal work or light work, submit to the Human Resources Department a **Supplemental Report of Injury** showing anticipated date of return. This will be sent to the Workers' Compensation insurance carrier and this will initiate the employee's compensation payments.

**Director or
Supervisor**

Without this report the Workers' Compensation insurance carrier cannot pay the employee for further loss of work due to the injury or refund the County for compensation paid the employee during his absence.

Physician

When closing the claim, the physician may assign an impairment rating. When this happens, the employee will have one year for consideration of a change-for-worse in condition for reopening the claim. After the authorized physician assigns an impairment rating, the employee may participate in an informal hearing before the Workers' Compensation Commission. At this time the employee is encouraged to express his

opinion about his condition and the impairment rating given by the physician.

Employee

When mileage to and from the medical facility exceeds ten (10) miles round trip, the employee is entitled to mileage reimbursement and should submit to the Human Resources Department a completed Mileage Reimbursement Form.

Director

3. **In case of death**, the Department Director will notify Beaufort County's Risk Manager and the Human Resources Office immediately and submit the First Report of Injury as soon as possible. Funeral expenses will not exceed two thousand five hundred dollars (\$2,500.00) and compensation will be paid to the dependents.
4. **Compensation for Seven Days or Less of Lost Time:** When an employee is incapacitated and absent from work by written notification of the County's appointed physician, for seven consecutive days or less, the employee will be charged Personal Leave for days not worked. If the employee has no accrued leave days, he/she will not receive pay for the first seven days of lost time.

Supervisor

5. The Department must submit an **Employer's Supplemental Report of Injury** as soon as possible to the Human Resources Department showing the anticipated date of return and days away from work.
6. Beaufort County employees' **health insurance cannot be used to pay a Workers' Compensation medical claim**, unless this claim was refused by Worker's Compensation, and this refusal must be supported with written documentation.

D. Third-Party Claims

If the employee files for a third-party claim, the employee or his attorney must complete Form SF 110 and return it to the Human Resources Department for submission to our insurance carrier.

Employee

1. The employee or his attorney can negotiate and settle his claim with the third party and not involve Beaufort County or the Workers' Compensation Insurance carrier.
 - a. In this case, neither the County nor the Workers' Compensation carrier will pay any compensation or medical bills.
2. The employee can accept Workers' Compensation benefits and reserve the right to pursue action against the third party. When the case is settled, the

employee will have to reimburse the Workers' Compensation insurance carrier for any expenses paid.

3. The employee can accept the Workers' Compensation benefits and subrogate his rights towards any action against the third party to the Workers' Compensation carrier who would be responsible for action against the third party to recover the losses that have occurred.

The employee must notify the Human Resources Department of his attorney's name and address, if he is filing a third-party claim.

Dated this 23rd day of February, 2004.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: Wm. Weston J. Newton
Wm. Weston J. Newton
Chairman

ATTEST:

Suzanne M. Rainey
Suzanne M. Rainey, Clerk to Council