

## Framingham Housing Authority Workers' Compensation Policy and Procedures

Framingham Housing Authority (FHA) employees are covered by the provisions of the Workers' Compensation Act. The FHA must post a Notice to Employees Poster on a bulletin board in a common area that the employees can access. An employee who has been involved in an accident which is work related or who has suffered an injury or illness which is work related is responsible for notifying the department head and/or the human resource officer. In cases requiring medical attention, the insurer has arranged for such attention at Reliant Medical Group, 28 Newton Street, Southboro, MA. Upon being informed by the employee and/or department head, the human resource officer is responsible for completing and forwarding the necessary forms to the workers' compensation agent. All claims should be investigated and documented. It is the FHA's responsibility to report any incident which may result in a workers' compensation claim. Injury reporting requirements for medical only claims, for injuries that result in medical bills, but fewer than five days of disability, are reported just to the FHA's workers' compensation insurance company. (See Attachment A, Claims Procedures and Reporting Requirements; Attachment B, Employer's Guide to the Mass. Workers' Comp. System (2); Attachment C, Mass. Workers' Comp. Guide for Injured Workers (2); and Attachment D, Forms (6).

An injured worker becomes eligible for weekly compensation indemnity benefits when totally or partially disabled due to an injury or occupational illness, and is incapable of earning full wages for five or more calendar days (the days do not have to be consecutive: disability can be total or partial) and must be reported within seven (7) days (not including Sundays and legal holidays) from the fifth (5) day the employee has been disabled because of the accident. If an employee does not report the accident right away, the FHA has seven (7) days (not including Sundays and legal holidays) from the receipt of a notice of injury to report. In order to maintain regular earnings to the highest extent possible, sick leave may be used by an employee injured in the course of employment, to the extent accrued sick leave is available, until payment under the Workers' Compensation Act is received. At no time, however, may an employee receive more than the regular wages as a result of workers' compensation and sick leave payment. If the employee receives both a payroll check and a workers' compensation check but does not use the workers' compensation check to buy back sick time, payroll checks/direct deposits will stop. With the employees' permission, the workers' compensation check can be made out to the FHA in order to buy back sick time and keep the employee on the payroll. If the employee does not elect to have the check made out to the FHA, payroll checks/direct deposits will be held until the employee turns over the workers' compensation check to the FHA to buy back sick time. Legal action may be taken to collect any funds paid in error, and employee may face disciplinary action if monies are not paid back immediately upon knowledge of overpayment. An employee injured at work shall promptly inform the department head and/or the human resource officer when the employee learns that the workers' compensation payment has been approved. The insurance company has fourteen (14) days from the date they receive the claim to commence payment or deny claim. Sick leave used between the date of injury and the date of compensation payments begin, shall be repurchased and credited back to the employee upon approval of compensation payments covering the same period of time.

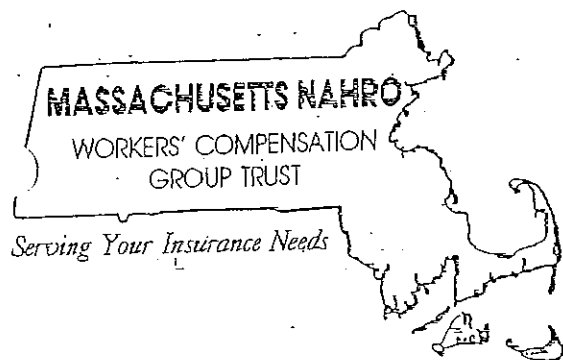
When an injured employee is not receiving a payroll check from the FHA, regular payroll deductions will cease and the employee will be responsible for these payments. The FHA will pay the employee's share of the GIC health insurance premiums until it gives notice to the employee that the employee must pay the employee's share directly. The employee will be required to reimburse the FHA for the employee's share of the premium payments that the FHA makes on the employee's behalf. The payment for insurance premiums are to be paid by a check made payable to the Framingham Housing Authority. An employee absent due to an approved workers' compensation injury will accrue vacation and sick leave (but not personal days) during the first year of absence. Successive worker's compensation leave shall be cumulative if an employee returns to work for sixty (60) days or less and then goes back on workers' compensation leave. When an employee returns to work from workers' compensation leave, the employee will be allowed an amount of time equal to the period of workers' compensation leave or to the end of the calendar year, whichever is longer, to bring the total accrued vacation leave back under the thirty (30) day limit for admin. & twenty (20) for maintenance. If an employee would lose accumulated vacation leave because of workers' compensation status, all current accumulated vacation leave would be allowed to carry forward. If there is a conflict with this policy and/or the union contract (FHA Maintenance Employee Association) and/or FHA Employee Handbook, MGL Ch. 152, the Workers' Compensation Act will prevail.

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P.O. Box 803  
West Springfield, MA 01090  
Phone (413) 733-4430  
(800) 932-3112  
FAX (413) 733-7479

## CLAIMS PROCEDURES

As an employer in the Commonwealth of Massachusetts, it is your responsibility to report any incident which may result in a workers' compensation claim. Failure to do so may result in the payment of double benefits by the Group to the injured employee, and the possibility of a fine.

**Form 118, Massachusetts NAHRO W.C. Group Trust -  
Employer's Notification To Insurer of Medical Only Injuries**

This form shall be used for medical only claims and/or for those claims that result in a disability of four work days or less (not including Sundays or holidays) as the result of an injury. A claim form must be submitted to the Group immediately after an injury has occurred. A completed *Medical Information Authorization* should accompany Form 118.

**Form 101, Department of Industrial Accidents -  
Employer's First Report of Injury/Illness/Fatality**

This form shall be used for claims in which an employee loses five or more consecutive work days (not including Sundays or holidays) as the result of an injury. A copy of the claim form must be submitted to the Group and the original submitted to the Department of Industrial Accidents within seven business days of the injury (not including Sundays and holidays). To help expedite the claim, a completed *Medical Information Authorization* and an *Average Weekly Wage Computation Schedule, Form 117*, should be sent to the Group as soon as they become available.

- Each member should maintain a log of any and all injuries that occur.
- Any and all injuries must be reported in a timely manner.
- Photocopies of the attached forms may be used (Form 101 is 2-sided).
- All medical bills for work related injuries should be forwarded to:  
Mass. NAHRO W.C. Group Trust  
Attn: Dan Moriarty  
P.O. Box 803  
West Springfield, MA 01090
- Any claims related questions should be directed to Dan Moriarty or Jim Liston at MassWest Financial Group, Inc., 1-800-932-3112.



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# Labor and Workforce Development

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## Reporting Requirements

An injured worker becomes eligible for weekly compensation benefits when they are not able to earn wages for five full or partial calendar days as a result of a work-related injury or illness. The days of loss do not have to be consecutive. At this point, the employer is required to file the [Form 101 - Employer's First Report of Injury/Fatality](#).

If an injury or illness results in less than five calendar days of full or partial disability, then it is considered a "medical-only" claim and would not be required to be reported to the Department of Industrial Accidents (DIA). However, a medical only claim would be required to be filed with your insurance company, as any resulting medical treatment would be paid for by the insurance company.

The *Employer's First Report of Injury Or Fatality - Form 101* must be submitted to the DIA, the insurance carrier and the employee. This form must be sent to the DIA within seven calendar days (not including Sundays and legal holidays) from the fifth full or partial day the employee has been disabled. Submission of this form does not constitute an admission of liability.

Any employer who does not file this form on time three or more times in any given year shall be punished by a fine of \$100 for each violation. Failure to pay the fine within 30 calendar days of receipt of an invoice from the DIA shall be considered a separate violation. The fines progressively escalate with each failure to pay, with a penalty of \$100 increments.

If an employee does not report the injury or illness as work related to you right away, you would have seven calendar days (not including Sundays or legal holidays) from the notification of the injury or illness to file the form. For example, if an employee was out of work for three weeks and did not notify you they were out due to a work-related injury or illness until they returned to work, you would have seven calendar days (except Sundays and legal holidays) from the notification to file the *Employer's First Report of Injury Or Fatality - Form 101*.

Please note: In a case such as cited above, be sure to fill out the box on the form marked "DATE REPORTED" with the date the injury or illness was actually reported to you. This will prevent your company from being fined for failing to file the report within the statutory limits.

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