Helena College’s Guide to Workers Compensation
Montana’s Workers’ Compensation is a no-fault system which focuses on an employee’s injury recovery and returning the employee to work as soon as medically safe. If applicable vocational rehabilitation when an employee cannot return to the time of injury job. If you have a compensable job related injury or illness, workers’ compensation pays for medical and qualifying rehabilitation expenses and lost wages if you are out of work for legally defined time.

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Introduction

Both Montana state law (39.71 MCA) and the federal government’s Occupational Safety & Health Administration (OSHA) require employers to record work related injuries and illnesses. Helena College University of Montana also recognizes that data and information contained in the records of incidents, injuries and illnesses, or near-misses are essential to maintaining an efficient and successful safety program. The data supplies the facts necessary to help programs and procedures that can control both the conditions and acts that contribute to incidents.

Helena College will take reasonable steps, in accordance with federal and state laws, to ensure that individual’s health and identifying information is properly protected while allowing information needed to provide and promote high quality health care and appropriate management of claims. OSHA rules expressly permit disclosure of this protected information.

Employees of Helena College are provided with workers’ compensation coverage through the Montana University System (MUS) Self-Funded Workers’ Compensation Program. This coverage is provided at no cost to employees.

Workers’ compensation benefits are paid in cases of work-related injuries and diseases that are compensable under the Montana Workers’ Compensation Act (WCA), generally those that occur accidentally through the course and scope of employment, and that are verified by medically objective facts. Benefits available through the MUS Self-Funded Workers’ Compensation Program include related expenses for:

- Approved medical, hospital and related services;
- Stay-at-work/Return-to-Work assistance
• Wage compensation for those who are temporarily unable to work. Under current rules, replacement wages equal to 2/3 of the employee’s average weekly wages, typically calculated using the previous 4 pay periods, up to a maximum weekly amount established annually by the State Department of Labor.

• Vocational Rehabilitation opportunities and disability compensation in cases of permanent impairment.
Program Overview

Who is Responsible for Ensuring a Safe Workplace?

All Employees
It is the responsibility of all employees to ensure the health and safety of themselves and other employees at Helena College. This requires everyone to follow health and safety rules, as well as report ‘Near-hit Incidents’ to prevent injury to themselves and others.

Supervisors
Providing a safe and healthy work environment for those they supervise is the responsibility of every supervisor/manager. This responsibility cannot be transferred or delegated.

Helena College Safety Committee
Helena College Safety Committee is charged with creating and promoting a safe learning and working environment for students and employees at Helena College University of Montana. It reviews all workers compensation claims, maintains the Campus Emergency Action and Crisis Protocol Manual.

Facilities
The employees who work in Facilities are often the first to notice, respond to, or address unsafe work conditions.
The OSHA Compliance Officer
The OSHA Compliance Officer for the Helena College University of Montana is the Director of Human Resources. This individual is responsible for ensuring processes and procedures are in place to support a healthy and safe workplace, as well as compliance with all reporting and record keeping requirements.

Helena College Leadership
The ultimate responsibility for the health and safety of all Helena College employees rests with Helena College’s Dean, the Associate Dean of Academics, Assistant Dean of Student Services, and the Assistant Dean of Fiscal and Plant.

How to Protect Yourself

Workplace accidents and injuries can be prevented if workers know the causes of accidents and they are taught how to protect themselves to avoid injury. Although no one wants to get hurt at work, there are four major causes for injuries on the job.

Back injuries
The number one cause of on-the-job injuries is physical overload. These injuries are caused by lifting (too heavy a load or lifting improperly), straining, overreaching, bending, and twisting. To protect your back against injury, learn and use proper lifting
techniques, never bend or twist while lifting or carrying, and whenever possible, use a mechanical aid or get help with the load from another worker.

**Hitting or striking against**
The second most common cause of worker injury is being hit by or hitting against an object. The best way to protect against these accidents is to be alert to the potential hazards and to use appropriate protective equipment (hard hats, eye protection, gloves). Be aware of your body and the space around you. Give yourself enough clearance when passing by or ducking under equipment or going through a passageway.

**Falls**
In order to avoid injuries from falls, be sure that your footing is firm and wear slip-resistant soled shoes. Be sure to watch where you’re walking. Don’t walk backward to direct equipment or leap from one level to another. Make sure you can see over the load you carry and that walkways are well-lighted and clear of obstacles. Clean up spills or grease spots and use handrails when walking on stairs.

**Machine Accidents**
The fourth major cause of on-the-job injury is machine-related accidents, that is, getting caught by moving machine parts. When working around any moving equipment (a machine that rotates, slides, or presses) always use safety shields, guards, and lock-out procedures. Only work on a machine that you have been trained to use. Never wear jewelry or loose-fitting clothing that could get caught in the moving equipment.

Be alert to the hazards you face on your job and learn what you should do to protect yourself against accidents and injuries and follow UM-Helena’s established safety guidelines.

**Helpful Tips for Protecting Yourself from Hazards and Maintaining a Safe Workplace:**
- Follow safe work practices and know about the hazardous materials in your work area.
- Know Helena College Campus Emergency Action and Crisis Protocol Manual and Policy, as well as two ways out of your work area.
- Follow policies and procedures.
- Be aware of safety signs.
- Report unsafe conditions to your supervisor or Facilities.
- Attend all required safety training, and actively participate in the annual/semester safety self-inspections in your area.
If you are injured on the job, the following step will help you navigate effectively through Helena College’s workers’ compensation processes and procedures.

1. IMMEDIATELY report the problem to your supervisor, the Facilities Manager, or Director of Human Resources/OSHA Compliance Officer.

2. Seek medical attention, as necessary (first-aid, emergency, doctor’s office). Be prepared to provide the name and phone number of the healthcare professional you see to your supervisor and/or the Director of Human Resources/OSHA Compliance Officer.
   
a. Montana state law allows you to choose your initial healthcare professional. You may continue to receive treatment from your physician unless you receive written notice of referral. After providing you with a referral notice, the MUS Workers’ Compensation fund is no longer liable for treatment provided by your healthcare professional unless authorization is obtained to continue treatment.
b. When seeing a healthcare professional regarding a workplace injury or illness, be sure to inform the billing office that you're being seen for a workplace injury or illness to ensure proper billing.

c. Ask your healthcare professional to complete a Work Status Report, which you will need to provide to Helena College’s Director of Human Resources.

3. You and your supervisor will need to complete a First Report of Injury (FROI) online. You will be assigned a claim number, and it’s important to keep this along with copies of all documents related to your workplace injury or illness.

4. Helena College will provide Modified Duty or Early Return to Work (ERTW) job duties for all employees with temporary physical restrictions identified by the treating healthcare professional whenever possible. Be sure to closely conform to any and all restrictions and work instructions prescribed by your healthcare professional.

5. If your workplace injury or illness keeps you out of work, remember that the Helena College community cares about your progress and well-being. We want you to recover and return to your job as soon as possible!
   a. Follow all directions prescribed by your healthcare professional.
   b. Stay in touch with your supervisor and the Director of Human Resources/OSHA Compliance Officer to keep them informed of your progress and status.
   c. Montana state workers’ compensation laws provide for you to become eligible for lost-time wages after 32 hours or 4 days, whichever is shorter. Lost-time wages will be paid until you are able to return to work (they may be pro-rated if you return to work part-time as part of an accommodation) or achieve Maximum Medical Improvement (MMI).
   d. You will also be covered by the Family Medical Leave Act (FMLA), which provides for up to 12 weeks of job protection.
   e. Prior to returning to work, you will need to obtain a Work Status Report for ERTW or a Return to Work Release if you’re able to return to full duty from your healthcare professional.

Blood-Borne Pathogen (BBP) Exposure
If you experience a needle-stick, cut, puncture, mucous membrane or open wound exposure to human blood or other potentially infectious materials, including body fluids, you should follow BBP procedures for your area. Immediately notify the appropriate
designated staff, facilities, the Director of Human Resources/OSHA Compliance Officer and seek immediate medical attention.

**When a Workplace Injury/Illness Isn’t Covered by Workers’ Compensation**

It’s important to note, however, that workers’ compensation benefits *may not be paid* to an employee injured while on the job who:

- willfully hurts themselves,
- acts in a premeditated way to cause the injury,
- starts a physical altercation with a co-worker or other individual,
- intentionally violates safety rules,
- is intoxicated or impaired by drug use, or
- is non-compliant with workers’ compensation laws and procedures.
Injury Process

Despite our best efforts, sometimes employees do get injured or become ill on the job. When a workplace injury or illness occurs, as the supervisor you will have additional responsibilities, not the least of which is to stay in contact with their employee throughout the process. The following section will discuss the additional responsibilities in more detail.

Reporting Procedures for the FROI

Once a supervisor has been notified by a direct report that the employee has sustained a workplace injury or illness, it’s the supervisor’s responsibility to IMMEDIATELY log into the FROI system at Helena College Workers Comp Guide.docx. Helena College is required to submit a First Report of Injury (FROI) within 24 hours of the injury or illness. As with any supervisory responsibility under workers’ compensation, providing necessary information for the FROI cannot be delegated to another individual.

Supervisors should make a detailed report about each incident, even if only a minor injury or no injury is the result. This detailed report will help provide information to complete the on-line First Report of Injury (FROI), particularly in the event the employee is unable to provide information because they are either seeking medical attention or in the hospital, and will notify the Director of Human Resources/OSHA Compliance Officer. In addition, minor injuries occur in greater numbers than serious injuries and records of these injuries can help to pinpoint problem areas. Please be sure, however, that you are not keeping personal or medical information as part of your incident records.

Accident Investigations

Supervisors are also required to conduct an Accident Investigation Report within 24 hours of the FROI, in which you will need to:

- determine contributing factors,
- determine the root causes,
- indicated the corrective action plan items, and
- conduct a risk assessment.
The accident investigation should address all factors bearing upon the incident, including input from any applicable witnesses. Supervisors are required to take corrective action to prevent the reoccurrence of the same or similar injuries in their area.

In the event of a workplace injury or illness that resulted in a fatality, possibly fatal injuries, or requires in-patient hospitalization of any employee, DO NOT move any equipment involved in these types of serious accidents and work closely with the Director of Human Resources/OSHA Compliance Officer, emergency personnel, as well as state and federal investigators when conducting the accident investigation.

**Modified Duty**

An employee's removal from the workplace due to a workplace injury or illness has a negative impact on the employee, their family, and the Helena College community. After a workplace injury or illness, there is typically a period of healing required for the injured employee to return to a point of maximum physical improvement. During this period, however, many employees can perform job tasks within specific physical limitations as prescribed by their healthcare professional, which allows an employee to continue working in a meaningful capacity.

Returning employees who have suffered a workplace injury or illness to work as soon as possible can reduce long term negative financial, physical, and emotional health effects. Therefore, whenever possible, Helena College will provide Modified Duty or Early Return to Work (ERTW) job duties for all employees with temporary physical restrictions identified by the treating healthcare professional. The Director of Human Resources/OSHA Compliance Officer will work closely with the supervisor to make the necessary accommodations, and if necessary will arrange for ERTW job duties in another area of the college.
Conclusion

The first steps to ensuring a safe and healthy workplace is knowledge. Hopefully this guide is will provide a solid foundation for increasing knowledge and awareness into how workplace injuries and illness impact everyone at Helena College. A truly successful workers’ compensation program requires a team approach, as everyone at Helena College has a vested interest in providing and maintaining a safe work environment. Employees who suffer a workplace injury or illness must always be treated with dignity and respect, because we are all responsible for each other!