

Overview of the CMSD Salary-Wage Continuation and Transitional Work Program

District employees injured in the course of their employment where the injury or occupational disease is compensable under the Worker's Compensation Laws of the State of Ohio are eligible to participate in the Districts Salary-Wage Continuation Pay Program ("Program") as defined below. An employee, who is injured at work, may want to utilize the Salary-Wage Continuation Program. This program will continue for up to two (2) years. The employee must use a facility or physician from the attached Preferred Provider Panel and fill out all necessary forms. The employee must follow all dictates of the program. This program is entirely voluntary and the employee may elect to opt out of the program.

Benefits of the Program

Injured employees are eligible to receive their regular pay and full benefits for up to two (2) years from the date of injury in lieu of receiving compensation from the Bureau of Workers Compensation (BWC). By receiving regular pay, employees will continue to contribute to retirement, deferred compensation, medical insurance, or and other types of benefits that would normally be in effect for that employee through payroll deductions. In addition, this program eliminates any lag time that might occur between the time of injury and the time that the injured worker is actually compensated for time off by BWC.

Participation

All District employees are eligible to participate in this program. Participation in the Program is the employee's option. The employee must decide whether to participate in the program at the time the illness-injury is reported. As a condition of eligibility for the program, an employee must report a work related illness-injury to the appropriate managerial authority within twenty-four (24) hours of when the illness-injury occurred.

Forms and Acknowledgement

If the employee chooses to participate in the program, he/she must complete the CMSD Salary and Wage Form, Injury and Investigation Form and forward it to the Workers' Compensation office. This form acknowledges that employee has received, understands, and agrees to comply with the provisions of the program.

When the employee seeks medical treatment, he/she must complete the Bureau of Workers' Compensation's First Report of Injury (FROI) application. The Managed Care Organization (MCO) will forward a copy of this to the District's Workers Compensation office.

Eligibility

Injury information is reviewed to determine whether to certify or deny the claim. If the claim is certified, the employee will be eligible to participate in the program. If the claim is denied, the employee will not be eligible to participate in the program.

Only claims with an injury date on or after October 30, 2007 will be eligible to participate in this program. Employees with an injury date prior to October 30, 2007 are not eligible to participate in this program, as it does not apply retroactively to claims with injury dates that pre-date October 30, 2007. An employee may be eligible to participate in the program more than once if multiple dates of injury are involved. For example; an employee suffers a broken arm and misses a total of 38 days. They return to work and two weeks later sprains his back. The back sprain would be considered a new claim and the employee would be entitled to all the benefits of the program for the new claim.

Medical Treatment

An employee who sustains a life-threatening injury may be treated at any medical treatment facility to which emergency medical personnel transport the employee.

An employee, who requires non-life threatening medical treatment, and wishes to participate in the program, may seek treatment at a facility or with a Physician of Record (POR) from the Preferred Provider Panel or a BWC certified emergency facility. If the employee requires follow-up treatment, he/she must select a facility or Physician of Record from the District's panel to receive program benefits. Employees who participate in this program must select a facility or Physician of Record (POR) from the Preferred Provider Panel. A physician from this panel must prescribe all medical treatment for the work related injury. If an employee requires specialized treatment from a physician that is not listed on the panel, the Physician of Record will make a referral to a specialist. Employees are encouraged to use the District's Preferred Providers, however, once the employees condition is stabilized, he/she must select a Physician of Record from the District's Preferred Provider Panel in order to participate in the program.

Injured employees who choose to be evaluated by a physician that is not listed on the panel may do so. However, they will not be eligible for any Salary/Wage Continuation benefits under this program.

The treating physician must supply written documentation in order for the employee to receive Salary-Wage Continuation leave. The preferred form is BWC's Medco-14, Physician's Report of Work Ability. The physician must supply either an actual or estimated return to work date.

The employee will be placed in Salary-Wage Continuation pay status until he/she returns or until expiration of the Salary and Wage leave.

Any employee who does not fully cooperate with the mandates of the Program and the treating physician's recommendations, including treatment, medication, therapy, vocational rehabilitation, and or transitional work assignment will be dropped from the program immediately and will forfeit any future claim to program benefits.

Participating Physicians and Medical Facilities

The District has carefully selected a panel of medical providers to ensure appropriate care of injured employees. All of the treatment facilities and physicians on the panel are BWC certified and properly credentialed. In addition, the panel provides a variety of medical facilities and physicians that are geographically convenient to work sites for employees to utilize. The panel of participating medical providers will be updated as needed to allow the addition or deletion of participating medical facilities and physicians.

Exhaustion of Program Benefits

If the employee is unable to return to work upon expiration of the Salary-Wage Continuation leave granted, the employee may elect, in writing, to use accumulated sick leave or he/she may elect to seek payment under applicable provisions of the Worker's Compensation Act. The employee is responsible for completing and filing any and all forms that may be required by BWC.

Intermittent Injury Leave

An employee may be eligible to participate in the Program and utilize the Salary-Wage Continuation Leave benefit intermittently. For example, an employee is injured and misses 10 days from work. They return to work and after two days find they cannot perform the job tasks. The employee would remain eligible to participate in the Program if the Physician of Record supplies appropriate medical documentation that the employee is disabled from employment.

Overtime

Employees who participate in the program will not be eligible to collect overtime pay. Employees will only be paid for their regularly scheduled hours during their period of disability, regardless of whether overtime has been offered in their department.

Disallowed Claims

If an employee is granted Salary-Wage Continuation and the claim is later disallowed by BWC, the Salary-Wage Continuation must be credited. The employee can elect to use sick, vacation, personal, or other approved time to cover the period of time that he/she was paid. If the employee docs do not have enough sick or vacation time to cover this period, payment will be recovered out of future earnings.

Opting out of the Program

If an employee initially chooses not to participate in the program, he/she cannot opt back into the program. The decision to participate must be made at the time of the initial injury. The employee may decide to opt out of the program at any time.

If an employee decides to opt out of the program, the employee may elect in writing, to use an accumulated sick leave or he/she may elect to seek payment under applicable provisions of the Worker's Compensation Act. Again, the employee is responsible for completing and filing any and all forms that may be required by BWC. If the employee seeks payment from BWC, he/she should be placed in an unpaid medical leave or an unpaid workers' compensation leave of absence status. **Unpaid Workers' Compensation leave of absence**: An employee is eligible to be placed on an unpaid Workers' Compensation leave of absence for up to twelve weeks from the date of election or until such time as the employee's work restrictions are considered permanent by their treating physician whichever comes first. (mod. 7/12/19).

Return to Work/Transitional Work

The program physician will determine when the employee may return to work for full duty or if transitional work is appropriate. Transitional Work assignments will be identified where applicable and the Physician of Record has released the employee to participate in modified work duties within his/her restrictions. A comprehensive Transitional Work policy has been developed. Any Division or Department in need of a job analysis for Transitional Work can obtain this information by working with the District's Worker Compensation office.

Refusal to participate in Transitional Work will result in forfeiture of benefits under the Salary & Wage Program.

Second Duty

All employees who participate in the program are prohibited from any type secondary duty employment.

False or Fraudulent Claims

In the event that the District discovers that an employee *Who has received or is Receiving Salary-Wage Continuation* leave has filed a false or misleading claim, has worked in violation of his/her medical restrictions, or is working in violation of his/her medical restrictions, the District reserves the right to discipline the employee in accordance with prevailing District Human Resources policies up to including termination of employment.

Program Modifications

The District reserves the right to modify the program. The program will not be modified without prior discussion with all the Unions.