Workers' Compensation

Workers' Compensation is a state-mandated program that provides temporary income in the event you experience a work-related injury or illness that prevents you from performing your job. Harvard's third-party administrator is Lodestar Claims & Risk Services, Inc (Lodestar), formerly known as PMA Companies (PMA).

ELIGIBILITY

Most Harvard University employees are covered by workers' compensation during their employment. In order to protect your eligibility for benefits under workers' compensation, **you must immediately report** any work-related incident that causes injury or illness.

SEEKING MEDICAL TREATMENT

Seek medical treatment immediately for any work-related injury or illness. If you delay seeing a medical provider, it could impact your eligibility for workers' compensation benefits.

- Your personal medical insurance will not cover treatment for a work-related injury or illness. For billing purposes, inform the medical facility that your condition is work-related and provide the address and fax number for Lodestar:

  Lodestar Claims & Risk Services, Inc. Customer Service Center
  P.O. Box 4314
  Clinton, IA 52733
  Fax: 877-374-0936

- To be eligible for workers' compensation benefits, at the time of the incident a medical provider must certify that you have a work-related injury or illness.
- If you are unable to work due to your work-related condition, obtain a note from your medical provider indicating your condition is work-related and your anticipated return to duties.
- If follow-up care is required, please contact Lodestar for guidance on state-mandated Utilization Review procedures.

REPORTING AN INJURY OR ILNESS

All work-related injuries, illnesses and accidents must be reported to your supervisor/manager, local unit, department administrator, or Faculty Affairs immediately.

- Always report work-related injuries and illnesses to your supervisor/manager, your school/department's Leave of Absence Specialist, local human resources (HR) contact, or administrator, even if you don't lose time from work. You may be entitled to benefits (such as medical coverage for treatment).
- If you miss work, Lodestar will investigate your claim. Before they issue payment, you must see a medical provider no later than 24 to 48 hours after the occurrence of your work-related injury, illness, or accident; and provide copies of clinical notes demonstrating disability.
- Failure to report in a timely fashion may jeopardize your potential workers' compensation benefits.

Immediately notify the Environmental Health and Safety (EH&S) Department, 24/7 at 617-495-5560 in the event of any inpatient hospitalization, a fatality, an amputation, or loss of an eye. These require a notification to the Occupational Health & Safety Administration (OSHA) by the EH&S Department within specific timeframes.

INCIDENT REPORTING TO LODESTAR

Depending on your school or department, your work-related incident will be reported directly to Lodestar by your supervisor/manager, Leave of Absence Specialist, local HR contact, unit/department administrator, or Faculty Affairs.

The Supervisor/Manager and Local HR Checklist for Workers' Compensation outlines the steps to document a work-related injury, illness, or accident and/or a potential work-related incident for purposes of workers' compensation.

Supervisors/managers, Leave of Absence Specialists, local HR contacts, unit/department administrators, and Faculty Affairs should review Filing Workers' Compensation Claims Online for additional information.

BENEFIT AMOUNT AND PAY PROCEDURES

If you miss work due to a work-related injury or illness and your claim is determined by Lodestar to be compensable, your pay will be handled as follows:

- Harvard pays the **first week for members of HUPA** (union code 12) and **first 21 days for all other eligible employees**.
- During this time, you receive your regular base pay on your normally scheduled payroll (weekly or biweekly).
- Your pay record is transferred to Disability Benefits Payroll within five business days; they will process your pay.
- If you are a temporary employee, the first five days of disability are unpaid, unless you are out for at least 21 days. Then the first five days will be paid retroactively.
- After 21 days (one week for HUPA), Lodestar handles Workers' Compensation pay.
- Claims that go beyond the first 21 days are paid directly by Lodestar.
- Your benefit after 21 days (one week for HUPA) is 60 percent of your Average Weekly Wage: all eligible pay received in the 52 weeks prior to the accident divided by 52. This is tax-free.
- You receive this pay weekly. Checks are mailed by Lodestar on Tuesdays.
- You will remain enrolled in the benefits in which you were enrolled prior to the incident (medical, dental, vision, life, and/or Long Term Disability (LTD) plans). In some cases, you may have to pay the premiums for these plans on an after-tax basis. Tax Deferred Account (TDA), credit union payments, parking fees, and other discretionary deductions will stop.
- If you have LTD coverage, you will be automatically reviewed by the LTD carrier for eligibility. If approved the benefit premiums will be deducted from your LTD payment.
- For information about other benefits you can continue while on Workers' Compensation, please see the Workers' Compensation At-A-Glance.

RETURNING TO WORK

You are expected to return to work as soon as possible. You must have a *Return to Work* note or a completed *Work Capacity Form* from your medical provider authorizing any time away and clearing your return to work. There are two ways to return to work, full duty or with restrictions/functional limitations.

- You must provide Lodestar and your Leave of Absence Specialist/local HR contact, unit/department administrator, or Faculty Affairs with a *Return to Work* note or completed *Work Capacity Form* to authorize your to return to work. You cannot return to work until you have been cleared by Lodestar, and your Harvard contact has confirmed your return to work date.
- If you are released to restrictions/functional limitations or part-time work, you should contact your Leave of Absence Specialist/local HR contact, unit/department administrator, or Faculty Affairs and University Disability Resources at disabilityresources@harvard.edu to assist with your return.
- In some cases, it may not be possible for your department to accommodate your restrictions. In those cases, you may be eligible to continue to receive workers' compensation. However, workers' compensation benefits may be payable at a reduced rate.
- Please note that eligibility for workers' compensation benefits is not solely dependent upon your ability to return to work at Harvard.

In some cases, an independent medical exam may be required. If that medical provider finds that you are able to return to work, your benefits may be stopped.

DISPUTED CLAIMS

If Lodestar determines that your injury or illness will not be covered under workers' compensation, you have the right to appeal the decision and file a claim with:

Department of Industrial Accidents
1 Congress Street, Suite 100
Boston, MA 02114-2017

FAMILY MEDICAL LEAVE ACT AND STATE PAID FAMILY AND MEDICAL LEAVE

Eligible employees are entitled to up to 12 weeks per year of job-protected leave under the federal Family and Medical Leave Act (FMLA) for a serious illness. The FMLA year starts on the first day you use FMLA for any reason and includes continuation of your benefits. See the Staff Personnel Manual on HARVie for Harvard's FMLA policy.

Harvard also provides all eligible employees with Massachusetts Paid Family and Medical Leave (MAPFML) benefits, which include 20 weeks of job protected leave for a serious illness, through its approved private plan. Details, including how MAPFML coordinates with other benefits (such as workers' compensation), are on the MA PFML page on HARVie. If you work in another state where Harvard is registered, please see the Non-MA PFML FAQs.

CONTACTING THE ADMINISTRATOR

Lodestar Claims & Risks Services, Inc.
PO Box 4314, Clinton, IA 52733
Phone: 866-886-6305 or Fax: 877-374-0936

Lost Time Claims: Out of work for five or more calendar days

Amber Baker
Senior Claims Specialist
Phone: 203-679-3847
abaker@lodestar.com

Medical Only Claims: Medical treatment only, or out of work for less than five calendar days

Julie Tsotsi
Account Claims Associate II
Phone: 203-679-3877
jtsotsi@lodestar.com

If you are not sure who you should contact, please call the Lodestar's 24/7 Call Center at 877-374-0936 and a Representative will refer you to the appropriate Claims Adjuster.