

Workers' Compensation Policies and Procedures

Puerto Rico Campus

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Policy Applies To: All Employees – Puerto Rico Campus

The Puerto Rico “Compensation System for Work Related Accidents Act,” Act No. 45 of April 18, 1935, as amended by P.R. Laws Ann. tit. 11 §§1 et seq. (hereinafter “the Act”) promotes the welfare of the residents of Puerto Rico who suffer injuries or become disabled in the course of their employment due to a work accident or from an occupational disease. Provision under the Act is for financial compensation while the worker is temporarily or permanently unable to work and/or in cases of death. The workers' compensation insurance administered by the State Insurance Fund Corporation (CFSE) also covers the expense of medical and hospitalization services required by any worker who has suffered a work-related accident or illness. Work accidents are covered for employees from their first day on the job; there is no waiting period for eligibility for Workers' Compensation. Under the Act, the term "work accident" means any injury caused by an act performed by a worker in usual and ordinary work circumstances i.e., the injury must occur while the worker performs any act or function inherent to his work and

during work hours. Additionally, the term “occupational disease” means a physical or emotional condition, caused by one or more factors of an occupational nature arising unexpectedly, without being able to specify the moment or occasion in which it originated.

NSU complies with Puerto Rico legal requirements for employers. In the case of work-related injury or illness, a workers’ compensation claim must be filed with the CFSE within five business days. For an occupational illness, the deadline for filing a claim is normally three years from the diagnosis date. Employee supervisors and/or NSU’s Office of Human Resources (“OHR”) contacts must provide the university’s Department of Risk Management staff with an executed CFSE 02-041(CFSE-0373) junio/2015 form and any pertinent notes and information so the claim can be filed with the CFSE and the university’s current insurer, and other follow-up procedures are completed. Failure to do so in a timely manner could result in monetary and other serious fines levied. Therefore, all supervisors and/or employees must report all work-related injuries or illnesses immediately to meet filing deadlines.

Workers' Compensation benefits include partial payment of lost wages if a work-related injury or illness causes the employee's absence for more than seven calendar days. The University will supplement wage payment by expending accrued personal, sick, or vacation leave, as necessary, once the statutory "waiting

period" of seven days has been met. The University supplemental wage payment, when available, is provided to make up the difference in pay up to the amount of the employee's regular net pay.

During the time that an employee is absent from work but has not reverted to unpaid status, the employee's medical insurance continues with both NSU and the employee paying their respective contributions. If the employee reverts to unpaid status, the University continues to pay for the employee's medical insurance premiums to avoid lapse in coverage whereby the employee's portion of the premiums would be collected in arrears upon the employee's return to work.

In cases where payment of wages is provided by the employer, it is at the rate of sixty-six and two-thirds percent of the average weekly wages (AWW) the employee had been receiving at the time of accident or occupational disease within the limits established by the Act. Effective as of 2004, the minimum benefit amount is \$100, and the maximum is \$300. Where the injured worker's average weekly wage is less than the maximum benefit amount, the University will pay the maximum weekly benefit amount of \$300, which amount is subject to annual revision. When a work-related injury or illness results in lost work time for more than twenty-one days, the Workers' Compensation wage benefits are retroactive to the original date of injury.

Employees receive medical treatment at no cost from medical providers approved by CFSE. Employees electing to utilize other than CFSE-approved medical providers may be responsible for any costs related to such medical services received.

Time away from work for the initial medical evaluation should not be charged to the employee's sick, personal, or vacation time. Subsequent time away from work related to follow-up medical care should be recorded in Shark Time (KRONOS) or on a leave and absentee report utilizing the employee's accrued sick, personal, or vacation hours, or be unpaid.

Employees are responsible for coordinating requests for medical leave of absence caused by work-related injury or occupational illness with Employee Services, the Lincoln Financial Group, and their university department.

In situations requiring emergency medical care, the employee, if able, should contact their supervisor who will notify public safety to call 911 to respond and provide emergency medical treatment. Any follow-up and non-emergency medical care and treatment will be provided through the CFSE-assigned workers' compensation physician and coordinated by the University's Risk Management Office.