8. WORKER'S COMPENSATION

8.1 - The North Dakota State Board of Higher Education recognizes that the safety, health and well-being of its employees is important. To this end, a priority will be placed on the prevention of accidents and occupationally-incurred illnesses. It is a goal to reduce claims costs. It is the responsibility of every employee to work in a safe manner, and to intervene when others are performing in an unsafe manner.

8.2 - All employees are protected by Worker's Compensation against accidental work-related injuries or occupationally incurred illnesses diseases fairly traceable to employment in the performance of their official duties.

8.3 - Each institution will maintain an approved North Dakota Workforce Safety and Insurance Disability Risk Management Program. Components of this program include:

8.3.1 - All on-the-job accidents and injuries or occupationally-incurred illnesses diseases must be reported within twenty-four hours to the employee's supervisor and the appropriate campus official. This is for the protection of the employee, as well as the institution.

8.3.2 - All employees must receive training or information on general safety rules, safe operating procedures, ergonomic hazards and the institution’s claims management procedures. Employees in unique work environments must receive additional training relevant to their position.

8.3.3 - To have a claim paid by Workers Compensation, Workforce Safety and Insurance, employees must seek medical care from the institution’s designated medical provider(s). However, employees have the option of choosing their own medical provider for Workers Compensation care if they make that known in writing to the appropriate campus official in advance of any work-related injury or treatment for an occupationally incurred illness, occupationally-incurred disease.

8.4 - In case of absence due to illness or injury, for which Worker's Compensation worker’s compensation time loss wage-loss benefits are received, sick leave pay may be utilized used to the extent of the difference between such benefits and the employee's regular salary. pay. The employee may elect to use Worker's Compensation worker’s compensation only or use it in combination with sick leave and/or annual leave. However, the employee's leave account shall only be charged that percentage of time which corresponds to the percentage of salary pay that the institution shall pay. The total time loss wage-loss payment shall not be more than the employee's regular pay.

8.5 - During the time that the injured employee is using sick leave and/or annual leave, the institution will continue to issue a payroll check. Thus, when the injured employees receive
a check from the Workers Compensation Bureau, Workforce Safety and Insurance, that check must be turned over to the appropriate campus official.

8.6 - Upon using all accrued benefits, an employee will be placed on leave without pay for a maximum of ninety calendar days. At the end of that period, the employee, the supervisor, the Workers Compensation Bureau, Workforce Safety And Insurance and the appropriate campus official shall evaluate the medical prognosis. If it is unlikely that the employee will return to work in a reasonable amount of time, time (within ninety days of being placed on leave without pay), the position the employee holds shall be filled through regular procedures. When the employee, upon medical approval, is able to return to work, (within two years of being placed on leave without pay), the employee is entitled to be placed in the same classification, if qualified, when a position becomes available.

8.7 - If an employee must be completely retrained into a different capacity from their his or her employment at the time of injury, the employee’s position shall be filled through regular procedures. When the training is complete, the employee may compete as an internal candidate for a position at the institution.

8.8 - If an employee is not able to return to work at the institution within two years of being placed on leave without pay, their his or her employment with the institution shall be terminated.

8.8.1 For Workforce Safety And Insurance purposes, North Dakota Public Employee Retirement System (NDPERS) maintains employee records for two years. If an employee is not able to return to work in any capacity after two years, that employee forfeits his or her rights to be considered for placement into a position at the original institution except to participate in regular recruitment procedures.
History:
(Replaces Staff Personnel Handbook (Old Manual) as revised March 26, 1976).
Amend. Sec. 8, 8.1, 8.2, 8.3 SBHE Minutes, June 20-21, 1991, pg 6143.
Amend. Sec. 8.1, 8.2, 8.3, 8.3.1, 8.3.2, 8.3.3, 8.4, 8.5, 8.6, 8.7, 8.8 SBHE Minutes, March 20, 1997, pg 6744.
Amend Sec. 8.2, 8.3, 8.3.1, 8.3.3, 8.4, 8.5, 8.6, 8.7, 8.8, added 8.8.1. SBHE ______, 2015.