



WNCC Administrative Procedure

Title:	Workers' Compensation Procedure
Division:	Human Resources
Category:	Personnel
Reference:	BP-429 (Workers' Compensation) BP-420 (Family and Medical Leave Act)
Number:	AP-429.01
Date of Approval:	September 21, 2026
Approval:	Greg Dart, President

Purpose

To establish protocol to ensure compliance with Nebraska Workers' Compensation Act, facilitate recovery from occupational injury or illnesses, and provide modified duty employment, thereby reducing workers' compensation costs.

Scope

This procedure applies to all employees of Western Nebraska Community College (WNCC).

Definitions

ADA – Americans with Disabilities Act

Procedure

Employees who sustain injuries or illnesses arising out of their employment with WNCC are entitled to compensation under the Nebraska Workers' Compensation Act. Immediate reporting of injuries, illnesses, or occupational disease exposures is important in ensuring that employees are covered by Workers' Compensation law. Employees must have a physician's work release or written prescribed physician's restrictions to return to work, following a visit to a physician.

I. Workers' Compensation Benefits

According to the Nebraska Workers' Compensation Act, when it is determined that an employee is entitled to Nebraska Workers' Compensation benefits, WNCC is responsible for ~~all~~ reasonable medical services and lost wages.

A. Medical Benefits

Medical treatment related to a work-related injury or prescribed for the injured or ill employee by the attending physician is covered pursuant to Nebraska Workers' Compensation Court Fee Schedules. However, to avoid being charged for treatment, employees must have their physician's office verify that it is a Workers' Compensation claim for which they are receiving treatment.

Employees should consult with the Human Resources Office as soon as possible after an incident for instructions on verification and documentation. Employees and physicians should also check with the Human Resources Office before proceeding with medical tests, as the College has the right to require a second opinion under the Nebraska Workers' Compensation Act. Employees are required to clock out for all medical appointments.

B. Wage-Replacement Benefits

1. On the day of the injury or illness, the College will pay for scheduled hours at the employee's base salary rate if the employee is unable to complete their shift. If an employee's injury or illness keeps the employee from work for more than seven (7) calendar days, the employee is eligible to receive wage-replacement benefits for as long as the physician indicates the employee remains unable to work because of the injury or illness. These wage-replacement benefits are equal to two-thirds (2/3) of the employee's average weekly base salary wage at the time of the injury or illness and are subject to the maximum and minimum payment per week, for as long as the physician indicates the employee remains unable to work as a result of the injury or illness. Employees shall submit to the College all Workers' Compensation payments received by the employee.
2. If the employee returns to work with restrictions resulting in modified duty, their wage replacement will be supplemented by the College's paid sick leave benefits.

II. Incident Reporting Responsibilities

A. Employees are responsible for:

- 1) Immediately reporting all work-related injuries, illnesses, or occupational disease exposures to their immediate supervisor and inform the Human Resources office

within twenty-four (24) hours of the incident by submitting an “Incident Report” form, which can be found on the Human Resources intranet site.

- 2) Maintaining timely communication about their medical treatment, follow-up appointments, and physician's notes with their immediate supervisor and the Human Resources Office.
 - 3) Making and attending all related medical appointments and following the limitations specified by the physician.
 - 4) Managing required paperwork including:
 - a) If the injury or illness results in lost time or restricted time, the employee will receive information regarding their rights and obligations under the Nebraska Workers' Compensation Act.
 - b) After being sent or transported for medical services, the employee will receive a Workers' Compensation packet which includes the “Notice of Employee's Right to Choose a Doctor” form, information regarding the Workers' Compensation Managed Care Plan, and generic information regarding Workers' Compensation and employee rights and obligations.
- **Notice of Employee's Right to Choose a Doctor form** – Defines the employee's choice of treating physician, such as the family doctor. To be considered the family doctor, this physician must have previously treated the employee. If the employee were treated in the Emergency Department, the choice of doctor would be denoted as the treating Emergency Department physician.
 - **Attending Physician's Physical Capacity Report** – Provided by medical provider, it denotes the following:
 - i. Diagnosis
 - ii. Treatment rendered
 - iii. Work-related restrictions
 - iv. Estimated recovery time
 - v. Referrals to specialists/preferred provider
 - vi. Hospitalization requirements
 - vii. Medication/prescriptions

The “Attending Physician's Physical Capacity Report,” must be completed by the attending physician at each visit and shared with the Human Resources Office. The employee, in collaboration with the Human Resources Office, is responsible for providing a copy to their immediate supervisor.

- c) Copies of the “Attending Physician's Physical Capacity Report,” the “Notice of Employee's Right to Choose a Doctor” form, and the “Incidence Report” must be forwarded to the Human Resources Office to process the claim. To avoid delay or denial of the claim, all forms must be completed in full.

B. Immediate supervisors are responsible for:

1. Advising the injured or ill employee to seek necessary medical attention beyond immediate first aid.
2. Ensuring employees complete an incident report or complete the report on behalf of the employee when they are unable to do so. Immediate supervisors must document incident-related details the employee did not include in the incident report (e.g., which body part, specific location of the incident, witnesses); action taken to prevent a similar incident in the future; and comments, signature, and date of completion. Immediate supervisors are responsible for reviewing and signing the report.
3. Ensuring that employees work within any prescribed limitations when they return to work.
4. Initiate a prompt and thorough investigation of all work-related incidents involving a worker's injury or illness.
5. Enforcing all requirements of this procedure.

C. The Human Resources Office is responsible for:

1. Interacting with the College's contracted Workers' Compensation insurance carrier to process claims.
2. Preparing the “First Notice of Injury Report” and submitting it to the carrier.
3. Explaining Workers' Compensation benefits to the employee and noting if the employee is restricted from working for more than three (3) days. The Human Resources Office will supply FMLA paperwork, if applicable.
4. If the injury or illness results in lost time or restricted time, supplying the employee with information regarding Nebraska Workers' Compensation Law and the College's paid leave benefits.

5. Tracking all claims, coordinating incident investigations, submitting bills to the carrier, and maintaining regular contact with the injured employee and their immediate supervisor.
6. Serving as a resource to the employee and their immediate supervisor until a claim is closed.

III. Coordination with Paid Leave Policies and Procedures

- A. During the post injury or illness period, an employee will utilize the College's supplied sick leave time to cover their absence. If the injury or illness results in a disability of more than forty-two (42) calendar days, the employee is paid Workers' Compensation benefits from the date of the original injury or illness. If the employee receives any pay from Workers' Compensation, the employee must relinquish those funds to the College.
- B. If modified duty work is available, it may be offered temporarily to an employee. Modified duty is restricted to useful or productive work and limited to twelve (12) weeks per injury or illness unless considerable progress is made in the employee's condition and/or the need for the work being performed has value to the College. An employee who returns to work in a modified-duty position while receiving Workers' Compensation wage-replacement benefits is not permitted to supplement those benefits with paid leave hours. Overtime is not permitted for modified duty. The immediate supervisor of the restricted duty employee is responsible for ensuring the work is performed within the limitations provided by the employee's physician. Upon a maximum twelve (12) week expiration of modified duty and the injured employee is not released for full duty, the employee will be offered FMLA if applicable. If FMLA is not applicable, Human Resources will perform an ADA evaluation and engage in an interactive process with the employee to determine if reasonable accommodation is possible.

IV. Fraud

- A. Filing a fraudulent Workers' Compensation claim or engaging in fraudulent representations to Workers' Compensation claims or benefits, are serious criminal offenses. Employees found to have engaged in fraudulent activities are subject to disciplinary action up to and including termination of employment. Employees who file fraudulent claims can also be criminally prosecuted. The College's insurance carrier reviews and audits medical claims for indications of fraud.
- B. If employees are aware of or suspect fraud, they should contact Human Resources.

V. Retribution/Retaliation

- A. Under no circumstances will any person who in good faith files a Workers' Compensation claim be subject to any form of retribution or retaliation. Any person who makes or participates in such retribution or retaliation, directly or indirectly, will be subject to disciplinary action.
- B. A person who believes they have been or are being subjected to retribution or retaliation should immediately notify the Associate Vice President of Human Resources or their designee.

Revising this Procedure

This Administrative Procedure supersedes any prior WNCC procedure, guideline, or handbook on this subject matter.

WNCC reserves the right to revise this procedure, as necessary, and for the changes to become effective immediately.

Original Adoption Date: September 21, 2026

Revision Date:

Sponsoring Division: Human Resources