

# PROCEDURE MANUAL

## 03-02



MICHIGAN STATE POLICE

## Duty Incurred Injuries and Illnesses: Reporting, Benefits, and Expenses

**Purpose:** This manual provides procedures to be followed when reporting illnesses and injuries arising out of and in the course of employment and serves as a guide for commanders to process the required forms. This manual is not designed to answer all specific questions regarding Workers' Disability Compensation. Questions or special problems shall be directed to the Human Resources Division.

**Effective Date:** April 19, 2022

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## Definitions:

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None

## Section 1: Reporting, Benefits, and Expenses

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### 1.1 Compensable/Non-Compensable Injuries and Illness

#### a. Compensable Injury/Illness

A compensable injury/illness is an injury/illness arising out of and in the course of employment that incapacitates the member for more than seven days and meets other criteria of the [Workers' Disability Compensation Act](#). Compensability refers to payment of benefits for time lost from work.

#### b. Non-Compensable Injury/Illness

A non-compensable injury/illness is an injury/illness arising out of and in the course of employment in which the member's disability is seven days or less in duration. Medical benefits may be paid for a non-compensable injury/illness.

Example: a trooper closes the door of the patrol vehicle on one of their fingers. The injury requires that medical bills for services rendered by the attending physician and/or hospital be submitted.

## 1.2 Reporting Injuries and Return to Duty

### a. Reporting Injuries to the Supervisor

A member shall immediately report all injuries arising out of and in the course of employment to their commander.

### b. Reporting Injuries to the Human Resources Division

The commander shall, within 24 hours, report such injuries to the Human Resources Division as directed in Section 1.3.

### c. Return to Duty

Members shall return to duty as soon as possible following an injury or illness. If return to full duty is not appropriate, return to limited duty should be considered.

Commanders shall immediately report to the Human Resources Division when a member returns to either limited or full duty. While limited duty is encouraged, limited duty shall not be used for the purpose of creating work.

- i. Full Duty - upon receipt of satisfactory medical information certifying the member as physically/mentally unrestricted in the activities required to perform the duties of the position, the member shall be returned to full duty.
- ii. Limited duty assignments and the procedures for implementing them shall be in accordance with the department's collective bargaining agreements.
- iii. Temporary Limitations - members with temporary limitations may be returned to work for a period dictated by the physician. These circumstances require coordination with the district/division commander and the Human Resources Division director and will be considered providing limited duty assignments are available. Members may be referred to the department physician if their medical documentation requires clarification on the diagnosis or prognosis, or members may be required to have their physician complete an "Essential Job Functions" questionnaire. The decision of the department physician is final, subject to Civil Service Commission rules and/or collective bargaining agreements.
- iv. At the discretion of the worksite commander, in consultation with the district/division commander, members may be in uniform for limited duty assignments providing the member is not directly involved in law enforcement duties and the nature of the member's illness/injury does not prevent it.
- v. At the discretion of the Human Resources Division director and the district/division commander, limited duty assignments may be approved in situations where a member may be the sole person in a building that is not accessible to the public. Other limited duty assignments may be approved providing a law enforcement member is readily available to assist in an emergency.

## 1.3 Reports Required

### a. [Worker's Compensation Claim Form](#)

- i. The Worker's Compensation Claim Form shall be used to report all injuries/illnesses involving members. State and federal laws require all employers to file reports on the number, type, and severity of occupational injuries.
  - ii. The Worker's Compensation Claim Form shall be completed immediately for all work-related injuries/illness, both compensable and non-compensable, and shall be emailed directly to the Human Resources Division at: [MSP-DisabilityMgt@michigan.gov](mailto:MSP-DisabilityMgt@michigan.gov).
  - iii. The medical bills for services rendered by the attending physician and/or hospital shall be forwarded to the Human Resources Division for processing as soon as possible. The date of injury/illness must accompany all bills.
- b. Supplemental Report of Fatal Injury

A supplemental Report of Fatal Injury shall be completed by the Human Resources Division and forwarded to the third-party administrator for workers' compensation within eight days after the death of a member.

## 1.4 Communicable Disease

a. Coverage

The Workers' Disability Compensation Act contains certain provisions dealing with compensable cases due to communicable diseases that are contracted by members arising out of and in the course of their employment.

b. Reports of Exposure to Communicable Disease

When a member is exposed to or contracts a communicable disease in the course of their duties, the commander shall promptly complete an Accident Illness Report Form and forward it to the Human Resources Division. All information pertaining to the case; i.e., exposure, diagnosis; will be weighed by the third-party administrator for workers' compensation to determine whether or not the claim is compensable.

## 1.5 Respiratory and Heart Diseases

a. Coverage

The Workers' Disability Compensation Act provides certain benefits to members who contract a respiratory or heart disease or resulting illness in the course of their employment.

b. Reporting

- i. The commander shall promptly report cases of respiratory and heart disease to the Human Resources Division by completion of a [Worker's Compensation Claim Form](#).
- ii. The Worker's Compensation Claim Form shall include facts that reflect unusual and out of the ordinary work or conditions that could have caused the disease. In the case of respiratory diseases, the elements of the weather, time of exposure, or other conditions that may have caused the disease shall be indicated.
- iii. Upon receipt of the Worker's Compensation Claim Form, the Human Resources Division shall notify the third-party administrator for workers' compensation. A thorough investigation will be conducted by the third-party administrator for workers'

compensation to determine if the disease occurred in the course of the member's employment.

### 1.6 Responsibility for Maintaining Records

- a. The Human Resources Division shall maintain records on compensable and non-compensable injury cases.
- b. The member's commander shall email reports on compensable and non-compensable injuries directly to the Human Resources Division at [MSP-DisabilityMgt@michigan.gov](mailto:MSP-DisabilityMgt@michigan.gov).

### 1.7 Excerpts of Benefits

#### a. Medical Care

A member who receives a personal injury arising out of and in the course of employment shall be furnished reasonable medical, surgical, and hospital services and medicines or other attendance or treatment recognized by the laws of this state as legal when they are needed.

- i. For the first 28 days, the department has control of medical care. After 28 days from the inception of medical care, the member may treat with a personal physician by giving the name of the physician to the Human Resources Division. However, the department or the third-party administrator for workers' compensation may file a petition objecting to the physician selected by the member and the reasons for the objection. The Bureau of Workers' Disability Compensation must give notice and promptly hold a hearing. If the department or the third-party administrator for workers' compensation can show good cause why the member should not be allowed to continue treatment with the personal physician, the Bureau of Worker's Disability Compensation may order that the member discontinue treatment with the physician or pay for the treatment received from the date of the order.
  - ii. A member who, as the result of an injury/illness, is unable to perform work for which they have previous training or experience, shall be entitled to prompt medical rehabilitation and to such vocational rehabilitation services, including retraining and job placement, as may be reasonably necessary to restore the member to useful employment.
- #### b. Death Benefits Payable
- i. Workers compensation death benefits shall be paid to the dependents, if any, who are wholly dependent on a member's earnings for support at the time of the injury or death. Compensation shall be paid prior to death in cases in which the member suffered disability before death.
    1. The Michigan Supreme Court has ruled that widows are not considered conclusive dependents. Actual dependency is required before the widow may acquire benefits.
    2. The widow's payment upon remarriage is \$500, or the remaining compensation due, whichever is less.
  - ii. In addition, death benefits for enlisted members shall be paid from the Michigan State Police Pension, Accident and Disability Fund.

- c. Burial Expense
  - i. For enlisted members, burial expense up to \$1,500 may be paid from the State Police Pension, Accident and Disability Fund after approval of the State Administration Board.
  - ii. This payment is in addition to the \$6,000 maximum burial allowance authorized by the Third-party administrator for workers' compensation.
  - iii. The combined amount shall not exceed the actual funeral expense.
- d. Total Temporary, Total Permanent, and Partial Disability
  - i. Compensation shall be paid for the duration of the disability. The conclusive presumption of total and permanent disability shall not extend beyond 800 weeks from the date of injury, and thereafter the question of permanent and total disability shall be determined according to the current facts.
  - ii. Compensation payable is subject to the maximum and minimum weekly amounts established by the [Workers' Disability Compensation Act](#).
  - iii. Workers' compensation benefits for enlisted members are in addition to those payable from the Michigan State Police Pension, Accident and Disability Fund.

### 1.8 Limits on Combined Compensation

- a. The total benefits payable under the Workers' Disability Compensation Act and the benefits payable under the Michigan State Police Pension, Accident and Disability Law, because of death or permanent duty disability, shall not exceed the average annual salary paid to the member for the two years immediately prior to the death or disability.

The total benefits payable due to death or permanent duty disability under the Workers' Disability Compensation Act and the Michigan State Employees Retirement System are coordinated commencing at age 60.

### 1.9 Workers' Disability Compensation Act Checks

- a. The first payment from the third-party administrator for workers' compensation is sent to the department and shall be used for repayment of up to two-thirds (2/3) of any leave credits used during the determination.
- b. If a member exhausted sick leave while waiting for a determination and was on lost time, the member shall receive a modified check from the department for any balance due them after all re-crediting has been completed.
- c. If a member continues on disability after the first check is received, the member shall be charged one-third (1/3) leave credits and shall retain the workers' compensation checks until released to duty.

### 1.10 Payment of Hospital and Physician Expenses

- a. Medical bills or bills for services rendered by an attending physician and/or hospital shall be forwarded to the Human Resources Division.
  - i. The member's full name and date of injury shall be indicated on the bill.
  - ii. All bills shall be marked "compensation" or "duty-incurred."

- b. Hospitals and physicians familiar with the procedure of payment for bills by the third-party administrator for workers' compensation may submit their billings directly to the third-party administrator for workers' compensation for payment.

### 1.11 Payment of Minor Medical and Prescription Expenses

- a. Minor medical and travel expenses incurred by a member due to a duty incurred injury or illness may be compensated by the third-party administrator for workers' compensation.
  - i. The member shall submit an itemized receipt to the Human Resources Division for payment.
  - ii. A list of travel expenses detailing dates, including but not limited to number of miles and the name of physician or treatment facility, may be submitted for consideration of payment.
- b. The bills shall be submitted in the same way as hospital and physician expenses are handled in Section 1.10.

### 1.12 Signing Releases

- a. The third-party administrator for workers' compensation has the responsibility to act for and on behalf of the department in third party liability matters.
- b. Members shall not sign releases relieving a third-party of possible liability until cleared through the Human Resources Division and the third-party administrator for workers' compensation.
- c. The Budget and Financial Services Division shall handle damage claims to state property. The procedure detailed above shall in no way affect handling of vehicle damage claims outlined in directives regarding department vehicles.

### 1.13 Appeals

- a. Appeal Procedure
  - i. A member who disagrees with the decision rendered by the third-party administrator for workers' compensation may appeal to the Workers' Compensation Agency. The member will be afforded a hearing. Hearings before an administrative law judge (magistrate) are scheduled at the county seat where the injury occurred or the disease was contracted. Magistrates have the authority to make awards. A member who disagrees with the award may appeal to the Workers' Compensation Agency Board. Cases may be further appealed to the State Court of Appeals or the State Supreme Court.
  - ii. A member who wants to enter an appeal shall contact the Workers' Compensation Agency for the Petition for Hearing and the procedure to follow in filing an appeal.
- b. Matters That May Be Appealed
  - i. Any controversy concerning compensation.
  - ii. Any other case in which a member is not in agreement with the decisions as rendered by the insurance carrier.

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**Review Responsibility:** Human Resources Division

**Accreditation Standards:** CALEA