

WORKERS' COMPENSATION POLICY

Section 1. General

The purpose of this policy is to ensure that employees of Hawthorn who are injured within the course and scope of their employment will receive appropriate medical care and a managed return to work in accordance with the mandates of the Missouri Workers' Compensation Act.

Section 2. Workers' Compensation Benefits Payable

Section 2.1 Employees who suffer an injury caused by an accident or occupational disease arising out of and in the course of employment ("work-related injury") will receive benefits paid by Hawthorn according to the Workers' Compensation Act of the State of Missouri ("the Law").

Section 2.2 Hawthorn's insurer shall determine whether the injury is compensable under the Law. If the injury is deemed compensable, the employee will receive, subject to all provisions of the Law:

1. Medical treatment (if approved by Hawthorn in advance).
2. If the employee is off work more than three work days, the employee will receive 2/3 of his/her average weekly wage, up to a state maximum, while temporarily and totally disabled.
3. If the injury is severe and it causes permanent disability, the Division of Workers' Compensation may award a lump-sum benefit for the disability.

Section 3. Direction of Medical Care

Section 3.1 In Missouri, the employer is afforded the right to select the medical care provider(s) for employee work-related injuries. Hawthorn's administrative office maintains a current list of approved providers. The employee ultimately maintains the right to use the provider of the employee's choice, but any expenses associated with that use will be borne solely by the employee.

Section 4. Continuation of Employee Benefits While Off Work Due to Compensable Injury

Section 4.1 If an employee is not able to work due to a compensable injury, and as long as the injured person remains an employee of Hawthorn, all regular employee benefits may continue. However, since the employee will be receiving wage benefit checks directly from the insurer and not through Hawthorn's regular payroll system, the employee's portion of the cost for those benefits cannot automatically be deducted from the employee's payroll check. Therefore, the employee is responsible for making separate payment arrangements with Hawthorn's administrative office.

Section 4.2 The employee does not continue to accrue benefits, such as PTO, while off work, unless Hawthorn accrues benefits for other employees who are off work for reasons other than a work-related injury.

Section 5. Continuation of Temporary Total Disability (“TTD”) Benefits

Section 5.1 An employee will receive Temporary Total Disability “TTD” benefits in accordance with the Law.

Section 5.2 An employee who is receiving unemployment benefits may not receive concurrent TTD benefits.

Section 5.3 An employee who is terminated from employment with Hawthorn for post-accident misconduct will not be entitled to continue to receive TTD benefits.

Section 5.4 An employee who has returned to work after a work-related accident, but is still receiving medical treatment, will not receive TTD benefits for time missed from work for physical therapy, employer-requested medical evaluations, to attend medical treatment and/or evaluations. The employee will be allowed to use accumulated PTO for this missed time.

Section 6. Compliance with Physician’s Orders

Section 6.1 An employee with a compensable injury must strictly follow any and all instructions of the treating physician. This compliance includes, but is not limited to: prescription use, therapy, rest, following activity restrictions, and returning for follow-up visits. Compliance with medical instructions is mandatory on and off the job.

Section 7. Notice Requirements

Section 7.1 A work-related accident or injury must be reported in writing by the injured employee to his or her supervisor immediately. If an injured employee fails to report an injury in writing within 30 days, the Division of Workers’ Compensation may be entitled to deny any benefits under the Law.

Section 8. Drug and/or Alcohol Use

Section 8.1 Under the Law, worker’s compensation benefits can be denied if it is determined that the employee used alcohol and/or non-prescribed controlled drugs in the workplace and the use was the proximate cause of the injury.

Section 8.2 If it is determined that the employee used alcohol or and/or non-prescribed controlled drugs in the workplace and the use was not the proximate cause of the injury, a 50% penalty can be levied against otherwise payable benefits.

Section 9. Rule Violation or Willful Failure to Use Safety Devices

Section 9.1 If an employee violates a Hawthorn rule or fails to use a required safety device, that employee's workers' compensation benefits may be reduced by 25-50%.

Section 10. Failure to Return to Work After Physician Release

Section 10.1 An employee who fails to return to work after receiving a release from his/her treating physician to do so, will be considered absent from his/her job without authorization.

Section 10.2 Hawthorn considers three (3) days of unauthorized absences without notice to be a voluntary resignation.

Section 11. Penalties for Fraud

Section 11.1 In accordance with Missouri law, any employee who submits a fraudulent workers' compensation claim and/or misrepresents facts can be found guilty of a Class A misdemeanor and may be subject to substantial criminal fines.

Section 12. Policy Compliance

Section 12.1 Employees are expected to comply with these policies as a condition of employment with Hawthorn. This includes, but is not limited to, the expectation that employees shall:

1. comply with physician's orders;
2. immediately notify supervisor of work-related injury or illness;
3. refrain from the use of drugs and/or alcohol in violation of Hawthorn's policies;
4. comply with safety standards;
5. return to work upon release of physician; and
6. be absolutely truthful and accurate in all claims and reports.

Section 12.2 Failure to comply with this policy may result in discipline up to and including discharge.