

19. Injury, Accident, and Loss Reporting

Overview

This section discusses the following topics:

- Where to Report Claims
- Reporting Workers' Compensation Illnesses and Injuries
- Reporting Automobile Accidents
- Reporting Stolen Vehicles
- Reporting Accidents Involving the Public Not Resulting from an Automobile (General Liability)
- Reporting Property Damage and Theft
- Accident Investigation
- Litigation

Prompt reporting is essential to ensure appropriate personnel are notified when an on-the-job injury, property damage, vehicle accident or general liability claim occurs and appropriate actions are taken in a timely manner to mitigate the loss and provide appropriate treatment to injured parties. **The medical needs of the individual are always TOP priority.** In an emergency situation, notification and documentation is second to providing immediate health care.

All employees and guests of FairPoint Communications, Inc must adhere to the policies and procedures for reporting injuries, accidents, and losses. Prompt reporting and good record keeping are essential to an efficient claims management program.

The Risk Management Department manages claims activity and oversees the services delivered by the insurance companies. If you have any questions or problems regarding any claims related issues, contact:

Angela Matherly
Director, Risk Management
FairPoint Communications, Inc.
521 E. Morehead St., Ste. 250
Charlotte, NC 28202
Phone: 704-227-3628
Fax: 704-344-8121
Cell: 704-575-5853
Amatherly@Fairpoint.com

References

FairPoint Claims Administration Manual

Where to Report Claims

Workers' Compensation

Immediately notify your supervisor and/or the Human Resources Department of any injury or potential injury to an employee.

Auto/General Liability/Property

Report all other claims to Risk Management using the applicable Loss Notice form (Forms Appendix). If the claim is reported to an alternate contact, make sure a copy of the Loss Notice is also sent to the primary contact.

Primary Contact: Jenny Moulton
Assistant Risk Manager
FairPoint Communications, Inc.
704-344-8150
Fax: 704-344-8121
JMoulton@FairPoint.com

Alternate Contact Angela C. Matherly
Director, Risk Management
FairPoint Communications, Inc.
704-344-8150
Fax: 704-344-8121
AMatherly@FairPoint.com

Reporting Workers' Compensation Illnesses and Injuries

Follow the procedure below to report workers' compensation illnesses and injuries:

1. **Employee** Responsibilities:

- a. Notify Supervisor or Human Resources he/she is injured or is ill.
- b. Fill out First Report of Occupational Injury & Illness Report form. Refer to the form in the Forms Appendix or obtain State Forms from Human Resources.
- c. Report to authorized medical care facility. See Human Resources for list of authorized medical care facilities.

2. **Supervisor** Responsibilities:

- a. Ensure prompt and appropriate medical attention.
- b. Notify the Human Resources representative within 24 hours.
- c. Assist employee with completing the First Report of Occupational Injury & Illness Report form within 24 hours. Take time to listen to injured worker. Do not be judgmental until all the facts are known. Do not discuss the case with any other co-worker. Keep all information **Confidential** and follow HIPPA regulations.
- d. Complete Incident Investigation & Analysis Report within two workdays. Refer to the form in the Forms Appendix.
- e. Do not terminate the injured employee or otherwise threaten retaliation.
- f. Review, sign, and forward within two workdays the Incident Investigation & Analysis Report to:
 - 1) Company President
 - 2) Local Human Resources
 - 3) Safety Committee Chairperson
 - 4) Risk Management

3. **Human Resources** Responsibilities:

- a. Assist employee by identifying authorized medical facilities.
- b. Report the claim or incident to the insurance carrier within **24 hours** after receiving notice from an employee or supervisor.
- c. When filing report to insurance carrier, use proper forms and procedures to distinguish between an Incident and a Claim.
- d. If you suspect fraud, immediately advise the claims adjuster and Risk Management.
- e. Explain Workers Compensation process to Employee and make sure Employee has claims adjuster contact information.
- f. Weekly contact with claims adjuster.
- g. Check on the injured employee periodically during the recovery period to monitor his/her progress.
- h. Do not discuss incident with co-workers other than interviewing injured employee and witnesses.
- i. Do not terminate injured employee or otherwise threaten retaliation.
- j. Do not allow employee to return to work without a medical release from the attending physician and coordination with the claims adjuster.
- k. Consider transitional duty positions to allow the employee to return to work as soon as medically appropriate.
- l. Maintain records of all work-related injuries/illnesses to comply with OSHA record keeping requirements. Refer to Section 2, General Information, for information about OSHA Record Keeping Requirements.

Reporting Automobile Accidents

The following is discussed as it relates to reporting automobile accidents:

- Reporting Automobile Accidents Procedure
- Accidents That Do Not Involve a Third Party **and** Damages are Less Than \$1,000.00
- Accidents Involving Personal Vehicles on Company Business
- Accident Reporting Kit
- Accident Scene Guidelines

Reporting Automobile Accidents Procedure

Follow the procedure below to report an automobile accident:

1. Report full details of any accident involving a company vehicle or employee personal vehicle on company business to Risk Management by telephone within **24 hours** regardless of fault.
2. If required by law, the driver must complete appropriate accident forms and file them with the municipal or state police or highway department where the accident occurred. Provide a copy of all completed accident reports to Risk Management within **48 hours**.
3. Report all auto claims to Risk Management using the Automobile Loss Notice form (Forms Appendix) or the Accident Reporting Kit (in vehicle). See "Where to Report Claims" for specific contact information.
4. The immediate supervisor reviews all completed reports prior to sending to Risk Management. Also forward copies of the Police Report and estimates to Risk Management. **DO NOT WAIT** on police report or estimates before sending the Automobile Loss Notice form to Risk Management. These forms can be submitted separately.

5. Payment for vehicle repairs must be coordinated with respective accounting departments. Insurance company checks are not mailed to repair facilities or local companies.
6. Vehicles driven by an unauthorized spouse or employee involved in an accident is the sole responsibility of the employee. The employee is responsible for all repairs to said vehicle.

Accidents That Do Not Involve a Third Party and Damages are Less Than \$1,000.00

Regardless of fault and how minor the accident, accidents must be reported to Risk Management. Follow the guidelines below in the event of an accident that does not involve a third party and damages are less than \$1,000.00:

1. An Automobile Loss Notice form (Forms Appendix) still needs to be filed with Risk Management.
2. A formal claim is not filed.
3. The cost to repair the company vehicle is treated as an expense.

Accidents Involving Personal Vehicles on Company Business

1. If an employee is driving his/her personal vehicle on company business and is involved in an accident, the employee must file a claim with his/her personal insurance company.
2. If accident results in injuries to employee or third parties, notify Risk Management
3. The automobile policy only applies to amounts in excess of the employee's personal auto policy and only to liability.
4. Physical damage coverage for an employee-owned vehicle is the sole responsibility of the employee. The Company is not responsible for any repairs or deductible amounts.

Accident Reporting Kit

Each vehicle is equipped with an Accident Reporting Kit that must be used following every accident, no matter how minor the accident. It is the responsibility of the vehicle operator to ensure the Accident Reporting Kit is in the vehicle.

An Accident Reporting Kit includes the following:

- Automobile Loss Notice form
- Accident site diagram
- Current insurance certificate
- Vehicle registration papers

Accident Scene Guidelines

Follow the guidelines below in the event of an automobile accident:

1. DO NOT leave the scene of the accident.
2. DO NOT admit liability or accept responsibility for any actions or payments.
3. DO NOT authorize any repairs.
4. Report the incident to the appropriate police authority and wait for them at the accident scene. If the police do not appear, go to the nearest police station to file a report as soon as possible.
5. Complete required state motor vehicle reports or financial responsibility forms.
6. Obtain the following information:
 - a. Name, address, and phone number of the other driver(s)
 - b. Name, address, and phone number of owner of other vehicle(s), if different from driver
 - c. Name of other party's insurance carrier and policy number

- d. Names, addresses, and phone numbers of all passengers
- e. Names, addresses, and phone numbers of all witnesses
- 7. Gather available information on how, when, and where the accident happened, and who may have been injured.
- 8. If vehicle(s) are being towed from the accident scene, get the identity of the wrecker service and location to where the vehicle(s) are towed.
- 9. Report any lawsuit or attorney letter of representation immediately to Risk Management, **and** Susan Sowell, Assistant General Counsel. If neither one is available, report lawsuit directly to Palmer & Cay with a copy to Angela Matherly, and Susan Sowell. **It is imperative that lawsuits are reported on the same day received.** Document the date, time, and to whom the service of suit papers are addressed/accepted.
- 10. NEVER give any recorded statements to a claims adjuster unless you have verified the adjuster represents FairPoint Communications, Inc.
- 11. If an accident results in death of an employee or third party, immediately report the incident to Angela Matherly at FairPoint Communications, Inc.

Reporting Stolen Vehicles

Follow the procedure below to report a stolen vehicle:

1. Report the theft immediately to the police and then to your supervisor and Risk Management.
2. Complete the Automobile Loss Notice form (Forms Appendix).

Note: Company insurance does not include coverage for stolen personal property. A personal comprehensive homeowner's insurance policy usually covers theft of personal property.

Reporting Accidents Involving the Public Not Resulting from an Automobile (General Liability)

Follow the procedure below to report accidents/occurrences involving **bodily injury**, **personal injury**, or **property damage** to members of the public, *not resulting from an automobile*:

1. Report the accident/occurrence to Risk Management using the General Liability Loss Notice form (Forms Appendix). See "Where to Report Claims" for specific contact information.
2. DO NOT admit liability or accept responsibility for any actions or payments.
3. DO NOT authorize any repairs to property of a third party.
4. DO NOT volunteer payments for damages or injuries, even minor ones, as this could be an admission of liability and could compromise the company's and insurance carrier's position.
5. Report any lawsuit or attorney letter of representation immediately to Risk Management, **and** Susan Sowell, Assistant General Counsel. If neither one is available, report the lawsuit directly to Palmer & Cay with a copy to both Angela Matherly. **It is imperative that lawsuits are reported on the same day received.** Document the date, time, and to whom the service of suit papers are addressed/accepted
6. Obtain the following information:
 - a. Name, address, and phone number of all injured persons
 - b. Name, address, and phone number of witnesses
7. If you are being pressured by the claimant to admit liability or authorize repairs and payments, obtain the following claimant information:
 - a. Name
 - b. Address
 - c. Phone Number

Advise claimant you are reporting the accident to your insurance carrier and the insurance adjuster will contact the claimant shortly. If the claimant continues to contact you, refer claimant to Angela Matherly at 704-344-8150.

Reporting Property Damage and Theft

Follow the procedure below to report property damage and theft:

1. Report building and contents losses to Risk Management using the Property Loss Notice form (Forms Appendix). See “Where to Report Claims” for specific contact information.
2. Make sure everyone is safe.
3. Report loss to appropriate authorities (Fire Department, Police).
4. Make reasonable/temporary repairs, such as boarding all broken windows, covering roof or wall openings, and providing security protection, to prevent further damage until insurance company personnel inspect the property damage. If possible, take photographs prior to making temporary repairs/clean up.
5. Preserve all evidence of property damage for inspection by insurance company personnel. Do not throw anything away.
6. DO NOT make PERMANENT repairs/replacement arrangements until the claim is discussed with the insurance company and authorized by Risk Management.
7. Restore/reset the fire protection system, if possible.
8. Establish a separate accounting file to track all loss related extra expenses, such as personnel time and additional supplies as well as property replacement and construction costs.
9. Company insurance does not include coverage for stolen personal property. A personal comprehensive homeowner’s insurance policy usually covers theft of personal property.

Accident Investigation

All accidents resulting in an injury to an employee are investigated promptly. This investigation is separate from the reporting of accidents for insurance purposes or OSHA record keeping requirements. The accident investigation has only one purpose: Determine the cause of the accident to prevent future accidents. Use the Incident Investigation & Analysis Report in the Forms Appendix to record information for this purpose.

The following guidelines apply to accident investigation:

1. The employee's immediate supervisor investigates the accident. Human Resources or a safety committee member may assist, if requested.
2. Conduct investigations as soon as possible after the accident since conditions change and memories fade quickly. However, make certain all necessary steps, such as caring for an injured person, mopping up wet floors, and blocking off hazardous areas, are taken before beginning an investigation.
3. Avoid blame fixing or faultfinding. Develop the accident facts from the persons involved and witnesses. Try to determine the cause of the accident.
4. Be aware the immediate or apparent cause of an accident (unsafe act and/or condition) usually is the result of an operating error or process problem. This error or problem, such as failure to provide proper equipment or give proper job instructions, is the real or basic cause of the accident and is where corrective action should be directed. Ensure the corrective action corrects the basic cause. Also, ensure the corrective action does not create other problems that can result in accidents.
5. Review, sign, and forward within two workdays the Incident Investigation and Analysis Report to:
 - a. Company President
 - b. Local Human Resources
 - c. Safety Committee Chairperson
 - d. Risk Management
6. Safety committee chairpersons should review all investigation reports. Return incomplete or improperly completed reports to the individual making the report for proper completion.

Litigation

The Risk Management Department and the General Counsel is responsible for the control and monitoring of all litigation.

Contact Angela Matherly, and Susan Sowell at 704-344-8150 immediately upon receipt of suit papers, letters threatening legal action from claimants, and/or letters of representation from attorneys. The Risk Management Department provides instructions on actions to be taken.