

m ***Job-Related Injury and Illness*****SCOPE**

This policy is intended to provide employees with a comprehensive response to on-the-job injuries and illnesses, prompt medical treatment and a timely return to work. It complies with OSHA regulation 29 CFR 1904.35 on informing each employee how to report on-the-job injuries and illnesses.

POLICY SECTIONS

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DEFINITIONS

City of Baltimore Occupational Medical Services – A health care organization designated by the City of Baltimore and confirmed. by contract that provides medical services on behalf of the City of Baltimore for on-the-job. injuries and illnesses at the site designated. For this policy, the site designated is the City of Baltimore Occupational Medical Services (Mercy Clinic), 323 N. Calvert St., Baltimore, MD 21202.

Discharge Instructions – A written document provided to employees seen at the Mercy Clinic at the end of each visit that indicates diagnosis, treatment plan, work status and the time and place of the employee's next visit. The employee should give a copy of the document to his/her supervisor

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immediately following each appointment.

Employee – This includes permanent full-time, permanent part-time employees and temporary employees contracted directly by the agencies (seasonal employees). It excludes consultants, volunteers and staff provided by temporary personnel agencies. For specific information on who is considered an employee for workers' compensation purposes, contact the City's Department of Finance, Office of Risk Management, at 410-396-5115.

Employee Incident Report (EIR) – A City form that is used to report job-related injuries and illness. The warehouse form number is 28-1608-5149. It is to be completed within 24 hours by the supervisor, called into Teleprompt at 1-877-607-8600 and then sent to the Third Party Administrator. The employee is to take the EIR form with him/her to the clinic for treatment.

The EIR form has 4 parts:

1. **Original** – is for the Third Party Claims Administrator (TPA). (The current TPA is Key Risk);
2. **Safety** – is designated for the Division of Occupational Safety;
3. **Medical Services** – is the copy which accompanies the employee to the Mercy Clinic; and
4. **Agency** – is to be retained with the Agency Human Resources Office.

Medical Director – A physician licensed in the State of Maryland and board certified in Occupational and Environmental Medicine who oversees the operation of the City of Baltimore Occupational Medical Services and serves as the chief physician of the City for matters of City employee medical services.

Supervisor – An employee designated by management, who exercises major, supervisory functions over other employees. These functions include hiring, evaluating, assigning work, disciplining, and dismissing.

Third Party Administrator (TPA) – An organization designated by the City of Baltimore to receive, investigate and process claims pursuant to a service contract and in accordance with the Maryland Workers' Compensation statute. For this policy, the TPA is Key Risk, 7 St. Paul Street, Suite 450, Baltimore, MD 21202.

Workers' Compensation Claim – A workers' compensation claim is a report of a job-related injury or illness that arises out of or in the course of his/her employment with the City (whether at the regular jobsite, a temporary jobsite, traveling on business for the City or driving on City business) that has been reported to the TPA and the Workers' Compensation Commission within the statutory time frame.

m ***Job-Related Injury and Illness*****REPORTING REQUIREMENTS**

Prompt reporting of job-related injuries and illnesses is essential for the following reasons:

- An employee will not be treated at the Mercy Clinic (unless the injury is severe) without a copy of the completed EIR, resulting in delayed medical attention.
- The TPA cannot set up a claim, authorize treatment or payments until the EIR has been called into Teleprompt or a copy of the completed EIR has been received by mail or fax.
- The Maryland Department of Labor, Licensing and Regulation as well as the Maryland Workers' Compensation Commission can levy late reporting actions against the City. If the City of Baltimore is fined for late reporting, any fine up to \$1,000 will be charged back to the agency responsible for the late reporting.
- Failure to report incidents or delayed reporting of incidents by employees and supervisors may result in disciplinary action.

EMPLOYEE RESPONSIBILITIES

Employees shall follow these procedures in the event of a job-related injury or illness:

1. Report any job-related injury or illness to the appropriate supervisor on the date or shift that it occurs, unless incapacitated.
2. Complete the appropriate section on the EIR and sign it as soon as possible.
3. Report to the Mercy Clinic (323 N. Calvert Street, Baltimore, MD 21202) to seek evaluation and treatment with the EIR copy for Medical Services. A valid City identification and a copy of the EIR are required.
4. Provide the supervisor with the agency's copy of the Discharge Instructions immediately following each appointment. The document includes the patient's diagnosis, work status, return appointment and any information relating to a referral outside of the clinic.

SUPERVISOR RESPONSIBILITIES

The supervisor's first priority is to see that prompt medical treatment is provided to an injured employee. In the event of a serious job-related injury or illness, dial 911. The employee should be taken to the closest medical facility.

In all other cases, when an employee reports a job-related injury or illness, the supervisor shall follow these procedures:

1. Complete the EIR form (#28-1608-5149) and send the employee to the clinic with the EIR copy for "Medical Services."

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2. Call the Teleprompt number (1-877-607-8600) with the EIR available. The claim reporting telephone number is available 24 hours a day, 7 days a week. This is an essential step as it officially establishes a claim with the TPA. Immediately calling Teleprompt ensures prompt services will be provided to injured employees.
3. Do not delay in calling Teleprompt if additional investigation is needed. Required fields for reporting to Teleprompt are: employee's name, address, phone number, date and description of injury, agency name, and contact information.
4. Forward the completed "Original" copy of the EIR form to the Key Risk (TPA) at
FAX: 410-864-2600 or mail to 7 St. Paul Street, Suite 450, Baltimore, MD 21202.
5. Send the "Safety" copy by mail, facsimile or in person to the Department of Finance, Office of Risk Management, Division of Occupational Safety, 401 E. Fayette Street, 7th Floor, Baltimore MD 21202 or FAX to 410-396-7278.
6. Send the copy designated for "Agency" to the Agency Human Resources Office.
7. Coordinate with the Agency Human Resources Office to provide light duty or transitional work assignments in accordance with the medical restrictions on the Discharge Instructions.

Supervisors shall follow these accident investigation procedures to ensure a complete report:

1. Report to the incident site, when possible.
2. Obtain names and addresses of all witnesses.
3. Interview and document statements of witnesses. Accurately note date, time, place, weather, and circumstances surrounding the accident. Obtain, produce or sketch detailed drawings and measurements. Take photographs of the site, if possible. Document first aid and medical treatment provided to all parties. Identify use of safety equipment and personal protective equipment.
4. Secure and preserve all evidence in regard to the incident.
5. Avoid disputes and make no commitments relative to repairs and acceptance of liability.
6. When the accident investigation is complete, every question on the completed EIR form shall be answered. Again, do not delay reporting the initial claim to Teleprompt. The EIR can always be forwarded to the TPA when completed.

SEVERE INJURIES OR OUT OF TOWN ON CITY BUSINESS INJURIES

If a job-related injury is severe or occurs when the employee is on City business out of the area, the

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employee must go to an urgent care or emergency center for treatment and then contact the supervisor to process an EIR. The supervisor prepares the EIR and calls Teleprompt (1-877-607-8600) to report the claim. The employee must be seen at Baltimore City Occupational Medical Services (Mercy Clinic) for an initial examination as soon as medically able. After being seen at the City of Baltimore Occupational Medical Services (Mercy Clinic), a plan of care is developed and managed by the Medical Director. The Medical Director at Mercy Medical Center will request medical records from the original treating facility. Mercy or the attending physician will issue Discharge Instructions indicating return to work abilities.

CITY OF BALTIMORE OCCUPATIONAL MEDICAL SERVICES

Except for severe injuries and illnesses and those that occur on City business out of the area, all on-the-job injuries and illnesses shall be treated at City of Baltimore Occupational Medical Services (Mercy Clinic). The clinic shall provide ongoing appropriate medical care if the injured worker's injury or illness is found to be covered under the Maryland Workers' Compensation statute. The decision of whether a claim is covered or not is determined by the TPA. The Mercy Clinic shall evaluate the employee's injury or illness, order any necessary tests, make a diagnosis, establish a treatment plan, recommend work status and schedule the next appointment. The Medical Director may also refer the employee to an additional medical care provider who will facilitate care.

NOTIFICATION OF RETURN TO DUTY

Before leaving the Mercy Clinic, the employee will be given a written document in duplicate, called Discharge Instructions. This document will include the patient's diagnosis, work status, return appointment date and any information relating to a referral outside of the clinic. It is the employee's responsibility to provide the supervisor with the agency's copy of the Discharge Instructions, no later than the start of the employee's next scheduled shift.

JOB INJURY LEAVE

The TPA will generate a First Report of Injury and send a copy to the reporting agency within 48 hours. The TPA will make a determination as to the whether the claim is covered or not (compensability) within 14 working days after receiving the EIR and necessary documentation. If the Discharge Instructions authorize days off from work due to a covered injury, the TPA generates an Accident Leave Voucher (A-time) authorizing compensable covered dates. It is forwarded by the TPA to the agency's human resources/personnel office and the Department of Finance, Central Payroll Division, authorizing the employee to be paid Accident Leave (A-time).

LEAVE USAGE

Job injury leave is granted for a specific period of time and is not charged against accumulated sick leave, vacation leave, personal leave or compensatory time. The maximum amount of job injury leave granted to an employee is established by the applicable labor agreements negotiated by the employee's representative organization.

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For additional information on job injury leave, employees should consult their negotiated labor agreement, their Agency's Human Resources Office, or the City's website at www.ci.baltimore.md.us/governmentlabor/index.html.

DELAYED OR FAILURE TO REPORT INCIDENTS- PROGRESSIVE DISCIPLINARY PROCEDURES

Delays or failures by employees and supervisors to report a job-related injury or illness, complete an EIR, or contact the TPA using Teleprompt, may result in disciplinary action up to and including termination.

FRAUD WARNING

It is a crime to lie or provide false information in order to receive workers' compensation benefits. Employees, employers and other parties who lie or provide false information regarding a claim are subject to prosecution for fraud. The Fraud Hotline of the TPA is available 24 hours a day, 7 days a week by calling 1-866-841-1044. Information about Workers' Compensation fraud should also be communicated to the Maryland Workers' Compensation Commission at 1-800-492-0479, 410-864-5100.

RELATED POLICIES

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| AM-203-2, | FAMILY AND MEDICAL LEAVE |
| AM-501-2, PART II, | COMMERCIAL DRIVER LICENSE |
| AM-501-10, | MOTOR VEHICLE ACCIDENT |

RELATED PROCEDURES AND/OR DOCUMENTS

- Employee's Incident Report (EIR)
- TPA (Key Risk) – Workers Compensation – “First Report of Injury or Illness” - TPA generated documents used by TPA to generate/confirm the existence of a submitted claim.