

**Buffalo & Erie County Public Library**

**PERSONNEL POLICIES AND PROCEDURES MANUAL**

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**SUBJECT: Workers' Compensation**

**CHAPTER: IX**

**SECTION: 3**

**EFFECTIVE DATE: 1/81**

**REVISION DATE: 11/82, 5/90, 8/06, Modified for the B&ECPL effective 1/1/15**

**I. STATEMENT OF POLICY**

Workers' Compensation is designed to compensate employees for injuries "arising out of and in the course of employment." The Buffalo & Erie Library Public Library is self insured and complies with all New York State requirements. However, unlike private sector employees, the B&ECPL does not participate in NYS Disability Insurance Program.

It shall be the responsibility of Human Resources to work with Erie County Personnel and a third party administrator to provide required documentation and to process Workers' Compensation matters in a timely manner. This will avoid undue delay in payment to employees for valid claims, and to avoid any penalty for which the B&ECPL could otherwise be held liable. The B&ECPL complies fully with the provisions of the New York State Workers' Compensation Law.

## II. GUIDELINES

### A. Reporting a Work Related Injury

1. If the supervisor is not immediately present at the time of the injury, the employee (or in some cases a co-worker) should notify the immediate supervisor as soon as possible and reasonably quickly after the accident as to how and when the accident occurred and the type and (if possible) the extent of injury.
2. All initial reports of injuries should be filed immediately with Human Resources using the Employee Incident and Accident Report form.
  - a. The Employee Incident and Accident Report must be completed within 24 hours of when the incident/accident occurred.
  - b. The immediate supervisor may complete the report if the employee is unable to do so.
3. The immediate supervisor must also complete a Supervisor's Accident/Incident Investigation Report and forward it to Human Resources.

### B. Basis for Payment of Benefits

1. Benefits are determined by the New York State Workers' Compensation Board and may include coverage of legitimate medical expenses.
2. Compensation does not pay full wages because its benefits are not subject to income tax, social security deductions, etc.

3. Lost time usually begins on the day following an injury or accident; the B&ECPL will pay the employee for the full day on which the accident or injury occurs.

C. Use/Reinstatement of Leave Credits

1. An employee who incurs a work-related lost time injury or illness may elect to use any or all of his/her previously accrued paid leave credits, including vacation time, pending the Workers' Compensation Board's determination that the injury/illness is in fact compensable, and during the ensuing period of convalescence.
2. The use of accrued paid leave credits assures the employee continuation of his/her normal pay until all or a portion of the leave credits, as chosen by the employee, are exhausted.
3. As soon as possible after incurring a work-related lost time accident or illness the employee should decide what portion(s) of his/her accrued credits (if any) he/she plans to use during convalescence and so advise Human Resources. All leave credits that are to be used should then be used consecutively. It is not intended that under normal circumstances the employee will go on and off active pay status intermittently during a single period of convalescence.
4. Workers' Compensation indemnity payment will not be paid while the employee is receiving his regular pay from the B&ECPL for any previously accrued leave credits, except for vacation pay. Earned vacation is a "vested" right. A worker who incurs a compensable work-

related injury or illness may collect both vacation pay and Workers' Compensation payments at the same time.

5. After final determination on a Workers' Compensation case, a portion of any such credits used (except vacation and paid holidays) will be reinstated to the employee's accrued benefits account(s).
  - a. Reinstatement of leave credits is handled by the New York State Workers' Compensation Board. For further details, please call 1-866-211-0645 or visit their website at [www.wcb.state.ny.us](http://www.wcb.state.ny.us).
  - b. Following is a determination by the Workers' Compensation Board that a lost time injury in excess of seven days is compensable, the B&ECPL will return a scheduled portion of the accrued leave days used by the employee to the employee's accrued benefits account(s).