

New York University

UNIVERSITY POLICIES

Title: Workers' Compensation Policy & Procedure
Effective Date: January 18, 2019
Supersedes: January 29, 2018
Issuing Authority: Executive Vice President
Responsible Officer: Senior Director, Insurance & Risk Management

Statement of Policy

In accordance with applicable law, New York University ("NYU" or "the University") pays for and maintains workers' compensation insurance for work-related injuries and illnesses. This Policy outlines the process and procedure for: (i) reporting work-related injuries/illnesses and seeking the appropriate medical attention for such injuries/illnesses; (ii) investigating and recording incidents of work-related injuries/illnesses; (iii) seeking and receiving workers' compensation benefits; and (iv) returning to work from a work-related injury/illness.

To Whom the Policy Applies

This Policy applies to all NYU employees (including Administrators and Professionals, Professional Research Staff, Bargaining Unit Employees, Faculty, and Student Employees).

Note: For employees covered by a collective bargaining agreement ("CBA"), please also refer to the applicable CBA for any provisions on workers' compensation benefits. Nothing set forth in this Policy shall be construed to impede, infringe, or diminish the rights and benefits afforded under a CBA. Should this Policy conflict with any of the provisions of a CBA, the CBA shall prevail.

Policy and Procedures

Reporting a Work-Related Injury or Illness

An employee must report a work-related injury or illness to his or her supervisor or the appropriate Human Resource Officer/Business Partner ("HRO") as soon as practicable (such as the same or next business day when possible).

Medical Care for a Work-Related Injury or Illness

For work-related injuries or illnesses that threaten the life and limb of the employee, or that otherwise render the employee non-ambulatory, the employee's supervisor or the appropriate HRO must call 911 immediately. For other work-related injuries, the employee can choose to seek treatment at the Student Health Center or another health facility. Please take note that, in order to be eligible for workers' compensation benefits, an employee must receive medical care for his or her work-related illness or injury. Please also take note that employees may apply for reimbursement for any "out-of-pocket" medical and medical-related expenses resulting from a work-related illness or injury (such as medical supply or mileage/transit costs to and from doctors' appointments), and should submit

records of such expenses to the University's third-party administrator, Liberty Mutual, as necessary and appropriate.

Investigating a Work-Related Injury or Illness

The employee's supervisor or the appropriate HRO must investigate an employee's claim of a work-related injury or illness, and complete the [NYU Work Related Notice of Incident/Injury Form](#), with the assistance of the employee (where possible), as soon as practicable (such as within twenty four (24) hours of receiving notice of a work-related illness or injury). The supervisor or the appropriate HRO must complete the form whenever the employee suffers a work-related injury or illness, even if the employee did not lose time from work on account of the injury or illness, and even if the employee does not intend to pursue a workers' compensation claim.

Workers' Compensation Benefits

If and when an employee starts receiving workers' compensation benefits, and how much he or she will receive in benefits, depends on applicable law and the duration, nature, and extent of the injury/illness. Upon reporting a work-related injury/illness and filing a claim for workers' compensation, the employee will receive additional documentation from the University and/or Liberty Mutual on his or her eligibility for and receipt of workers' compensation benefits, as applicable.

Health Insurance

An employee who receives health insurance from the University is entitled to the continuation of that group health insurance coverage while receiving workers' compensation benefits as if he or she had continued to work. The employee must continue to make any normal contributions to the cost of the health insurance premiums. *Note:* If the employee's premium payment obligations under the applicable plan are not covered by the employee's paycheck, the employee must provide the University with a check or money order in the appropriate amount.

Other University Leaves

Paid Sick Leave. An employee will not begin to receive workers' compensation benefits until the employee has exhausted his or her available paid sick leave.

FMLA Leave/Disability Accommodation Leave. When eligible, workers' compensation benefits will run concurrently with leave taken: (i) for an employee's serious health condition under the Family and Medical Leave Act (FMLA) or applicable state or local equivalent, or (ii) as a disability accommodation under the Americans with Disabilities Act (ADA) and equivalent federal, state, and local laws.

Scheduled Holidays/University Closures. Unless otherwise provided under University policy or a CBA, an employee will not receive pay for a scheduled holiday or University closure where he or she is exclusively receiving workers' compensation benefits.

NY Paid Family Leave. Family leave benefits under the New York Paid Family Leave Law (NYPFL) are not payable during periods when the employee is receiving total disability payments pursuant to a claim for workers' compensation. When the employee is receiving payments for partial disability or

reduced earnings under workers' compensation law, the family leave benefit, when combined with the worker's compensation benefit, may not exceed the average weekly wage defined under the NYPFLL.

Long Term Disability Benefits. An employee may be eligible for long-term disability benefits in accordance with the terms of the applicable plan.

Return to Work

If an employee seeks to return to work from a work-related injury, he or she will be required to provide the University's Office of Equal Opportunity ("OEO") or the appropriate HRO with written confirmation from his or her medical provider of his or her ability to return to work, with or without restrictions. Such documentation shall consist of the medical provider completing either NYU's "[Work Related Injury / Illness – Physician's Status Report](#)," or an equivalent form that at a minimum identifies any restrictions of the employee (including the basis for and duration of such restrictions). Insurance and Risk Management will consult with OEO and the employee's department to address the prescribed restrictions, in accordance with applicable law and University procedure.

Recordkeeping Requirements

Workers' compensation records must be kept for at least eighteen (18) years from the date of the incident or accident report. Such records must be kept confidential and maintained separate and apart from the employee's personnel records. Insurance and Risk Management will serve as the official repository for workers' compensation records.

Anti-Retaliation

All University employees have the right to report work-related injuries and illnesses. The University shall not discharge, or otherwise discriminate or retaliate against any employee for raising a safety or health concern, for reporting work-related injuries or illnesses, or for filing a workers' compensation claim.

Other University Policies and Posters

For more on the procedures and responsibilities for reporting work-related injuries and illnesses (both under applicable workers' compensation law and the Occupational Safety and Health Act (OSHA)), please consult NYU's Safety Policy Manual entitled "[Employee Occupational Injury and Illness Reporting Policy](#)."

For applicable workers' compensation posters, please visit NYU's [Workers' Compensation](#) webpage.