

INFORMATION SHEET
WORKPLACE INJURIES
AFSCME, PSSU, & SPFPA EMPLOYEES

What are the basic workers' compensation benefits?

Medical and Prescription Drug Benefits

The Pennsylvania Workers' Compensation Act is designed to provide reimbursement for reasonable medical care for employees who suffer an injury or illness arising in the course of his or her employment. PASSHE's third party administrator, Inservco Insurance Services, Inc., determines if the injury or illness is compensable under the Workers' Compensation Act. To make that determination, Inservco reviews the information provided on the *Employee Workplace Injury/Illness Incident Report* as well as any medical information related to the employee's injury/illness. An Inservco representative may also contact you directly for additional information about your injury and medical treatment. If your claim is accepted, IUP is responsible for payment of reasonable surgical and medical services, services rendered by physicians or other health care providers, medications and supplies, as and when needed. If your claim is denied, you will be notified in writing that your claim was denied, the reason your claim was denied, and your rights to contest the denial.

If you require emergency medical treatment, you may seek it from any provider; however, any subsequent non-emergency treatment shall be obtained from one of the designated health care providers whose names appear on the IUP Panel of Physicians. The Panel of Physicians is posted on all the IUP employee information boards, on the Office of Human Resources website, www.iup.edu/humanresources/benefits and is included with this information sheet.

You must obtain treatment from one of these providers for ninety (90) days from the date of your first visit to that provider; otherwise, IUP shall not be responsible for payment of your non-emergency medical bills for that first ninety (90) days. Claims for medical treatment, supplies and/or prescriptions should not be forwarded to your health insurance plan or prescription drug plan for payment. Instead, you must notify the provider that you have filed a Workers' Compensation claim and that all bills related to your injury should be sent under your claim number to:

Inservco Insurance Services, Inc.
Pittsburgh Claims Office
P.O.Box 1451
Harrisburg, PA 17105-1451

During the initial ninety (90) days from the date of your first visit, you have the right to switch from one health care provider on the list to another and that treatment will be paid for by IUP. If a designated health care provider refers you for treatment to another health care provider whose names is not on the list, IUP will pay for treatment rendered by the provider

whom you were referred. You have the right to seek treatment or medical consultation from a non-designated health care provider during the initial ninety (90) day period following the first visit but you are personally responsible for payment for those services.

You have the right to seek treatment from any health care provider at the expiration of the ninety (90) day period from the date of first visit. This treatment will be paid for by IUP unless the treatment is found to be unreasonable or unnecessary by a utilization review organization pursuant to the utilization review process contained in the Pennsylvania Workers' Compensation Act.

IUP will be responsible for the cost of that treatment after the initial ninety (90) day period has ended but only if you notify the Office of Human Resources that you are receiving treatment from a non-designated health care provider and only if that notice is provided to the Office of Human Resources within five (5) days after the first visit to that provider. If you provide notice to the Office of Human Resources of treatment by a non-designated provider more than five (5) days after the first visit to that provider, IUP will not be responsible to pay for treatment rendered by that non-designated provider until it receives notification from you that you are receiving such treatment.

Should invasive surgery be prescribed by a Panel Provider, IUP will pay for an additional opinion from a health care provider of your choice. If the additional opinion differs from the opinion of the Panel Provider and if the additional opinion provides a specific and detailed course of treatment, you will then determine which course of treatment to follow. If you choose to follow the procedure recommended in the additional opinion, IUP will pay to have such procedures performed by one of its Panel Providers and will not be responsible for payment for treatment provided by a non-designated provider for a period of ninety (90) days from the date of your visit to the health care provider from whom you obtained the additional opinion.

Indemnity Benefits

If your claim is accepted and you are unable to work due to your work related injury or illness, you may be eligible for workers' compensation indemnity benefits. Workers' compensation indemnity benefits usually equal about two-thirds of gross salary, subject to a minimum and maximum amount. They are non taxable and payable for the duration of your disability.

- If your disability lasts 7 cumulative days or less, no workers' compensation is payable.
- If your disability lasts 8 to 13 cumulative days, workers' compensation is payable only for the 8th through 13th days.
- If your disability lasts 14 cumulative days or more, workers' compensation is payable for the entire period of disability.

You will be notified in writing if you are eligible for workers' compensation indemnity benefits.

How are absences for medical appointments handled?

If your claim is accepted, no leave is charged and full pay is paid if you leave work for medical attention on the day of the injury. Thereafter, for medical appointments or physical therapy appointments related to your injury, sick, annual or personal leave must be used. Injury leave without pay for medical appointments will be charged if no paid leave is available. Leave charged will not be counted against the year entitlement to injury leave with benefits.

Each absence cannot exceed the amount of time necessary to obtain treatment and reasonable travel time. You should try to schedule medical appointments during non-work hours or at those times during the workday that would result in minimum absence. Verification of the length of the medical appointments may be required.

If I am eligible for workers' compensation indemnity benefits will I receive any salary in addition to these benefits?

If your claim is accepted and you are eligible for workers' compensation indemnity benefits, you will receive payment directly from Inservco. You must then decide if you want to use paid injury leave or injury leave without pay for absences related to your injury. Your leave election determines whether or not workers' compensation indemnity benefits will be supplemented with a partial salary payment (paid injury leave supplement). The Work-Related Injury Leave Election form is used to make your election. Once your election is made, you may change your initial election once; such change cannot be applied to leave already used.

Paid Injury Leave

Paid injury leave is the use of accrued sick, annual, or personal leave. Leave cannot be anticipated. It usually results in pay that is approximately equal to the difference between workers' compensation indemnity benefits and your **net** salary. In other words, the combination of workers' compensation indemnity benefits and the paid injury leave supplement will be about the same as your normal net paycheck. One full day of leave is charged for each day absent. When workers' compensation indemnity benefits are not payable (for disabilities of less than 8 days as previously described) paid injury leave is at full pay. Should you later become entitled to Social Security Disability Benefits, the paid injury leave supplement will be reduced accordingly.

Injury Leave Without Pay

The only money that will be paid while using injury leave without pay is the workers' compensation indemnity benefit described above. No additional salary will be paid. This is the only option for employees who do not earn leave.

If it is determined that your injury is not work-related, absences will be charged to regular paid leave or sick leave without pay in accordance with the policies for those leave types.

If I am overpaid, how are salary overpayments recouped?

In no case are you entitled to full pay and workers' compensation indemnity benefits for the same period. Salary overpayments result when you receive full pay and then receive the workers' compensation indemnity benefit for the same period. This may occur regardless of the leave elected. If you receive full salary, it is important that you not treat your workers' compensation indemnity checks as extra income (a windfall). Shortly after you receive the first workers' compensation indemnity check, IUP will recover any overpayments that result from being paid both full salary and workers' compensation.

If the salary overpayment is for a period of 42 calendar days or less, IUP may elect to process a compensation adjustment against your salary after you return to work. Your paycheck could be reduced to the paid injury leave supplement amount described above for up to three full pays after your return to work. **Your workers' compensation indemnity check should be saved for use during the period when your salary is adjusted to the reduced paid injury leave supplement.**

If the salary overpayment is for a period of more than 42 calendar days, IUP calculates the overpayment. You will receive a letter seeking lump sum repayment. If you do not repay the overpayment, payroll deductions at the rate of 30% of your gross salary will be started. **Your workers' compensation check should be saved so that the overpayment can be repaid in lump sum.**

For employees who remain on paid injury leave and simultaneously receive biweekly workers' compensation indemnity checks, paychecks will be reduced to the paid injury leave supplement amount on a current basis. **Your biweekly workers' compensation indemnity checks should be used to supplement your reduced salary.**

How long does injury leave last?

Injury leave (paid or unpaid) with benefits, if you currently have them, is available for the period of your disability, or up to one year's absence from work, whichever is less. For employees who use only accrued leave, benefits could continue beyond one year until accrued leave is exhausted. The year is cumulative, which means that if you return to work but become disabled again, paid injury leave or injury leave without pay will be available as reduced by your prior usage. The year, however, must be accumulated within three years from the date of injury.

If you are still disabled after nine (9) months of injury leave with benefits, you will be placed on injury leave without pay without benefits until you are able to return to work or for up to three years from the date of injury.

You are expected to return to either full or modified work as soon as possible. Your supervisor or other university representative will maintain contact with you during your absence.

You will be contacted about applying for Social Security Disability benefits if your disability appears to be long term.

What happens to my benefits during injury leave with benefits?

Health benefits, employer paid group life insurance benefits, and other employee elected benefits will continue if you currently have them and if you continue to pay any required employee premiums toward the coverage. AFSCME and PSSU employees will be billed for their health benefits by the Pennsylvania Employees Benefit Trust Fund (PEBTF). SPFPA employees will be billed for their health benefits by the Pennsylvania State System of Higher Education (PASSHE). Employees that have elected supplemental life insurance and/or long-term disability insurance will be billed for their premiums by PASSHE. Any delinquency of payment on your behalf may result in termination of your health benefits and/or your supplemental life insurance or disability insurance.

Medical bills and prescriptions related to an accepted injury are paid by the workers' compensation program.

Sick, annual, and personal leave continue to accrue at the appropriate rate, if you elect paid injury leave. Leave does not accrue if injury leave without pay is elected.

Retirement credit accrues if you elect paid injury leave; no credit accrues on injury leave without pay. You may want to note that the Retirement Code provides full retirement credit for employees who are paid for 1,650 hours in a calendar year. Therefore, the impact of any unpaid injury leave on retirement service depends on your leave history throughout the calendar year and the length of any unpaid injury leave.

What are my return rights?

You have the right to return to a position in the same or equivalent classification held before being disabled, for a period of up to three years from the date of injury, or for the duration of temporary employment, provided you are fully capable of performing the duties of that position, subject to furlough provisions applicable to your classification and position. This guarantee expires if your disability ceases prior to the expiration of the three-year period and you do not return to work immediately or if you retire or otherwise terminate employment.

You must be able to perform the essential functions of your position upon your return to work, unless alternate or modified duty work can be arranged for you for a limited time. Upon return to work, you must provide a doctor's release to perform full or modified duties.

How does the Family and Medical Leave Act (FMLA) relate to my injury?

Under FMLA employees are entitled to 12 weeks of paid or unpaid leave with continuation of benefits in a rolling 12-month period for any or all of the following reasons: employee's own serious health condition; becoming parents through childbirth, adoption, or foster care placement; or caring for a seriously ill family member. To qualify for FMLA leave, an employee must have been employed at least one year (which includes total employment, even if it was not continuous) and must have been paid for at least 1,250 hours (which includes regular and overtime hours paid, but excludes holidays and other paid time off) during the previous 12-month period.

Most work-related injuries meet the definition of a serious health condition, and therefore, absences related to an injury are covered by FMLA. Leave used while disabled is designated as injury leave and also FMLA leave.

What if I still have questions regarding my injury?

General questions regarding workplace injuries/illnesses should be directed to the Office of Human Resource, (724) 357-2431. Questions regarding the payment of medical bills should be directed to Inservco, (800) 356-0438. You may also contact the Pennsylvania Bureau of Workers' Compensation, (800) 482-2383.

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