



**Town of Framingham  
Personnel  
Policy #32**

## **Policy and Procedures for Workers' Compensation**

**Issue date: July 1, 2005**

**Type of policy: New ( )    Amendment (x)**

**Effective date: July 1, 2005**

**Level: Department ( )    Division ( )    Town Wide (x)**

### **Policy Statement**

Town of Framingham is committed to providing a work environment that is safe for all employees. If a work related injury occurs, the procedures and guidelines contained within must be followed to insure compliance. It is the Town's desire to assist all employees in receiving compensation and medical treatment for any injury that occurs during work hours.

This policy applies to all Town employees excluding public safety employees (police officers and firefighters). Employees whose employment is regulated by bargaining agreement are subject only to those portions of this policy which are not specifically governed by law or agreement.

### **References**

Massachusetts General Law, Chapter 152.

### **Special Terms**

## Policy Description

### IF AN INJURY DOES OCCUR

The first priority after an accident or injury is to assure that the employee involved receives first aid that is necessary. If medically appropriate, 9-1-1 should be called immediately. Employees with life threatening work related injuries should be taken to the nearest Emergency Room at the hospital. After an employee is released from the emergency room, employees must schedule an appointment with the Town's Medical Provider. Otherwise, injured employees who are not ambulatory should seek treatment from the Town's Medical Provider. If an injury occurs outside of the Town's Medical Provider's hours, treatment should be sought at the Emergency Room at the hospital. The supervisor must place a call to the Town's Medical Provider to report work related injuries when an employee has gone to the emergency room. When an employee sees a doctor or other health-care professional, make sure you inform them that you are seeking treatment for a work-related injury.

Hospital:

Metrowest Medical Center  
Framingham Union Hospital  
115 Lincoln Street  
Framingham, MA 01701  
Phone: 508-383-1000

Town Medical Provider: Please contact Human Resources for name and location or see notice

### REPORTING THE ACCIDENT

An employee injured on the job must report the injury to their supervisor and fill out an accident report. (Attachment A). The accident report begins the claims process and should be done immediately. Supervisors must complete all sections of the Supervisor's accident investigation report. (Attachment B).

The accident reports must be submitted to the Workers' Compensation Agent, in the Human Resources Department located in the Memorial Building, 150 Concord Street, Room B-7, Framingham, MA 01702. This accident report must be delivered to the Human Resources department **within 24** hours of the injury.

If the employee is unable to fill out the accident report due to the injury the supervisor is responsible for filling out the accident report and submitting it to the Workers' Compensation Agent in the Human Resources Department.

The Human Resources Department will not be able to process medical bills or lost wages without an accident report.

***It is the responsibility of the supervisor to report all work related injuries to the Workers' Compensation Agent immediately. Failure to report injuries may result in disciplinary action.***

### **LOST TIME FROM WORK**

Each department will designate an employee who will communicate any and all lost time to the Workers' Compensation Agent.

Once the employee is absent five (5) days, and said employee will be out of work as determined by the Town's Medical Care Provider for a longer period of time, the employee will be placed on Workers' Compensation benefits in accordance with MGL Chapter 152. These five days will be paid out of the employee's accrued sick leave benefit. If the employee remains out of work for a continuous twenty-one (21) days, those five days will be reinstated to the employee's leave bank.

The employee will receive a letter from the Workers' Compensation Agent outlining the process and detailing the administration of benefits. A notification from the Town's Workers' Compensation Agent and a guide to the Massachusetts Workers' Compensation System will also be sent.

Once placed on Workers' Compensation benefits, the employee will receive 60% of their average weekly wage. The average weekly wage is calculated by taking the gross wages from the preceding twelve months and then dividing that by fifty-two. This 60% portion is not taxable which will be reflected on the employee's paycheck.

In accordance with MGL Chapter 152 the employee may supplement 40% of their regular weekly wage with benefit leave (e.g., sick, vacation or personal leave). The 40% supplement is taxable and will be reflected on the employee's paycheck. To receive the supplement you must complete and sign the Workers' Compensation Wage Supplement Request Form and submit to the Workers' Compensation Officer. (Attachment C)

Workers' Compensation checks will be mailed to employees.

### **FAMILY AND MEDICAL ACT OF 1993**

In accordance with the Family Medical Leave Act of 1993 (FMLA), your Workers' Compensation and FMLA entitlement of 12 weeks will run concurrently.

## **HEALTH AND LIFE INSURANCE DEDUCTIONS**

If the employee is expected to be on workers' compensation for less than a month, the employee must make payment for the insurance premiums on the date of the deduction would have been made, had the employee been paid wages (e. g. each Friday).

If the employee is on workers' compensation for more than one month, the employee must make payment for insurance premiums at least one month in advance of coverage.

Payment should be made by check payable to the Town of Framingham and mailed to the Human Resources Department, Benefits Office, Memorial Building, 150 Concord Street, Room B-7, Framingham, MA 01702. Payment must be received regularly and in the manner described or your coverage's will be cancelled in accordance with the Town of Framingham Direct Pay Policy.

## **BENEFIT LEAVE**

Employees who are receiving Workers' Compensation payments shall not accrue earned leave (e.g., sick or vacation leave) during the period in which the workers' compensation is paid, except as otherwise provided in a collective bargaining agreement.

## **MEDICAL APPOINTMENTS**

Employees must attend all medical appointments. Employees who do not attend scheduled appointment will be assessed a \$50.00 fee.

## **RETURN TO WORK**

Once the employee has medical clearance to return to work, the employee must provide a copy of that medical documentation to the Worker's Compensation Agent. The Workers' Compensation Agent will issue a letter to the employee approving the return to work status. No employee should report to work without written authorization from the Workers' Compensation Agent.

***Supervisors who fail to comply with this directive by allowing an employee to return to work with out written authorization from the Workers' Compensation Agent may result in disciplinary action.***

## **INSURER**

The Town of Framingham is self-insured for Workers' Compensation, which means that we are directly responsible for all medical bills and payment for lost wages due to a work related injury.