

MEMORANDUM

Aug 24, 2009
MT 024.09
MT.305 636-6147

TO: All Teachers and Staff
Educational Alternative Outreach Program

FROM: Miguel Torres, Principal 
Educational Alternative Outreach Program

SUBJECT: REPORTING EMPLOYEE INJURIES

The Office of Risk and Benefits Management has informed us of the following:

1. On-the-job- injuries of employees must be reported within 24 hours. If not, Workman's Compensation may not accept your claim.
2. Certain injuries (i.e. exposure to blood, etc.) require special treatment and/or certain testing is required within a two-hour period.
3. Injuries not reported in a timely manner have resulted in penalties with interest to the district.

Based on the information from the Office of Risk and Benefits Management, the following procedures have been implemented:

1. Report injury to Dr. Barbara Van Leer. If Dr. Van Leer is unavailable, call Ms. Maggie Garcia at 305-636-6147 the day of the injury.
2. The injury must be called in **by an administrator** or by the **EAOP office** to Workers' Compensation **BEFORE** the employee seeks treatment, otherwise treatment may not be covered.
3. The employee **must** see one of the physicians on the approved list for Workers' Compensation to cover the expense. The provider list may change, so ask for an updated list from Dr. Van Leer or Ms. Garcia.
4. An administrator **must** sign the Workers' Compensation Medical Request Form for the employee to take to the physician.
5. After the employee sees the physician, he/she needs to fax a copy of the Workers' Compensation Medical Request Form that has been completed by the physician to the EAOP office at 305-636-6198.
6. Any time missed from work must be covered by a physician's note. These notes must be faxed to the Outreach office.

Should you need additional information please contact me at (305) 636-6147. Your assistance in adhering to these procedures is appreciated.

MT/mg

Attachment

GUIDELINE #5: ILLNESSES AND INJURIES TO STUDENTS

CURRENT LAW AND/OR PRACTICE

All employees responsible for supervision of students and student activities are to take precautions to protect the life, health, and safety of every student in an effort to reduce or eliminate accidents, injuries, and illnesses.

In certain school activity assignments, students are to be furnished with and required to wear safety devices and protective clothing and shall employ safeguards necessary to reduce or eliminate accidents and injuries.¹ Refusal or failure by students to use or wear such devices, protective clothing, and/or equipment shall be grounds for appropriate disciplinary action, including prohibiting them from participating in classroom activity.

Each school principal must develop an internal uniform school health services plan within the framework of (1) Florida Statutes, (2) administrative directives, (3) Miami-Dade County School Board-adopted rules², and (4) the guidelines presented herein to effectively ensure prompt attention to the care of an injured or ill student. It is strongly urged that the uniform plan become a part of the general emergency plan and procedures required of each school.

PROCEDURES

1. All student accidents, injuries, and illnesses resulting from contact with School Board-owned or School Board-leased property while the student is presumed to be under school authority shall be reported immediately to the principal.
2. In case of serious injury or illness, the principal should contact the parent(s)/guardian(s) immediately. When parent(s)/guardian(s) are not available, individuals identified on the **Student Data Card** (FM 2733E-Revised 1-98) should be contacted. In case neither the parent(s)/guardian(s) nor any other contact is available, the family physician should be contacted if the name is provided.

¹Section 232.45, F.S.

²Miami-Dade County School Board Rules 6Gx13- 3E-1.07, 5D-1.04, 5D-1.05, 5D-1.06

Guideline #5: Illnesses and Injuries to Students (continued)

3. If none of the preceding can be contacted, or in case of extreme emergency (serious injury or illness), professional assistance (rescue squad and police) should be obtained immediately. Only as a last resort, should students who are experiencing an extreme emergency (serious injury or illness) be transported via private vehicle owned and operated by a Miami-Dade County School Public Schools employee. Under Florida's "No Fault" automobile laws, personal vehicle insurance will be called upon to pay its benefits before the Miami-Dade County School Board's insurance is invoked, if there is an automobile accident during transportation of the student in a private vehicle. All serious injuries to students that require emergency medical treatment must be reported to the Miami-Dade Schools Police Department, including those resulting from assault, battery, and child abuse.
4. When the police are notified in a case involving injury or serious illness of a student, the principal should request a copy of the report from the Miami-Dade Schools Police Department, Records Section.
5. When student accident insurance is involved, the prescribed report, together with a claim form, should be provided to the parent(s)/guardian(s) or student requesting one.
 - a. The principal or designee should complete "school" information on the School Insurance screen in the Pupil Ad Hoc Response Information System (PARIS).
 - b. The parent(s)/guardian(s) must take a copy of the completed form to the doctor in order to secure a medical statement.
 - c. After the medical statement is obtained, it is attached to the completed form and submitted to the INSURER by the parent(s)/guardian(s) or student.

NOTE: Be sure to include the name of the school where insurance was purchased.

INFORMATION ON THE POLICY AND COVERAGE

The school has no responsibility other than providing a claim form (**Notification Injury**) to any parent(s)/guardian(s) or student requesting one.

School personnel should not attempt to interpret coverage or claims. All questions regarding coverage or claims are to be referred to the insurer.

6. A complete, written accident report shall be made of all school accidents and injuries and filed with the Office of Risk and Benefits Management.

Welfare**STUDENT SAFETY AND HEALTH PROTECTION****I. General Responsibilities**

Students are to be furnished safeguards to reduce or eliminate accidents and injuries. All employees responsible for supervision of students and student activities are to take precautions to protect the life, health and safety of every student. Students are required to wear safety devices and protective clothing and will take such safeguards as are necessary to reduce or eliminate accidents and injuries. Refusal or failure by a student to use or wear such devices, or protective clothing or equipment, shall be grounds for appropriate disciplinary action, including prohibiting the student from participation in class activities.

II. Specific Protection and Accident Reporting Responsibilities**A. Eye Protective Devices**

Florida Statute 232.45 requires eye protection devices to be worn by students, teachers, and visitors when involved in an activity likely to cause injury to the eyes.

B. Hair Protection

In educational activities involving rotating machine parts and/or flame, students' hair is to be appropriately banded, tied or placed under headgear or cover to protect the hair from becoming entangled or from catching fire.

C. Foot Protection

Bare feet, sandals or footwear exposing the feet, are not permissible during activities requiring foot protection, such as chemical laboratory work, shop work, photo processing, and other appropriate activities.

D. Other Protection

In those educational activities requiring wearing of gloves, aprons, respirators or protective clothing, and other safety devices to protect against spillage of harmful liquids, vapors and dusts, the appropriate devices, clothing, or equipment are to be provided to students who must utilize or wear them properly.

E. Accident and Injury Reports

In the event a student is involved with an accident or injury, a student accident report will be completed pursuant to the Office of Risk and Benefits Management's Procedures Manual.

Specific Authority: 230.22(2) F.S.

Law Implemented, Interpreted, or Made Specific: 230.23(6); 230.33(8); 232.45 F.S.

History: THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA

Repromulgated: 12-11-74

Technical Change: 5-1-98

Welfare

INJURIES TO STUDENTS

In case of injuries, principals should contact the parents immediately. Where parents are not available, a relative or family friend as stated on the student information card should be contacted. In case neither parent nor other contact is available, the family physician should be contacted, when name is available. In extreme emergency, dial the emergency 911 telephone number immediately.

Specific Authority: 230.22(2) F.S.

Law Implemented, Interpreted, or Made Specific: 230.22(5); 230.23(6); 230.33(8) F.S.

History: THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA

Repromulgated: 12-11-74

Technical Change: 5-1-98

Welfare**STUDENT ACCIDENT INSURANCE**

Student insurance is designed primarily to furnish a low cost accident policy to the students of the Dade County Public Schools. The Board approves the sale of student accident insurance for the convenience of students and parents. Enrollment forms are to be provided students upon request.

There may be some variation from year to year in the policy and its general coverage. The Board does not accept any responsibility for policy interpretation or claims payments. No attempt should be made to interpret the policy for a parent or student and all questions should be referred to the insurance carrier.

All student injuries occurring as a result of school activities are to be reported as prescribed in Administrative Directives, Series 9. Where student accident insurance is involved, the prescribed report, together with a claim form, should be provided the parent. For accidents not occurring at school only a claim form should be provided the parent on request.

Specific Authority: 230.22(2) F.S.

Law Implemented, Interpreted, or Made Specific: 627.661 F.S.

History: THE SCHOOL BOARD OF DADE COUNTY, FLORIDA

Repromulgated: 12-11-74

Non-instructional Operations

INSURANCE PROGRAMS--DISTRICT

- I. Workers' Compensation
 - A. Coverage
 - 1. Employee injury or occupational disease arising out of and during course of employment.
 - 2. Travel on official school business but not to and from work.
 - B. Reporting requirements
 - 1. Notify principal, department head or supervisor.
 - 2. Forward report to Workers' Compensation Section, Division of Risk Management, to determine eligibility and compensability in accordance with State Statutes as administered by the Florida Department of Labor and Employment Security.
 - 3. Refer to Administrative Directives, Series 9, for detailed instructions.
- II. Fidelity Bond
 - A. Coverage - all employees
 - B. Reporting requirements
 - 1. Report losses to the Division of Risk Management.
 - 2. Claims shall be processed by the Division of Risk Management.
- III. Buildings and Contents
 - A. Coverage
 - 1. Buildings and contents insured against loss due to fire. Extended coverage is subject to policy conditions and deductibles.

2. Theft of contents not covered.

B. Reporting requirements

1. Telephone the fire and/or police department.
2. Telephone, then confirm in writing all fire losses to the Division of Risk Management.
3. In cases of property damage or loss, complete a Plant Security Report listing unit prices of contents or equipment.
4. Damage claims against third parties shall be processed by the Division of Risk Management.

IV. Student Accident

A. Coverage

Low cost accident policy for students of Dade County Public Schools.

B. Reporting requirements

1. The School Board is not responsible for policy interpretation or claim payments.
2. Interpretations of coverage shall be made only by the insurance carrier's representative.
3. Refer to Administrative Directives, Series 9, for detailed instructions.

V. Boiler and Machinery

A. Coverage

Property damage and liability coverage on a blanket basis subject to terms of the policy.

B. Reporting requirements

1. Notify the fire and/or police departments of losses involving fire or explosion.

2. Telephone a report of loss to the Department of Maintenance.
3. Complete a Plant Security Report in accordance with instructions provided.
4. Department of Maintenance shall make a report by telephone, confirmed in writing, to the insurance carrier and the Division of Risk Management.
5. Claims shall be filed by the Division of Risk Management.

VI. Owned or Leased Vehicles

A. Coverage

1. Bodily injury and property damage liability for all owned and leased vehicles.
2. Medical payments for passengers and employees not covered by Workers' Compensation for injuries sustained while riding in and getting in or out of all owned or leased vehicles.

B. Reporting requirements

1. Notify the police department immediately, requesting a copy of the police accident report, when accidents result in bodily injury or property damage.
2. Refer to Administrative Directives, Series 9, for detailed instructions.

Specific Authority: 230.22(2) F.S.

Law Implemented, Interpreted, or Made Specific: 230.23(9)(d); 231.49; 234.03; 627.659(3); 627.661 F.S.

History: THE SCHOOL BOARD OF DADE COUNTY, FLORIDA

Repromulgated: 12-11-74

Permanent Personnel**EMPLOYMENT--SAFETY AND HEALTH**

Employees shall not be required to work under unsafe or hazardous conditions nor to perform tasks which endanger their health, safety or well-being. Employees are to be provided a safe workplace and be furnished with safety devices, protective clothing and such safeguards as are necessary to reduce or eliminate accidents and injuries. Managers/ Supervisors are to do everything reasonably necessary to protect the life, health and safety of each employee and the public.

Employees will follow safe practices and operating methods on all jobs assigned. Employees shall be required to wear the safety devices, protective clothing or equipment designated by management for employee protection. Safety devices and equipment, when required, will be provided by the Board. Refusal or failure of an employee to use or wear such devices or equipment, or failure to follow safe practice and operating methods, shall be grounds for appropriate disciplinary action, including dismissal.

In the event employees are exposed to infectious diseases or toxic chemicals as part of their ordinary duties, they will be given prescribed examinations and tests at the time of such exposure, and thereafter, as determined by the examining physician. Employees will be examined or tested on the Board's time and at the Board's expense. Refusal by an employee to submit to such examinations and tests shall be grounds for appropriate discipline, including dismissal.

In the event an employee is involved with an accident or injury, an accident report will be completed and distributed as prescribed by Administrative Directives.

Specific Authority: 230.22(2) F.S.

Law Implemented, Interpreted, or Made Specific: 230.22(1) and (5); 232.45; 440.56(1) F.S.

History: THE SCHOOL BOARD OF DADE COUNTY, FLORIDA

Repromulgated: 12-11-74

Absences, Leaves and Vacations**ILLNESS OR INJURY IN-LINE-OF-DUTY--INSTRUCTIONAL AND NON-INSTRUCTIONAL**

Any district School Board employee shall be entitled to illness or injury in-line-of-duty leave when he/she has to be absent from duties because of a personal injury received in the discharge of duty or because of illness from any contagious or infectious disease contracted in School Board work. Illness or Injury In-Line-of-Duty for employees represented by a collective bargaining agent will be defined in the collective bargaining agreement.

The following requirements shall be observed:

- I. Duration of Leave and Compensation
 - A. A medical evaluation conducted by a physician approved by the Office of Risk and Benefits Management will be the determining factor as to when the employee is able to return to duty. If the physician indicates that the employee is not able to assume his/her regular duties, but is able to return to a less strenuous work assignment, the employee may be directly appointed to the Workers' Education and Rehabilitation Compensation Program (W.E.R.C.) or to a job commensurate with his/her medical and educational capabilities. Such placement will be based upon the employee's medical condition as well as job placement availabilities. If offered, the employee must accept a work assignment in the W.E.R.C. Program; refusal to accept such an assignment may result in the discontinuance of Statutory workers' compensation benefits as well as Board-provided benefits. All W.E.R.C. Program participants shall receive the same salary improvements as all other participants for the same bargaining unit in which the W.E.R.C. Program participant is placed, effective July 1, 1989.
 - B. If authorized, payment for sick leave granted for illness-in-line-of-duty leave Board benefits shall be combined with the employee's workers' compensation temporary total disability (TTD) benefits to keep an injured employee in a pre-injury, full salary status, while eligible for temporary total disability benefits, pursuant to Florida Statute 440, for a term not to exceed thirteen (13) weeks following the date of injury. If an injured employee continues to be eligible for temporary total disability (TTD) benefits, pursuant to F.S. 440, beyond the 13 weeks, TTD benefits will be paid and the employee may use

his/her accrued sick time, if any, to supplement TTD benefits, not to exceed pre-injury earnings. If the employee does not have any accrued sick time, he/she will be eligible to be paid for leave without pay to supplement TTD benefits, not to exceed pre-injury earnings. Any accrued sick days used to supplement TTD benefits, or leave without pay benefits, will be eligible for reimbursement or payment for up to six months from date of injury, upon approval by the Superintendent.

- C. To promote hiring of employees into full time positions who have had on-the-job-injuries or illnesses, compensable pursuant to the provisions of Florida Statute 440, and who cannot return to the pre-injury positions, a program entitled Placement Contribution may be utilized by work locations. This program allows work locations with open, authorized positions to hire employees who have been receiving workers= compensation benefits while sharing the cost of such employment including salary, FICA/retirement and fringes. During the first year of employment, the Board=s self-insured workers= compensation budget will provide two-thirds of the total funding necessary to subsidize the position=s cost, with the work location paying the remaining one-third; In the second year of employment, the Board=s workers= compensation budget will provide one-third of the total funding necessary to subsidize the position=s cost, with the work location paying the remaining two-thirds; During any subsequent years of employment, the work location will be responsible for funding the position.

II. Compensation for Sick Leave Granted for Injury In-Line-of-Duty

Payment for sick leave granted for injury in-line-of-duty shall be computed at the daily sick leave rate less the daily Workers' Compensation rate, for each sick leave day granted.

III. Filing of Claim for Compensation

Any district School Board employee who has any claim for compensation while absent because of illness contracted or injury incurred in-line-of-duty, shall file such claim in the manner prescribed in Florida Statute 231.41(2).

Payment of such claims will be authorized, pursuant to guidelines and eligibility included herein, provided that the claim correctly states the facts and that such claimant is entitled to payment in accordance with the provisions of Florida Statute 231.40(2).

IV. Filing of Claim for Illness or Injury In-Line-of-Duty Leave

A claim for illness or injury in-line-of-duty leave must be filed within one year following the date of accident.

Specific Authority: 230.22(2) F.S.

Law Implemented, Interpreted, or Made Specific: 231.39; 231.40; 231.41; 231.49; 440.12; 440.15 F.S.

History: THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA

Repromulgated: 12-11-74

Amended: 6-7-89; 2-19-92; 4-15-98