

PERSONNEL RULES & REGULATIONS MANUAL

SECTION 1500 WORK-RELATED INJURIES OR ILLNESS

Section 1501. Workers' Compensation Insurance

All employees are covered by Workers' Compensation Insurance in the event they sustain a work related injury, illness, or death that arises out of the course of employment with the City. In the event of an employee's death, spouses and dependents are entitled to survivor benefits as determined under the Workers' Compensation Act. Workers' Compensation leave runs concurrently with Family Medical Leave (FMLA).

Section 1502. Reporting an On-the-Job Injury or Illness

Employees who believe they have suffered a work-related injury must immediately report the injury to his/her Department Head or designee no later than the end of the business day on which the injury or illness occurred. All work-related injuries or illnesses, including those that do not require emergency medical care, must be reported. Upon being advised of an injury, the Department Head or designee shall immediately provide notice to the Human Resources Department. The Department Head or designee is also responsible for reporting all work-related injuries to the City's workers' compensation insurer.

Section 1503. Supervisor Responsibilities

It is the responsibility of the Department Head or designee to notify Human Resources when an employee is absent from work due to a work-related injury or illness. The Department Head or designee should code an employee's compensable missed time from work as workers' compensation leave on the employee's time record, with the exception of the initial three days which should be recorded as sick leave provided:

- a. The Department Head or designee and the Human Resources Department have received notification from the workers' compensation insurer that the claim is compensable.
- b. The Department Head or designee and the Human Resources Department have medical documentation from the treating physician stating the employee is not fit for duty and the time period the employee is expected to be absent from work.

The Department Head or designee is also responsible for submitting to Human Resources a copy of any time record reflecting an employee's time missed from work due to a workers' compensation injury. Failure to do so will result in the time out being charged to annual leave.

Section 1504. Adjudication of Workers' Compensation

The City's workers' compensation insurer will investigate the circumstances surrounding the injury, illness, or death of an employee. In accordance with applicable Maryland law, the insurer will determine if the employee's injury, illness, or death is compensable. The insurer will notify the employee, the supervisor and the Human Resources Department as to the status of the injured workers' claim. If the claim is determined to be non-compensable, the insurer will notify the employee, the supervisor and the Human Resources Department in writing of the denial.

Section 1505. Medical Documentation

Employees requesting time off because they are unable to perform essential job functions due to a work related injury or illness must provide the City with medical documentation from the employee's treating health care provider. This documentation must state he/she is unable to perform his/her normal work duties based on the employee's job description, the projected length of inability to return to work or the ability to return to work in a modified work status (alternate duty).

All medical documentation must be provided to the Human Resources Department. Failure to do so will result in the time out being charged to annual leave.

Section 1506. Missed Time

An employee that misses three workdays or less due to a work-related injury or illness, irrespective of whether the claim is accepted or denied, must record the missed time as sick or annual leave. The first three days an employee is absent from work is not compensable for lost wages under Workers' Compensation Insurance and will be charged to the employee's sick leave or annual leave. Sick or annual leave charged to the employee for the first three days missed due to the injury will be credited back to the employee if the employee misses more than 15 days of work due to the work-related injury or illness.

Employees are only entitled to lost time benefits if a health care provider authorizes time off work due to the compensable injury or illness. Upon returning to work after an injury or illness, employees will be required to use other paid leave, such as sick or annual leave, to attend any medical appointments related to the work related injury.

Section 1507. Return to Duty

Prior to returning to duty, the employee must provide a full medical release from the treating physician which specifies all restrictions, if any, upon the employee's ability to perform his or her full range of duties. Failure to provide medical documentation verifying absence from work and the length of your inability to work will result in missed time being charged to annual leave.

Employees recuperating from an injury or illness, and unable to perform essential job functions, shall provide the City with medical documentation from the employee's treating physician identifying any limitations the employee may have based on the employee's job description. The documentation must also state the date on which the employee will next be examined or released for full duty.

Section 1508. Alternate Duty

Alternate duty is defined as temporary work, which can be accomplished by an injured or ill employee within the stipulated medical or physical limitations, and without exposing others to the risk of being harmed. Alternate duty is further defined as temporary work, which when accomplished, will contribute to the fulfillment of the mission of the department as distinguished from "make work" assignments created solely to accommodate ill or injured employees.

The Department Head and the Human Resources Director will determine, based on medical documentation, if alternate duty is available within the department or in another department. An employee must notify the Human Resources Director and Department Head or designee of their release for alternate duty by the employee's treating physician. An employee that is released for alternate duty but refuses the alternate duty assignment will record all time missed as annual leave with the approval of the Department Head or designee.

Employees released to alternate duty will be advised via the employee's Department Head or designee if alternate duty is available.

It is the responsibility of the employee to inform all health care providers of the City's alternate duty policy. Failure to do so may result in disciplinary action.

Section 1509. Benefits While on a Workers' Compensation Absence

In the event the third-party claims administrator determines that the injury or illness is compensable, employees are entitled to, but not limited to, the following benefits:

1509.1 Medical Benefits

Employees needing care will be treated, and if necessary, transported to an emergency care facility. Employees receiving medical treatment must forward all medical bills to the Human Resources Department for processing. The City's third party claims administrator will pay all medical bills related to

an employee's injury or illness that are determined to be reasonable and customary by the third party claims administrator. Employees requiring medical treatment while on duty will be directed to the City's Workers' Compensation Managed Care Program (a medical provider network that assists the injured worker throughout their medical treatment). Employees may also choose their own treating physician. If a claim is deemed to be non-compensable by the City's Workers' Compensation Managed Care Program and the employee seeks treatment through their treating physician, the employee or the employee's health care provider will be responsible for any medical expenses incurred.

1509.2 Prescriptions

If an employee needs a prescription as a result of a work-related injury or illness, the employee's supervisor will provide the employee with information regarding the workers' compensation pharmacy program. (Supervisors can obtain this information from the Human Resources Department.) This will allow the employee to have the prescription filled without any co-pay or out-of-pocket expenses.

Section 1510. Benefit Payments

Under the City's Workers' Compensation policy, an employee will be provided with full pay, up to the first 90 days after an accident, if the employee is unable to return to work. After ninety (90) days, Workers' Compensation will pay sixty-six and two-thirds percent (66 2/3%) of the employee's gross average weekly wage at the time injury or illness up to a statutorily established cap. Any income the employee receives from Workers' Compensation is not taxed.

a. Temporary Total Disability (TTD)

Employees authorized time off work for more than three days are entitled to TTD benefits. TTD benefits are paid at a rate of sixty-six-and-two-thirds percent (66 2/3%) of the employee's average weekly wage, at the time of injury or illness up to the State's maximum allowed benefit. Average weekly wages are calculated on injured employee's regular wages for the fourteen (14) weeks prior to the date of injury. Employees are entitled to TTD benefits for as long as they are authorized off work due to the injury or illness, or until they have reached maximum medical improvement as determined by a health care provider. Although not required by state law, the City will contribute an additional thirty-three and one-third percent (33 1/3%) of the employees' annual salary for the first ninety days the injured worker is unable to work.

b. Permanent Partial Disability (PPD)

In some cases employees may suffer a PPD as a result of an injury or illness and may be entitled to compensation for the disability. The Workers' Compensation Act determines the amount of PPD compensation.

c. Permanent Total Disability (PTD)

If employees reach the maximum medical improvement and are still medically unable to return to work, they may be entitled to PTD benefits. These benefits are paid at a rate determined under the Workers' Compensation Act.

Section 1511. Employer Benefits

The employee's cost for his/her benefits will remain unchanged if the employee is unable to perform his/her job duties due to a work related injury. The employee is responsible for coordinating payment of all applicable premiums with the Human Resources Department.

Section 1512. Retirement Plans

City contributions to an employee's retirement plans will be calculated on the 1/3 salary paid by the City for the first ninety-days (90) the employee is unable to return to work due to the work related injury.

Section 1513. Violations

Any person who knowingly and with intent to injure, defraud, or deceive any employer or employee, insurance company, or self-insured program, or who files a statement of claim containing any false or misleading information, will be subject to disciplinary action.