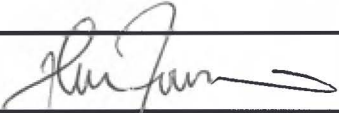




## Human Resources Policies and Procedures

Policy Title: <b>Worker's Compensation</b>	Policy Number: 4.13
Effective: January 1, 2019	
Supersedes: 1988 Personnel Rules and Regulations #18, p.19; October 30, 2005	
Approval: 	Page 1 of 8

### 1.0 Scope

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|--|--|
| <input checked="" type="checkbox"/> Full-time          | <input checked="" type="checkbox"/> Union        |
| <input checked="" type="checkbox"/> Part-time          | <input type="checkbox"/> Independent Contractors |
| <input checked="" type="checkbox"/> Temporary/Contract | <input type="checkbox"/> Boards and Commissions  |
| <input checked="" type="checkbox"/> Salaried           |  |

*Employees who are covered under the provisions of a collective bargaining agreement will follow the standards as contained in their respective contracts if this policy conflicts with the language in the contract.*

### 2.0 Purpose

The City of Ann Arbor complies with the Michigan Worker's Disability Compensation Act of 1969. The City provides our employees who are injured on the job with medical and rehabilitation services to afford employees the quickest recovery and return to work. This policy will set out the pertinent provisions of the City's workers' compensation program and the procedure for the proper handling of worker's compensation claims.

### 3.0 Policy

In the event an employee has a work-related accident or injury and/or illness while on the job, the incident shall be documented, a thorough investigation will be conducted and appropriate care will be provided to the employee.

#### 4.0 Responsibility

Human Resources Services is responsible for the intake, review, and administration of employee worker's compensation claims. Employees who are injured as a result of work must report their claims to their supervisor in accordance with the defined accident reporting procedures.

#### 5.0 Definitions

- 5.1 Covered injury/illness** is one which arises out of and in the course of employment as defined by Michigan law.
- 5.2 Compensable injury or illness** is one that prevents an employee from performing his/her functional responsibilities or substitute responsibilities for a period of time of at least one calendar day.
- 5.3 Light Duty** is work that is provided to an employee who cannot perform his or her normal work duties as a result of a work related illness or injury, as documented by a physician.

#### 6.0 Procedures

##### 6.1 Reporting a non-life threatening injury

- A. All on-the-job injuries must be reported within 24 hours to the employee's supervisor. Late reporting of injuries may result in benefits being delayed, reduced, or denied.
- B. The supervisor is responsible for completing and signing the Employer's Report of Injury Form. The form should be sent directly to Human Resources Services / Benefits Representative
- C. The employee should get an "authorization for treatment" form from their supervisor or Human Resources Services. This form is also posted to A2Central and UltiPro.
- D. The employee is required to receive initial medical treatment at the medical facility approved by the City.
- E. The employee should provide a physician's report by mail or fax after every medical appointment to her/his supervisor or Unit Manager. This physician's report must clearly state whether or not

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the employee is able to work and what restrictions are in place, if any.

## **6.2 Reporting a life threatening injury**

- A. In a life threatening injury, the employee should receive the proper medical treatment immediately. Therefore, in these situations, the on-site supervisor may exercise discretion to secure the proper medical treatment for the injured employee. The important emphasis at this stage is placed upon the employee receiving immediate medical treatment.
- B. After medical treatment has been secured, the procedures outlined in 6.1 must be followed.

## **6.3 Compensation and Benefits Continuation for Work Related Injuries**

### **A. First 52 weeks:**

1. Supplemental: The Employer agrees that an employee whose absence from work is due to illness or injury arising out of and in the course of his/her employment with the City, and who is eligible for Worker's Compensation, and seeks medical treatment, shall in addition to Worker's Compensation benefits, receive the difference between the Worker's Compensation benefits and his/her net City salary and all fringe benefits (except clothing and equipment allowance) as of the date of injury (excluding overtime) commencing on the first day on which he/she is unable to work due to work-related illness or injury. Supplemental payments will be paid thereafter until the 365<sup>th</sup> day following such injury.
2. Net Pay: Net pay for purposes of determining the supplement will be calculated as follows:

Employee's bi-weekly wage less Federal taxes, State taxes, FICA and pension withholding. The supplemental amount will not increase because of a change in the employee's W-4 form.

3. Pension: For computation of pension withholding and final average compensation for retirement calculation, the employee's regular bi-weekly salary will be used instead of the actual supplemental amounts paid. For periods of less than two weeks, the amounts will be prorated. The City will bear any additional necessary cost to make the pension contribution the

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same as if the employee were working. Worker's Compensation benefits shall not be used for purposes of computing final average compensation for pension.

4. Reoccurrence: If an employee returns to work prior to the expiration of the 52 week period, and then is off again due to a reoccurrence or aggravation of the disability resulting in the prior absence from work, that employee shall be entitled to receive supplemental pay for a number of weeks equal to 52 minus the number already received.

**B. After 52 weeks:**

1. Payment: After the 52-week period, an employee who is eligible for Worker's Compensation benefits will receive only those statutorily mandated Worker's Compensation benefits. After the 52-week period, the employee will not be eligible to receive any insurance benefits or accrue any sick, vacation, personal, or other time, unless the employee is using accrued sick, vacation or compensatory time to supplement worker's compensation payments up to net salary.
2. Pension: After the 52-week period, an employee who is eligible for worker's compensation benefits will not have any pension withholdings taken nor will he/she receive pension credit.

## **6.4 Challenged Claims**

- A. In some instances the City and/or the Claims Administrator may challenge the employee's claim to workers' compensation. The merits of the case will be the primary element in reviewing the City's position. While many factors will be taken into consideration, the City will definitely challenge under any one of the following conditions:
1. There is intentional and/or willful misconduct by the employee that caused the injury.
  2. There is intentional and/or willful misconduct by the employee to deceive the City regarding the injury.
  3. The injury report is filed significantly late. (Exceptions due to employee's health may be an accepted delay).

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4. The employee refuses medical treatment by the City's authorized health care providers.
  5. When, after investigation, the facts show the injury is not work related.
- B. In challenged cases where the employee is not working, the employee may request a medical leave of absence (Policy 4.6).

### **6.5 Medical Treatment**

- A. For the first twenty-eight (28) days after an injury, the employee will be treated at the City's designated medical facility, if medical care is necessary. If the employee desires, s/he may have a physician of their own, at their own cost, attend the examination.
- B. The supervisor shall follow through to make sure the employee has visited the physician. After twenty-eight days, if the employee still requires ongoing medical treatment or is either partially or fully disabled, s/he may elect to be treated by a physician of his or her choice. The employee should make this formal request to see a new physician through the Benefits Representative and supply name and contact information for the new physician. The City has a right to challenge the employee's selection of a physician.
- C. The employee will be furnished, upon request to our Claims Administrator, all medical documentation relating to their work-related injury within a reasonable time of the employee's request.
- D. The employee shall furnish the City a copy of her/his physician's report within a reasonable time of the examination and an updated report every 60 days thereafter.
- E. At any time the City can authorize its medical facility or Claims Administrator to schedule an examination with an independent medical physician. The employee is required to report for the physical examination.
- F. Employees are required to attend all scheduled follow-up examinations and appointments for treatment, including physical therapy, with the City's designated physician or other medical provider.
- G. All follow-up medical visits and medical appointments, including physical therapy, shall be scheduled either before or after an

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employee's work hours. If there is an appointment during normal work hours, the employee will be compensated straight time.

- H. Except as otherwise provided in the Family and Medical Leave Act of 1993, the City's designated physician may be requested to make the final determination of when an employee is able to return to work.

## **6.6 Physician visits**

- A. All employees visiting a physician under this policy, whenever scheduled, are not to be paid additional compensation by the City. Examples:
1. An employee off of work on a compensable workers' compensation leave and ordered to a physician shall not be paid an overtime rate.
  2. An employee off work on a challenged case and ordered to a physician shall receive no compensation.
  3. An employee scheduled for a medical examination by the City or Claims Administrator during their working shift shall be paid regular time with no deduction in pay during the time they are off of work for the examination.
  4. If an employee is working, but is scheduled for a medical examination during non-duty hours, no compensation is due.

The Claims Administrator will pay all eligible medical bills.

### **B. Additional Medical Treatment upon Return to Work**

The treatment must meet the criteria below to be considered an official worker's compensation medical treatment:

- Initial Treating Physician (if treated in the ER)
- Occupational Health Clinic (i.e. Washtenaw Urgent Care)
- An official referral from the Occupational Health Clinic.

Any questions regarding whether a treatment is considered approved should be directed to the Benefits Representative.

There will be no overtime paid for follow-up medical treatment that meets the above criteria. Also, any contractual call back provisions are

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not applicable (i.e., there is no minimum guarantee of hours).

If treatment is necessary during the employee's normal shift, the employee will be released and will not be required to utilize sick time.

If the treatment is necessary during off shift hours, the employee will receive equivalent compensatory time at a straight rate that will be determined on a pay period basis. The employee must document all treatment hours on off-shift hours and submit them to the Benefits Representative on a pay period basis. The straight time off shall include travel time to and from the location necessary for follow-up treatment.

The Employer maintains the flexibility to change the schedule of employees requiring follow up treatment when operationally necessary.

## **6.7 Return to Work**

A. The employee must be released to return to work by the treating physician. A written statement verifying the employee's release must be submitted to Human Resources Services. The physician's report must clearly state whether or not the employee is able to return to work and what restrictions, if any, are necessary.

B. A physical exam and assessment conducted by an employer-designated physician may be required prior to the employee's return to work.

### **C. Light Duty**

While an employee is receiving Worker's Compensation benefits, he/she shall be required to perform work that is offered by the City if he/she is capable of performing that work, including limited and light duty work. If an employee refuses to perform other work offered that he/she is capable of performing, the right to supplemental pay shall be forfeited and the employee will lose regular Worker's Compensation benefits under the Act.

First 52 weeks: If the employee is offered this work during the first 52 weeks, when he or she is entitled to supplemental payments, the salary for the work offered will not be lower than his/her salary prior to the worker's compensation illness or injury.

After 52 weeks: If the employee is offered work after the 52 weeks, his/her salary shall be that of the job offered.

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- D. Prior position: At any time that the employee is able to return to his/her regular position, he/she shall be required to do so. Failure to return will result in forfeiture of weekly supplemental payments and loss of regular Worker's Compensation payments under the Act.
  
- E. Other positions: If the employee is not able to return to his/her former position but is able to perform work in another open position, he/she may be offered that position and his/her pay shall either be commensurate with the salary or wage grade for that position.

### **6.8 Secondary Employment**

- A. Notice: While an employee is receiving Worker's Compensation benefits, he/she shall notify the City if he/she is working elsewhere. Failure of an employee to notify the City that he/she is employed elsewhere shall result in the employee forfeiting his/her right to any additional weekly supplemental payments to which he/she would otherwise have been entitled, and in reimbursing the City an amount equal to that earned at other employment but not to exceed the amount the employee would have been entitled to as supplemental pay.
  
- B. First 52 Weeks: In the event that the employee is receiving income from another job and still remains on Worker's Compensation, the amount of the City's contribution shall be reduced by such an amount so that the total of the Worker's Compensation, City contribution, and outside income will not exceed his/her City net salary as of the date of the injury.

### **6.9 Coordination of Benefits**

The Worker's Compensation and Pension benefits paid to an employee or a retiree shall be coordinated so that the amount of pension paid to that person shall be reduced by the amount of the Worker's Compensation payments. Upon termination of the period for payment of Worker's Disability Compensation, the employee or retiree shall again receive his/her full periodic pension payments.

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