

Work Release Workers' Compensation Guidelines

The following procedure is in accordance with applicable laws, rules, and provides for the administration of employment benefits due to a work-related injury and establishes the parameters for the return to work or continuing employment or non-work-related injuries or impairments of inmates who participate in the work release program in the Department of Corrections facilities and contract halfway house facilities.

For the purpose of this procedure, injury means any injury or occupational disease/illness sustained in, or arising out of, the course of employment. Workers' compensation rights and benefits will be provided to all inmates who are injured while on their work release job due to the filing of a valid workers' compensation claim. Inmates will not file fraudulent claims and will be subject to administrative and criminal sanctions.

I. Responding to Work Related Injuries

Inmates will promptly report any injury to the appropriate supervisor at the place of employment. It is the responsibility of the employer or designee to notify the facility head that an injury has occurred. The employer will ensure the inmates receive prompt medical attention, a claim is filed with their company and a thorough investigation is completed.

A. Report of Injury/Accident

1. Any inmate who sustains an injury will report the injury to his or her supervisor as soon as possible, and in all instances, prior to the end of the work shift. If the site of the accident is other than the inmate's regular work location, the inmate will also report the injury to the local supervisor or person with responsibility for the activity in which the inmate was participating. In the event the inmate is injured while in travel status under the care of their supervisor/staffing agency, the supervisor assigned to the inmate's work location will be responsible for the filing of the claim.
2. The workplace supervisor will immediately notify the affected facility head.
3. The inmate will document the injury on a Work Release Accident/Incident Report as soon as possible and submit the report to his or her supervisor. The employer will submit the Work Release Accident/Incident Report to the facility head the day the incident is reported. In the event the inmate's assigned work location is different than the site of the accident, the supervisor at the accident site will provide the assigned inmate's work location a copy of the Work Release Accident/Incident Report.
4. The facility will report the accident to the Environmental Health and Safety Administration Unit immediately and will assign local staff with responsibilities to investigate the accident, address all areas where a deficiency is noted and ensure a workers' compensation claim is filed by the employer/staff in agency.

5. Copies of accident investigation reports will be provided to the Environmental Health and Safety Administration Unit and the Workers' Compensation Liaison the day the accident is reported.
6. In the event an inmate is injured but denies medical treatment, the inmate will provide a written statement and submit the report to his or her supervisor before the end of his or her assigned shift. The inmate will indicate they are denying offered medical treatment.

B. Medical Assistance

1. The supervisor at the work location where the need for medical assistance arises will ensure that prompt medical treatment is authorized when an inmate requires more than the first aid available at the work location. Inmates will be immediately attended to and will not await extended periods of time to be transported to a medical facility.
2. The inmate will be referred to a network/contract provider.
3. The initial medical appointment will be made by the employer or supervisory staff at the designated occupational medicine clinic, urgent care facility or emergency room. The decision for an inmate to see a specialist will be made by the medical facility.
4. In the event of a life or limb threatening situation, the inmate may be taken to the nearest medical facility whether or not the facility is part of the provider network.
5. The employer/staffing agency will assume financial responsibility for all medical expenses.

C. Filing the Claim

1. The employer at the inmate's assigned work location or the site of the accident will file a "Workers' Compensation" claim on which the injury/accident was reported and provide a copy to the facility head immediately. The facility head will provide a copy of the document to the Environmental Health and Safety Administration Unit the day the claim is filed.

D. Urinalysis Test

1. Immediately upon return to the facility from a medical facility, the inmate will be required to submit to a urinalysis test. Failure of the urinalysis test will result in removal from the work release program.

II. Return to Work

The employer will make reasonable effort to return injured or impaired inmates to work. Inmates who refuse any reasonable accommodation are not entitled to receive any additional offers of accommodation.

A. Medical Statement

No inmate may return to work from a workers' compensation injury without a medical release from the treating physician.

1. This release will indicate whether it is a full release with no restrictions or a release with restrictions. A release with restrictions will indicate whether the restrictions are temporary or permanent.
2. Any inmate who requests an accommodation will provide a medical statement indicating the physical or mental restrictions that are the reason for accommodation and the approximate period of time the accommodation is medically required.
3. The employer will be the sole determiner of whether stated physical or mental restrictions limit or prohibit the inmate's ability to perform essential job functions.

B. Agreement to Restrictions

No inmate will be assigned or permitted to perform any job duties that violate the restrictions. Inmates who disregard restrictions will be subject to discipline.

III. Prohibited Activity

A. Off Duty Activity

Inmates who are off work due to a workers' compensation injury will refrain from engaging in any off duty activity that would interfere with recovery or violate any treatment provider's instructions.

B. Fraud

1. Inmates will not engage in any fraudulent acts. Workers' compensation fraud is the altering, falsifying, forging, counterfeiting, or otherwise changing any material, statement, form, document, contract, application, certificate, or other writing with the intent to defraud, deceive, or mislead another.
2. Information or tips regarding fraudulent claims will be reported to the facility head immediately and to the Environmental Health and Safety Administration Unit. The facility head will notify the employer of any information misrepresenting the "Workers' Compensation" claim.

IV. Record Keeping

A. Workers' Compensation Files

Facility heads will maintain copies of all workers' compensation related materials as well as the Environmental Health and Safety Unit.