

STATE OF MARYLAND
JUDICIARY

Policy on Reporting Workplace Injuries

I. PURPOSE

To establish uniform practices for reporting workplace injuries and the administration of employee rights under the Maryland Workers' Compensation Act.

II. DEFINITIONS

- A. Accident Leave** – Paid leave that is granted retroactively to eligible employees due to an employee's inability to work as a result of a work-related injury determined to be compensable by the Injured Workers' Insurance Fund or the Workers' Compensation Commission.
- B. Administrative Official:**
1. The Clerk of Court for the Court in which the employee works;
 2. The Administrative Clerk or Administrative Commissioner of the District in which the employee works; or
 3. The director of the respective department or office within the Courts of Appeal, the Administrative Office of the Courts, the District Court Headquarters, or the Court-Related Agency in which the employee works.
- C. Contractual Employee** – Any person whose condition of employment and compensation are specified in a personal services contract.
- D. Injured Workers' Insurance Fund (IWIF)** – The administrator of workers' compensation insurance for the State of Maryland. The IWIF handles all workers' compensation services and benefits for State employees.
- E. Regular Employee** – Any person holding a position funded under an approved budget and having an assigned Position Identification Number (PIN), not including contractual and temporary positions, nor those positions held by Judges, Masters, and Law Clerks.

- F. Temporary Employee** – Any person whose condition of employment is short-term (less than one year), whose compensation is not specifically budgeted, and is not governed by a personal services contract.
- G. Temporary Total Disability (TTD)** – A condition where an injured party is expected to recover, but is unable to work at all during the recovery period.
- H. Temporary Total Disability (TTD) Benefits** – Benefits paid to compensate employees for lost wages due to a compensable workplace injury or illness resulting in temporary total disability.
- I. Workers' Compensation Commission (WCC)** – The State Commission that administers the Maryland Workers' Compensation Act and adjudicates claims for compensation in accordance with the act.

III. SCOPE

This policy applies to **all** employees of the Maryland Judiciary, Clerks of the Circuit Court and jurors.

IV. POLICY STATEMENT

Covered individuals sustaining a work-related injury or illness in the performance of their duties, or on Judiciary premises during their scheduled work time, are covered by the Maryland Workers' Compensation Act. This policy provides guidance on reporting such incidents and how supervisors, managers, and Administrative Officials are to respond when an incident is reported.

V. REPORTING WORKPLACE INJURIES TO THE IWIF

- A.** An employee should immediately notify the supervisor when he or she has sustained a work-related injury or illness, and submit written reports of the incident utilizing the "Employee's First Report of Injury" form and "Authorization for Release of Medical Information" form. These forms will be provided by the employee's supervisor (they may be accessed on the Judiciary's Intranet) and should be completed within 24 hours (as required by IWIF) of the injury or the onset of an illness. If the injury is severe, the form may be completed at a later date or more appropriate time when the employee is physically able to document the accident. The employee is required to complete these forms.

- B. If medical attention is necessary, the employee should inform the medical provider that the treatment received is a result of a work-related injury or illness. **The IWIF is responsible for the payment of medical bills associated with a compensable on-the-job injury or illness. The provider should be instructed to send all medical reports and bills to the IWIF.** Additionally, all prescriptions associated with the injury or illness must be filed through a pharmacy that participates in a prescription program sanctioned by the IWIF.
- C. Within twenty four (24) hours of release from a medical facility, the employee shall provide to the Judiciary Human Resources Department (HR) copies of medical reports and bills, if available, for the treatment received. The employee also shall submit to HR copies of any additional medical bills or reports received during the course of recovery.
- D. The Administrative Official, upon learning of a work-related injury or illness, must conduct a preliminary investigation and gather witness statements as soon as possible, prior to completing the "Supervisor's Accident Investigation" form. Witnesses should be interviewed separately. Care must be taken to assure the investigation is fact finding, not fault finding. Obtaining signed statements as soon as possible following an accident ensures that the employer has an accurate account of how the injury occurred. These statements are important in helping to correct hazards and prevent the accident from recurring. They also help to spot possible third-party liability as well as possible fraudulent claims, which can help defend against the claim.
- E. The Administrative Official must report the incident to the IWIF 24-hour injury hotline (888-410-1400) within 72 hours of occurrence. IWIF then will provide a claim number to the Administrative Official. This claim number must be included on the "Employee's Report of Injury" form and the "Supervisor's Accident Investigation" form.
- F. The Administrative Official must promptly forward copies of all injury report forms to HR.
- G. IWIF subsequently will notify HR of the compensability determination. HR will notify the Administrative Official of the determination so that the affected employee can be notified.

VI. ACCIDENT LEAVE ELIGIBILITY

- A. Accident leave equates to two-thirds of the employee's regular pay rate. An employee may be eligible to use accident leave for six months from the date of the injury. Accident leave ends when a medical provider

certifies in writing that the employee is able to return to work, or at six months from the date of the injury, or when the IWIF or the WCC determines that it is to be rescinded, whichever first occurs.

- B. Eligible employees who are absent from work due to a work-related injury may be granted accident leave if the IWIF or the WCC determines that the injury is compensable, and the injured employee submits acceptable medical certification stating that the absence from work is the result of the work-related injury. **If an employee is absent due to a compensable workplace injury and is eligible to use accident leave, then the employee must use accident leave to cover that absence in lieu of using any accrued leave.**
- C. Contractual and temporary employees are not eligible for accident leave, but may be entitled to TTD benefits.

VII. TEMPORARY TOTAL DISABILITY (TTD) BENEFITS ELIGIBILITY

- A. Eligible Persons
 - 1. An employee who earns sick leave and suffers from an injury or illness determined by the IWIF or the WCC to be compensable, may be eligible for TTD benefits if the employee has exhausted all available accident and sick leave and is unable to return to work due to the injury or illness.
 - 2. Appellate and Circuit Court Law Clerks who occupy regular PINS, contractual, and temporary employees who suffer from such an injury or illness may be eligible for TTD benefits starting with the fourth day of absence from work due to the injury or illness.
- B. TTD benefits equate to two-thirds of the employee's regular rate of pay.
- C. The benefits are paid weekly by the IWIF to eligible employees.

VIII. REPORTING WORKPLACE INJURIES TO THE WCC

In addition to the above, employees may file a workers' compensation claim directly with the WCC by requesting filing information via telephone at (410) 864-5100 or (800) 492-0479, or by obtaining the information on-line at the following website:

http://www.wcc.state.md.us/Gen_Info/FAQ_Employees.html

IX. INTERPRETIVE AUTHORITY

The Judiciary Human Resources Department, in consultation with others as appropriate, is responsible for the interpretation of this policy.