

**THREE RIVERS COLLEGE  
PERSONNEL REGULATION**

Section: 4000 Personnel	
Sub Section: 4500 Compensation	
Title: PR 4505 Workers' Compensation	Page 1 of 7
Primary Policy: PP 4505 Workers' Compensation	
References: Missouri Department of Labor and Industrial Relations; US Federal Department of Transportation 49 CFR Part 40; Federal Motor Carrier Safety Administration 49 CFR Part 382	
Supersedes: 6.3.3	
Responsible Administrator: Director of Human Resources	
Initial Approval: 03-30-2010	Last Revision: 09-21-2016

The purpose of this regulation is to ensure that employees of Three Rivers College injured within the course and scope of their employment will receive appropriate medical care and a managed return to work in accordance with the mandates of the Missouri Workers' Compensation Act.

"Job related injuries" should be reported to the human resources office as soon as possible so that notice of injury may be filed with the insurance company.

It is solely the responsibility of the injured employee to report the injury within required limits of the Workers' Compensation Insurance Regulation (30 days). This regulation shall constitute notice to the employee. The college will not be responsible for injuries not reported to the human resources office within the required time.

**Regulation Compliance**

Employees shall comply with this regulation and associated policy as a condition of their employment. This includes, but is not limited to, the expectation that employees shall:

1. comply with physician's orders,
2. immediately notify supervisor of work-related injury or illness,
3. refrain from the use of drugs and/or alcohol in violation of the college's policies,
4. comply with safety standards,
5. return to work upon release of physician, and
6. be absolutely truthful and accurate in all claims and reports.

Failure to comply with this regulation will result in college discipline up to and including termination.

**Penalties for Fraud**

In accordance with Missouri State Law, any employee who submits a fraudulent workers' compensation claim and/or misrepresents facts can be found guilty of a Class A misdemeanor and may be subject to substantial criminal fines.

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**Notice Requirements**

A work-related injury or illness must be reported "in writing" by the injured employee to his or her supervisor immediately. If an injured employee fails to report an injury in writing within 30 days, the Division of Workers' Compensation may be entitled to deny any benefits under the Law.

**Workers' Compensation Benefits Payable**

Employees who suffer an injury or illness caused by an accident or occupational disease arising out of and in the course of employment ("work-related injury") will receive benefits paid by the district according to the Workers' Compensation Law of the State of Missouri ("the Law"). Employees driving College owned or subsidized vehicles are not covered by this policy when driving such college owned vehicles to or from the home or to or from the work station.

The College's insurer shall determine whether the injury is compensable under the Law. If the injury is deemed compensable, the employee will receive, subject to all provisions of the Law:

1. Medical treatment (if approved by the district in advance).
2. If the employee is off work more than three work days, the employee will receive 2/3 of their average weekly wage, up to a state maximum, while temporarily and totally disabled.
3. If the injury is severe and it causes permanent disability, the Division of Workers' Compensation may award a lump-sum benefit for the disability.

**Direction of Medical Care**

In Missouri, the employer is afforded the right to select the medical care provider(s) for employee work-related injuries. The college's Human Resource Office maintains a current list of approved providers. The employee ultimately maintains the right to use the provider of the employee's choice, but any expenses associated with that use will be borne solely by the employee.

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**Supplementation of Payroll**

Employees injured on the job will be excused from work without loss of pay, vacation, or sick leave in order to obtain medical attention on the day of the accident or injury occurs.

If an employee is unable to return to work following the accident or injury, the employee may elect to use accrued vacation or sick leave instead of taking leave without pay.

Workers' Compensation law requires a three-day waiting period following an accident or injury before making payments to employees. After the three-day waiting period, an employee may either (1) take the compensation paid through Workers' Compensation only and go on leave - without-pay status, or (2) continue to use accumulated vacation or sick leave to supplement the Workers' Compensation pay in order to receive full salary. In no case, however, shall an employee receive more than his/her normal monthly salary amount as a result of receiving both Workers' Compensation pay and vacation or sick leave benefits. Employees must report the type of leave on the *request for leave form* for the period of time the employee is unable to work. If you do not complete the *request for leave form*, it will be assumed you have elected leave-without-pay status. Employees who supplement their workers' compensation payments (i.e., the temporary total disability (TTD) payments from the insurance) by using accrued vacation, sick leave, and/or compensatory time off during the month will accrue vacation and sick leave for that month.

**Continuation of Employee Benefits While Off Work Due to Compensable Injury**

If an employee is not able to work due to a compensable injury and as long as the injured person remains an employee of the college, all regular employee benefits may continue. However, the employee is responsible for making separate payment arrangements for benefits with the business office.

**Compliance with Physician's Orders**

An employee with a compensable injury must strictly follow any and all instructions of the treating physician. This compliance includes, but is not limited to: prescription use, therapy, rest, following activity restrictions, and returning for follow-up visits. Compliance with medical instructions is mandatory on and off the job.

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**Returning to Work**

When returning to work, the employee is required to provide a written release from the approved workers' compensation physician. If the employee has been given a written release by the approved workers' compensation physician to return to light duty or regular duty (either part time or full time), the workers' compensation payments and FMLA Leave will be adjusted or terminated dependent upon the status of the employee. The employee will then begin to receive his/her college paycheck monthly basis at his/her normal pay schedule. For more information, please contact the Human Resources Department.

**Coordination of Leave**

If the employee is injured on the job and the injury also qualifies as a "serious health condition", the employee will qualify for both Workers' Compensation benefits and FMLA leave.

**Drug and/or Alcohol Use**

Under the Law, workers' compensation benefits can be denied if an employee is found to be using alcohol and/or non-prescribed controlled drugs in the workplace and the use is the proximate cause of the injury. If the employee is found to be using alcohol/drugs and the use is not the proximate cause of the injury, a 15% penalty can be levied against otherwise payable benefits.

For those employees in college positions which are inherently dangerous (Public Safety Officers, Maintenance Workers, Authorized Drivers, etc.) the college reserves the right to conduct random drug testing to ensure the safety of the employee and the college even when no suspicion of alcohol/drug use exists.

**Rule Violation or Willful Failure to Use Safety Devices**

If an employee violates a rule of the college or willfully fails to use a required safety device, that employee's workers' compensation benefits may be reduced by 15%.

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**Failure to Return to Work after Physician Release**

An employee, who fails to return to work after receiving a release from the approved workers' compensation physician to do so, will be considered absent from their job without authorization. The college considers 3 days of unauthorized absence without notice to be a voluntary resignation.

**Drug-Free Workplace**

Three Rivers College prohibits all employees from the possession, distribution, or presence under the influence of alcohol and non-prescribed controlled substances while on school premises. The prohibition is exemplified by the Drug-Free Workplace policy. Violation of either policy and/or regulation will result in disciplinary action up to and including termination. Such violation may result in substantially reduced or forfeiture of workers compensation benefits where the use of substances prohibited by this policy was in conjunction with or related to a work place injury.

**Post-Accident Drug/Alcohol Testing**

Employees under the influence of alcohol, drugs, or controlled substances while on duty are a serious risk to themselves, to students, to other employees, and to college property. When an employee is involved in an accident producing injury, the college will require the employee to submit to post injury alcohol/drug testing.

Post-accident testing will be utilized after any accident.

Refusal to submit to post injury testing will result in disciplinary action up to, and including termination, and may result in forfeiture of Workers Compensation benefits for injuries related to the request for testing.

Employees will be subject to post accident drug testing when a college administrator has sufficient cause to suspect the employee's use of alcohol or non-prescribed controlled substance producing accident, in conjunction with or related to a work place testing. Such post-accident testing will be utilized in the instance of the occurrence of any of the five instances set forth in this policy.

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**Safety Standards**

The college issue specific safety standards and will provide ongoing directives, oral and written, to maximize employee and student safety. Failure to comply with such safety directives shall result in disciplinary action up to and including termination.

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**DOCUMENT HISTORY:**

- 03-30-2010:** Initial approval of regulation PR 4505 Workers' Compensation.
- 08-16-2011:** Language added to specific random drug testing for employees in inherently risky jobs.
- 09-21-2016:** The College Board of Trustees approved the name change of the college from Three Rivers Community College to Three Rivers College.