

## **USM Bylaws, Policies and Procedures of the Board of Regents**

**(Approved by the Board of Regents, May 1, 1992; Amended November 12, 1992; Amended December 13, 1996; Amended April 16, 2004; Amended October 9, 2006)**

### **I. PURPOSE AND SCOPE**

This policy governs Accident Leave for employees in compliance with compensation law (Ann. Code of Maryland § 9-705). It applies to Nonexempt and Exempt Staff employees holding leave eligi

**IV. ACCIDENT LEAVE BENEFITS**

- A. Accident Leave is leave paid at two thirds (2/3) of the employee's regular salary, but is exempt from federal and state taxes.
- B. Medical and Hospital Expenses

Medical and hospital expenses shall be paid on behalf of an injured employee according to the Workers' Compensation Act if the accident is determined to be compensable by the Workers Compensation Commission or the WC Insurer

**V. ADMINISTRATION**

A. Reporting of Injury

1. Employee's First Report of Injury

The injured employee or someone on the employee's behalf shall provide the following to the employee's supervisor or the institution's designated office:

- a. oral or written notice immediately after the injury occurs; and
- b. within three working days after the injury occurs, a physician's written certification that the employee is disabled by the injury.

2. Supervisor's Report

Upon having knowledge of an employee injury, the supervisor of the injured employee shall immediately notify the institution's designated office and forward to that office within 2 days following the injury a Supervisor's Report of Employee's Injury.

3. Institution Reports

The designated office, upon receipt of the supervisor's report, shall:

- a. file an Employer's First Report of Injury with the State of Maryland's Workers Compensation insurer (WC Insurer).
- b. inform the injured employee or someone on the employee's behalf of the employee's right to file a claim with the Workers' Compensation Commission; and

- c. determine if the injury would likely be compensable under the workers compensation statute.

B. Medical Evaluation

The WC Insurer or the institution, or both, may refer an injured employee to a physician(s) for periodic examination to determine the nature and extent of the injury, the employee's progress toward recovery, the length of time necessary for recovery, and an estimated date of return to work. An institution referring an employee to a physician shall file with the WC Insurer a report stating the circumstances of referral and the physician's prognosis.

C. Use of Leave Other Than Accident Leave

Prior to receipt of a determination of compensability from the WC Insurer, an employee must be placed on accident leave and the institution may not approve use of other leave unless there is a reasonable basis for believing that the injury is compensable. Only if the injury is believed to be non-compensable, may the institution place the employee on sick, annual or other available leave prior to receipt of a determination by the WC Insurer. If an employee exhausts all available accident leave and medical certifications specify that the employee is unable to return to work because of the work-related injury, an institution may require an employee to seek temporary total disability payments under the workers' compensation act.

**VI. DURATION OF LEAVE**

A. Period of Accident Leave

Having made the determination that the injury would likely be compensable under the Workers' Compensation statute, the institution shall grant Accident Leave to an employee beginning on the first day of absence from work because of the disability. Accident Leave shall be terminated on the earlier of (1) the date that the employee is able to return to his/her official duties, or modified duties designated by the institution, as certified in writing by a physician; or (2) six months from the original date of disability.

B. Leave for Continuing Treatment

If the employee returns to his/her official duties, or modified duties designated by the institution, prior to six months following the date of the disability, Accident Leave may be granted for continuing treatment of the original injury as certified in writing by a physician selected or accepted by the institution, for a period up to six months. (p)-46.8 3.37



