Idaho Department of Correction	Standard Operating Procedure	Control Number: 206.07.01.005	Version: 1.4	Page Number: 1 of 8 Adopted: 3-16-2010
THE STATE OF TO	Human Resource Services	Title: Workers' Compensation		Reviewed: 9-28-2010

This document was approved by Terri Tomisser, director of Human Resource

Services, on 9/28/10 (signature on file).

BOARD OF CORRECTION IDAPA RULE NUMBER

None

POLICY STATEMENT NUMBER 206

Attendance, Work Hours, Leaves, and Workers' Compensation

POLICY DOCUMENT NUMBER 206

Attendance, Work Hours, Leaves, and Workers' Compensation

DEFINITIONS

Compensatory Time (Comp-time): Overtime that is unpaid and become hours that accumulate in an earned leave balance for the employee to take time off work with pay at a later date.

Hours Worked: Hours actually spent in the performance of the employee's job, excluding holidays, vacation, sick leave or other approved leaves of absence, and excluding on-call time.

Manager: An employee appointed to manage, direct, and control a designated work unit. Managers include division chiefs, deputy division chiefs, facility heads, deputy wardens (or second-in-commands), district managers, designated lieutenants, program managers, or any appointed unit manager.

Overtime: Hours worked on holidays, and hours worked in excess of 40 hours in a set work week. For law enforcement (L) coded positions (e.g., correctional and probation and parole officers), overtime is hours worked in excess of 160 hours in a 28 consecutive day period. Excluded are hours such as traded time and occasional or sporadic work that is specifically excluded under federal law.

Work Week: A period of seven consecutive days beginning 12:01 a.m. Sunday and ending 12:00 p.m. Saturday.

PURPOSE

The purpose of this standard operating procedure (SOP) is to establish Idaho Department of Correction (IDOC) guidelines and procedures to ensure eligible employees are afforded

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every benefit provided to them for injuries and disabilities incurred in the course of employment.

SCOPE

This SOP applies to all IDOC employees but gives specific guidance to supervisors, managers, or designees in reporting, processing, and otherwise resolving workers' compensation claims.

RESPONSIBILITY

Director of Human Resource Services (HRS)

The director of HRS is responsible for providing guidance and interpretation to fulfill the expectations of this SOP.

Managers

Managers (or designees) are responsible for:

- Determining safe work procedures
- Ensuring safe working conditions
- Ensuring that employees are adhering to the rules, guidance, and procedures provided herein **and** in SOP <u>224.07.01.001</u>, *Safety and Accident Prevention* (in terms of reporting, processing, and follow-up needed when an employee is injured while working).

Supervisors

Supervisors (or designees) are responsible for ensuring employees are adhering to the rules, guidance, and procedures provided herein **and** in SOP 224.07.01.001, *Safety and Accident Prevention*, to include collaborating with the HRS to ensure a safe workplace and timely handling and reporting of injuries.

Employees

Employees are responsible for adhering to the rules, guidance, and procedures provided herein to include:

- Adhering to safety and security standards
- Timely reporting of injuries to their supervisors (or designees)
- Working with supervisors (or designees) and HRS to provide required medical documentation used to resolve their workers' compensation matter

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GENERAL REQUIREMENTS

1. Introduction

When an accident occurs in the workplace and results in an injury, managers (or designees) will take immediate action to care for the employee, investigate what occurred, and work with HRS to notify the Idaho State Insurance Fund (SIF) and, wherever possible, facilitate the employee's return to work.

For non-injury accidents, managers (or designees) will adhere to SOP 224.07.01.001, *Safety and Accident Prevention*.

2. Prompt Care for an Injured Employee

When an accident occurs, the employee and his supervisor (or designee) will make an immediate injury assessment based on available resources and training **and** provide medical attention.

The employee's supervisor (or designee) will also arrange for transportation to a medical facility as necessary.

3. Investigation and Reporting the Occurrence

After an accident, the employee's supervisor (or designee) will arrange for an immediate investigation to include documenting details (e.g., the facts, the injured employee and witness names and statements). The supervisor (or designee) will also notify HRS of the accident. Two key reporting components will be the:

First Report of Injury or Illness (FROI)

It is recommended that the employee complete an HR-11, *First Report of Injury or Illness*, whenever possible. If the employee is unable to complete the FROI a supervisor (or designee) will assist. The supervisor (or designee) may also assist for the sake of timely reporting. However, in no case will a medical provider complete the FROI.

Once completed, the FROI must be sent to HRS in accordance with section 8. HRS will evaluate the FROI to ensure that it has been completed accurately **and** submit it to the SIF in accordance with section 8.

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Note: The SIF will determine the legitimacy or coverage of the claim. In no case will the IDOC make a determination of coverage or denial.

Supervisor's Accident Report (SAR)

The assigned supervisor, manager, or designee will immediately and fully complete an HR-12, *Supervisor's Accident Report*, to support the FROI. The supervisor, manager, or designee will be responsible for (1) analyzing the incident and injuries, and (2) identify what corrective or preventative actions will reduce the likelihood of future incidents.

Once completed, the SAR must be sent to HRS in accordance with section 8. HRS will evaluate the SAR in accordance with section 8.

Note: The supervisor, manager, or designee will in no way attempt to make a determination of coverage or validity of injury. Determination of coverage will be determined solely by the SIF.

4. Use of Leave in a Workers' Compensation Claim

When the SIF determines that the employee's injury is eligible for workers' compensation, the employee will decide from the following leave options:

- Leave without pay (LWOP) while receiving workers' compensation
- The use of accrued leaves (e.g., sick, compensatory time [comp-time], or vacation) to supplement workers' compensation in order to maintain his regular salary. However:
 - No supervisor, manager, or designee will require the employee to accept sick, vacation, or comp-time off for overtime in lieu of workers' compensation
 - The employee cannot (1) waive his rights to workers' compensation or (2) accept earned leave or other benefits in lieu thereof.

Note: Employee medical benefits are not paid by the SIF. When the employee takes LWOP, he must make arrangement with HRS to pay his portion of the medical benefit premiums.

5. Procedures for Coding I-Time

Note: I-time refers to the state of Idaho's online time entry system.

When entering hours for a workers' compensation incident, I-time must reflect the number of hours normally worked by the employee. The total hours worked will be comprised of:

- The total hours paid by the SIF (also see the table in this section)
- Any accrued leave (e.g., sick, compensatory time [comp-time], or vacation) the employee is using to maintain his regular salary
- LWOP

The correct coding for I-time will depend on several factors (e.g., the employee's available accrued leaves, Family and Medical Leave Act (FMLA) leave eligibility, and the employee's salary). Therefore, it is highly recommended that the employee **or** supervisor (or designee) consult with HRS to ensure the correct coding is used.

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For the first five (5) days that the employee is off from work due to a workers' compensation injury, the SIF will not pay loss of income benefits. Therefore, the employee or supervisor (or designee) must code I-time as sick leave taken (SIC), **and** document in the comments section of I-time "out due to worker's compensation injury" (or words to that effect). If SIC is coded in I-time and the employee does not have enough sick leave hours available, I-time will deduct from another applicable and available leave balance in accordance with SOP 206.07.01.002, *Paid Leaves*.

If the SIF determines that the employee's injury is a covered workers' compensation injury, the SIF will pay 67% of the employee's lost wages (tax free) up to a maximum weekly amount of five hundred and seventy-two dollars and forty cents (\$572.40). The following table will assist the employee or supervisor (or designee) in determining how many hours to code for LWOP on the job accident (LWA) **or** family medical, on the job accident, LWOP (FJL).

Note: The employee must exhaust all accrued leaves before coding LWA or FJL.

# of Hours and Employee Normally Works in a Day	Formula	Hours Coded as LWA or FJL (What the SIF Pays)
4	4 x .67	2.7
8	8 x .67	5.4
10	10 x .67	6.7
12	12 x .67	8.0

LWA or FJL Coding Example

6. Return to Work Release

Prior to returning from leave due to a workers' compensation injury, the employee will be required to provide a return to work release to his immediate manager (or designee) in accordance with SOP 206.07.01.002, *Paid Leaves*.

No Restrictions

If the return to work release indicates that the employee can perform his job with no restrictions, the immediate manager (or designee) may schedule the employee to full duty **and** forward the release to HRS for filing in the employee's medical file.

Modified Duty or Other Accommodations

If the return to work release indicates that the employee can perform his job, but restricts **or** limits any activity that keeps the employee from fully performing the essential functions of his position, the immediate manager (or designee) will follow the 'modified duty requests and accommodation' process described in SOP 206.07.01.002. Upon receipt, the immediate manager (or designee) will forward the release to HRS for filing in the employee's medical file.

7. Layoff after 12 Weeks of Disability

If an employee becomes disabled, whether or not due to a workers' compensation injury, and is unable to return to work after 12 weeks or when accrued sick leave has been exhausted (whichever is longer), the employee's position may be declared vacant (unless otherwise prohibited by State of Idaho or federal law).

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For a period of one year from the date the position was declared vacant, the employee's name can be certified to a reemployment preference register when the Idaho Division of Human Resources (DHR) has been notified by the employee's medical practitioner that the employee is able to return to work.

If the employee is not eligible for protection under the FMLA (see SOP <u>206.07.01.004</u>, *Family and Medical Leave Act [FMLA] Leave*), the employee is entitled to take a maximum of 12 consecutive weeks off from work due to his disability every 12-month period. The 12 consecutive weeks will not be interrupted for either of the following situations:

- When the employee <u>fully</u> returns to work (i.e., he is not approved for modified duty or accommodation) for less than two weeks due to complications resulting from the disability
- When the employee's return to work is part of a rehabilitation program. (IDAPA 15.04.01, sections 241.01 and 241.02)

8. Process Steps

When completing, submitting, and processing the FROI and SAR, the following process steps will be used:

Functional Roles and Responsibilities	Step	Tasks
Employee (or Supervisor)	1	In the event an accident resulting in injury or loss of time occurs, immediately complete an HR-11, <i>First Report of Injury or Illness,</i> and immediately submit to your supervisor (or designee). Also see step 4.
		Note: If the employee is unable to complete the <i>First</i> <i>Report of Injury or Illness</i> (FROI), the supervisor (or designee) will complete the FROI and proceed to step 2. (For instruction on how to complete the FROI, see appendix 1, <i>Guidance Workers' Comp Injury/Illness</i> <i>Reports.</i>)
	2	 Immediately complete an HR-12, Supervisor's Accident Report, emphasizing the section entitled 'Supervisor Analysis of Accident/incident/injury'. (Include the specific details and corrective action to prevent future incidents.)
Supervisor, Manager, or Designee		 Within two working days from the incident, forward the Supervisor's Accident Report (SAR) and FROI to Human Resource Services (HRS).
		Note: For instruction on how to complete the SAR, see appendix 1, <i>Guidance Workers' Comp Injury/Illness Reports</i> .

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Functional Roles and Responsibilities	Step	Tasks
HRS	3	 Evaluate the forms for accuracy and compliance, log the information in tracking sheet, and if the accident results in: Medical treatment or loss of time – forward the reports to the Idaho State Insurance Fund (SIF) for processing the claim. (The process skips to step 6.) No medical treatment or loss of time – file the reports in the employee's medical file, and send an email notification to affected parties to notify HRS if treatment should later be required. (Proceed to step 7.) Note: The FROI must be submitted to the SIF as soon as
		practical but not later than 10 working days after the occurrence or knowledge of an injury or occupational disease.
Employee (or Supervisor)	4	If the employee later requires treatment, notify HRS within two working days of the treatment sought and where treated.
HRS	5	 Revise the FROI with medical information, Notify and forward the FROI to the SIF Update tracking log Assist the employee and/or supervisor with leave options and advise on how to correctly code I-time Note: I-time refers to the state of Idaho's online time entry system.
SIF	6	Assigns a claim number and adjuster. The claim is then processed and copies of the documentation are forwarded to HRS.
HRS	7	 Continue to monitor and update the employee's absence and if the employee: Receives a full releasework with the supervisor to facilitate returning the employee to his position. (See section 6 of this standard operating procedure [SOP].) Receives a modified duty requestprovide guidance to the employee and supervisor and facilitate the modified duty process. (See section 6 of this SOP.) Is unable to return to workprovide guidance and ensure compliance with Family and Medical Leave Act (FMLA), Americans with Disabilities Act (ADA) (42 USC 12101 et seq.), short term or long-term disability, and/or medical layoff or separation processes.

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Functional Roles and Responsibilities	Step	Tasks	
SIF	8	At such point when the SIF determines the claim is closed, the SIF will send notification to the employee and HRS with instructions on how to notify the SIF in the event of any future treatment.	
HRS	9	Upon receiving notification from the SIF that the claim is closed, close the tracking log, place the documentation in the employee's medical file, and close processing of the file.	
		Note: In the event treatment is later required, the process reverts back to step 5 until the claim is concluded.	

REFERENCES

Appendix 1, Guidance Workers' Comp Injury/Illness Reports

Code of Federal Regulation, Title 29, Chapter V, Part 825, *The Family and Medical Leave Act of 1993*

HR-11, First Report of Injury or Illness

HR-12, Supervisor's Accident Report

Idaho Code 72-602, Employers' Notice of Injury and Reports

Idaho Code, Title 72, Worker's Compensation and Related Laws-Industrial Commission

IDAPA 15.04.01, *Rules of the Division of Human Resources and Personnel Commission*, Section 241, Workers Compensation and Disability

IDAPA 15.04.01, *Rules of the Division of Human Resources and Personnel Commission*, Section 241.01, Use of Leave in Workers Compensation Claim

IDAPA 15.04.01, *Rules of the Division of Human Resources and Personnel Commission*, Section 241.02, Layoff after Twelve Weeks' Disability

Standard Operating Procedure 206.07.01.002, Paid Leaves

Standard Operating Procedure 206.07.01.004, Family and Medical Leave Act (FMLA) Leave

Standard Operating Procedure 224, Safety and Accident Prevention

State of Idaho, Idaho State Insurance Fund (www.idahosif.org)

United States Code, Title 29, Chapter 28, Family and Medical Leave

United States Code, Title 42, Chapter 126, Equal Opportunity for Individuals with Disabilities

– End of Document –

IDAHO DEPARTMENT OF CORRECTION Guidance Workers' Comp Injury/Illness Reports

If you have any questions about how the HR-11, *First Report of Injury or Illness* (FROI), or HR-12, *Supervisor's Accident Report* (SAR), should be completed, contact the HRS benefits specialist.

Important Issues about Workers' Comp (WC) Claims

- We have a deadline (per Idaho Code) to file the WC claim 10 working days after the accident or injury. The Industrial Commission does audit these dates, so it is very important that HRS receives the reports as soon as possible after the date of injury to comply.
- The reports should be completed the day of the injury or as soon as possible after.
- Always complete the reports whether or not the employee seeks medical attention or has any loss of time.
- It is not up to IDOC to determine if an injury will be covered or if it a legitimate WC claim. The Idaho State Insurance Fund (SIF) will make that determination. We cannot deny an employee completing a report.
- It is important to note if the employee has any loss of time.
- Be as detailed as you can on the reports. It is very helpful for the WC claim adjuster to know exactly how the injury occurred, who was involved and if there were any witnesses involved.
- Always complete the medical section. If medical treatment was not required, then mark "No Medical Treatment". Do not just leave it blank.
- If the reports indicate that no medical treatment was required and then, later, it is determined medical treatment is necessary, notify HRS so that the reports can then be sent into the SIF.

Process Steps for Workers' Comp (WC) Claims

- Every on-the-job injury requires an FROI and a SAR, whether or not medical treatment is required or loss of time occurs.
- Whenever possible, the employee completes the FROI and the supervisor completes the SAR.
- If the employee is unavailable or unable to complete the FROI, the FROI must be completed by the supervisor or appropriate person identified by the facility.
- The reports need to be sent to HRS via fax, email, mail) as soon as possible preferably within two (2) days of the incident.
- HRS will audit the reports and add any missing information.
- The injury is logged into a tracking sheet.
- If there is a WC claim (medical treatment or loss of time), the reports will be faxed to the SIF.
- The reports will be filed in the employee's medical file.

See the sample FROI that follows on the next page.

Blue text is entered by HRS. Red text is completed by the employee and/or supervisor.

Each section has been broken out and filled in as an example for you to use. The sections are:

Employer Employee Wages Accident or Illness Medical Preparer

Sample-First Report of Injury or Illness (FROI)-Sample

Every work injury that requires medical services other than first aid treatment must be reported within 10 days after the employer has knowledge of the injury. Filing this form is not an admission of liability. This report shall not be evidence of any fact stated herein in any proceeding in respect of the injury, illness or death on account of which this report is made.

	Employer's name: Idaho Dept of Correction			Employer status	
Е	Address: 1299 N Orchard St Suite 110			Sole Proprietor 🗆 LLC 🛛 Public	
M P	City: Boise	State: ID	ZIP: 83706	□ Partnership □ Corporation □ Other	
L	Phone #: 208-658-2029 FAX #	#: 208-327-7 4	402	Is injured w orker a Corporate Officer, – Partner, LLC member or Sole Proprietor?	
O Y	Employer's location address (if different) North Idaho Correctional Institution (NICI)				
E	Address: 236 Radar Rd		If a Sole Proprietorship, is the injured worker a household member? □ Yes		
R	City: Cottonwood	State: ID	ZIP: 83522		
4	Policy number: 022280			Organization code: 5270	
Th	e policy number for agency 230 is 022280 .			Ť	
Th	e policy number for agency 231 (CI) is 439450).			
Th	a policy number for agonaly 222 (DC) is 62000	0			

The policy number for agency 232 (PC) is 628908.

The organization code is the employee's pay location.

	Employee's last name: Doe			State where hired: Idaho	
Е	E Employee's first name: Jane			Occupation: Corr Officer	
M				Employment status: Current	
Ľ	City: Cottonwood	State: ID	ZIP: 83522	Sex 🛛 Female 🗆 Male	
O Y	Phone #: 208-962-0001			Social Security #: 123-45-6789	
E	Date of birth: 05/05/75			Date hired: 01/01/00	
Е	Under what class code were wages reported? 7720			Injury date: 01/16/08	
	Regular department:	Marital status	🗆 Single 🔲 Wido	wed 🛛 Other 🛛 Married 🔲 Separated	

Text in red must be input by employee and supervisor.

Employment status is either current or separated.

W	Wage rate \$ 12.74 per 🛛 F	lour 🗆 Day 🛛 Week 🖾 Month 🔲 Other	Hours w orked per w eek: 40	
A	# of days w orked per w eek: 5	Full pay for the day of injury? 🛛 Yes 🗆 No	Did salary continue? 🛛 Yes 🗆 No	
E If board, lodging or other advantages furnished in addition to wages, give estimated value per week. \$				
S If gratuities (tips, etc.) were received in the course of employment, give estimated value per week.				

Enter the employee's hourly wage rate and days worked per week. For example, 5 8-hour days or 4 10-hour days.

Can only indicate a maximum of 40 hours a week.

	Place of accident or exposure (address): 236	Radar Rd, Cottonw	ood	City/State: Cot	tonwood,ID
A C C I	County:	Did injury/illness occur o	on the employer's prer	nises? ⊠Yes	s 🗆 No
	Time injury occurred: 0915		Time employee be	gan w ork: 0700	🖾 AM 🗆 PM
	Date last w orked: 01/16/08	Date employer notified:	see note below	** Date disability	began:
D	Date returned to w ork: 01/16/08	If fatal, date of death:		Injury type (strain, c	cut, etc.): Cut
E N	Part of body affected: Right arm	/	Body	part injured before	? 🔲 Yes 🛛 No
Т	Injury reported to (name and phone #) : Sgt. P	erfect, 962-3276			
	Equipment, materials, or chemicals employee was using upon occurrence: IF applicable				
	How injury or illness occurred (Describe the sequence of events. Include objects or substances that directly caused the injury) Officer Jane Doe was assisting with moving an inmate down the hall and ran into a metal box attached to the wall, cutting her right arm just below her right shoulder. The cut was approximately 2 inches long and bled profusely.				
N	Was accident caused by the failure of a machine or product? U Yes No		0	Was safety equipm	ent provided? 🛛 Yes 🗌 No
E S	If the accident w as caused by any person or business other than the injured w orker, w orker or the employer, please identify.		ed w orker, co-	Was it used? 🛛 Ye	es 🗆 No
S				Were other workers also injured	
	Fill this in it an inmate caused the in	ury.		List other w orkers'	names:

Frovide as much detail as possible!

**Date employer notified <u>should</u> be the same day as the injury. If employee has missed up to 1 day or more due to the injury, the claim must be submitted even if the employee did not seek medical attention.

Physician or hospital (name and address)	No medical treatment	☐ Minor by employer
Officer Doe was sent to Primary Health for evaluation and	Minor – clinic/hospital	Emergency care
stitches. She returned to duty later in the day.	Anticipated major med/time loss	Hospitalized overnight
Did anyone witness the accident? Ves No If yes, provide name, p	hone # : CO Rodger Dodger,	962.0000
Preparer's name and title: 8gt. Will B. Perfect		
Preparer's phone number: 962-3276	Date prepared: 01/	16/08
	Officer Doe was sent to Primary Health for evaluation and stitches. She returned to duty later in the day.Did anyone witness the accident?Image: Section of the section o	Officer Doe was sent to Primary Health for evaluation and stitches. She returned to duty later in the day. ☑ Minor - clinic/hospital Did anyone witness the accident? ☑ Yes □ No If yes, provide name, phone # : CO Rodger-Dodger, Preparer's name and title: Sgt. Will B. Perfect

This medical section **must** be filled out, even if no medical treatment was given. It needs to be complete.

If this is marked 'no medical treatment' or is left blank. The report will be logged into a spreadsheet in HRS but will not be sent in to the SIF. However, if treatment is received later, please inform HRS so the report can then be faxed to the SIF.

Supervisor's Accident Report (SAR)

The IDOC also requires an SAR to support the FROI. This helps to validate the fact that the injury or illness is work related. It also indicates that staff are committed to analyzing the incident and better prepare to avoid such injuries in the future.

The FROI can be sent into HRS to be logged, and then sent on to the SIF as soon as it is received. However, it is better to send both reports at the same time. If that is not possible at the time the FROI is submitted, you must still submit the SAR.

See the sample SAR that follows on the next page.

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Red text is completed by the employee and/or supervisor.

Sample-Supervisor's Accident Report (SAR)-Sample

Name of Employee: Jane Doo Date/Time of Injury: 01/16/08 Job Title: Correctional Office	<u>09:15 am</u>	Time in Position: <u>11 years</u> Location: <u>NICI</u> Where did injury occur: <u>Hallway outside Medical unit</u>
Will you complete your shift? When did you notify your supe Name of Supervisor contacted Witnesses: <u>CO Rodger Dodge</u>	ervisor about this injury? : <u>Sgt. Will B. Perfect</u>	Doctor care needed? Yes Date/Time: 01/16/08 09:25 am
Part of Body Injured		Nature of Injury
 Head Face Right Eye Left Eye Neck Chest Right Arm Left Arm Right Hand Left Hand Left Finger(s) Left Finger(s) Right Wrist Left Wrist 	 Upper Back Lower Back Right Leg Left Leg Right Knee Left Knee Right Ankle Left Ankle Right Foot Left Foot Left Toe(s) Broken Glasses Other 	 Abrasion Abrasion Laceration Puncture Bruise Fracture Sprain/Strain Dislocation Foreign Body Burn Skin (irritation) Occupational illness Loss of consciousness
Was first aid applied? <u>Yes</u>	If yes, by whom: <u>CMS N</u>	Nurse Nightingale

Employee description of accident. Describe the nature of the injury; provide details of what **you** were doing, what materials/objects/machines were involved, if inmates were involved, who:

I was assisting with moving an inmate down the hall and ran into a metal box attached to the wall, cutting my right arm just below my right shoulder. The cut was approximately 2 inches long and bled profusely. CMS Nurse Nightingale administered first aid and recommended I be taken to a medical facility for stitches that may be required. CO Rodger Dodger drove me to Primary Health, where stitches were done. Both of us returned to complete our duty today.

Supervisor analysis of accident/incident/injury. Be specific in analysis. What corrective action has been suggested/implemented to prevent similar accidents/incidents/injury:

Officer Doe suggested that the metal box be moved to a different location or that the corners have protective padding. After reviewing the incident and the location of the box, it was determined that the box could be moved to a location that does not interfere with people moving down the hall. The box was moved to the new location the same day.

Employee signature	re:C O Jane Doe	Date: 01/16/08

Supervisor signature: _____Sgt Will B.Perfect _____ Date: 01/16/08

In this example, the accident is clearly explained by the employee.

In the analysis section, the supervisor documents corrective action that was suggested and implemented to prevent similar injuries. This section is carefully evaluated by the SIF risk management representative to determine what is being done by staff to provide as safe a working place as possible. Failure to offer corrective action reflects adversely on the IDOC.

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