

Livingston County Michigan Human Resources Policy Manual

Section: Subject:	Workers Compensation
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A. POLICY

1. PURPOSE:
To establish uniform procedures for Workers Compensation claims and payments.
2. POLICY STATEMENT:
Livingston County will provide workers compensation insurance for all employees as required by the Workers Disability Compensation Act of 1969. Workers Compensation is a State of Michigan regulated program that is paid by employers. Livingston County administers this benefit as outlined in this policy.
3. APPLICABILITY:
Workers Compensation applies to all county employees including elected officials and temporary employees. Contractual obligations which exceed statutory requirements are printed by bargaining unit at the end of this policy. Represented staff should consult their individual labor agreement for their specific benefits.
4. DEFINITIONS:
5. REFERENCE AND LEGAL AUTHORITY:
Workers' Disability Compensation Act of 1969,
Act 317 of 1969
Family and Medical Leave Act (FMLA)
Health Information Portability and Privacy Act (HIPPA)
American's with Disability Act (ADA)
Bullard-Plawecki Right-to-Know Act, Public Act No. 397 of 1978
6. SEE ALSO:
Personnel Record Keeping Policy
Employee Handbook or Labor Union Contracts where applicable.
Family and Medical Leave Act (FMLA) Policy
Employee's Report of Injury Form
Supervisor's Report of Accident Form
Personnel Action Request Form
Livingston County Ambulance Service Exposure Control Plan
Livingston County Department of Public Health Personal & Preventative Health Services
Standard Operating Procedure – Exposure Control Plan – Bloodborne Pathogens Component
7. SUPERSEDES: Resolution No. 106-019 approved on 01/17/06
8. APPROVED BY:
Personnel Committee 1/04/06, 4/19/06
Board of Commissioners: 1/17/06 and 4/24/06
9. RESOLUTION: No. 2006-04-129

10. REVIEW HISTORY:

B. PROCEDURE

Livingston County's Liability for employees who are injured on the job at Livingston County is covered by Workers' Compensation Insurance or self-insurance. Any employee involved in a work related accident or injury must (1) report that accident or injury to his/her immediate supervisor as soon as possible (ideally within 24 hours) after the injury and (2) fill out the proper reporting forms, i.e. Employee's Report of Injury. Failure to properly report an injury may disqualify an employee for benefits. It is the employee's responsibility to immediately notify their immediate supervisor or in the absence of the immediate supervisor, the next available supervisor of any injuries sustained while on the job.

Report of Injury: Employees will be required to complete a form entitled "Employees Report of Injury". The form, along with the form completed by the immediate supervisor, "Supervisor's Report of Accident", must be forwarded to the Human Resources Department as soon as possible (ideally within 24 hours.) A Personnel Action Request Form (PAR) will be prepared, where the absence from work is anticipated to be seven calendar days or more. Human Resources will complete the required paper work and file a claim with the County's workers compensation carrier or third party administrator.

Examination: An employee who completes an accident report claiming their injury or illness is work related may be sent to the County's doctor or a prior approved medical facility or doctor.

Medical Treatment: If continued medical treatment is required, the employee shall continue treatment with a designated medical treatment center for the first ten days. After ten days from the inception of medical care, the employee may treat with the physician of his/her choice by giving the County the name of the physician and the intent to treat with the named physician. If, at any point, it is deemed the injury or illness is not work related or that medical treatment is not indicated, Livingston County will only be responsible for the medical costs arising out of or directly related to the determination of non-coverage. All other medical costs associated with the employee's claim will be the responsibility of the employee and/or the employee's insurance carrier.

Wage Loss Benefits: If the injured employee is off work as a result of the injury more than seven days and if the workers compensation carrier approves the claim, statutory weekly wage loss payments will begin. If the claimant is off work more than 14 days, payment for lost time will go back to the first day of the injury causing wage loss absence. Medical expenses for approved work related injuries are covered by workers compensation and do not require the employee to suffer wage loss as a result of the injury/illness. An employee receiving workers compensation wage loss benefits will accrue vacation and sick leave credits on a pro rata basis to the extent the employee supplements their workers' compensation wage loss payments with accumulated sick and/or vacation leave time. Employees receiving workers compensation wage loss benefits will not receive holiday pay. The workers compensation carrier will provide a report to Human Resources and payroll whenever a new payment for an injured employee begins or ends. The County Clerk's payroll office will process wage loss benefits on a bi-weekly basis.

Benefit Continuation: In the event a regular employee is off work and is being compensated under the workers' compensation law for an on-the-job injury or illness, Livingston County will continue, for eligible employees for a maximum of one (1) year from the date of the injury, to pay the premiums on health, dental and life insurance, where applicable. Thereafter, the employee may make arrangements to pay the premiums to continue those insurances, provided that the insurance carrier(s) permits the same.

Medical Appointments: Livingston County will count time an employee with a work-related injury spends at a medical appointment during work hours as time worked. However, every effort

must be made by the employee to schedule medical appointments outside of work hours. If an employee has a medical appointment outside of normal working hours, the time spent obtaining medical care is not compensable.

Mileage Reimbursement: Claimants are also entitled to mileage reimbursement when traveling to treating doctors and/or physical therapy. Mileage reimbursement forms will be available from the insurance carrier.

Return to Work: Employees are expected to communicate with their supervisor and the Human Resources Department regarding the length of absence from the job their injury requires. Employees are encouraged to work with their treater to return to work as soon as possible. A release from your treating physician will be necessary in order for an employee to return to work along with clearance from the Human Resources Department.

Favored Work: Any job restrictions recommended by a medical provider which require favored work will be reviewed on a case by case basis.

Workers Compensation Records Segregated: Human Resources shall maintain workers compensation records in a separate file which shall not be included in an employee's personnel file. Copies of the workers compensation claim and supporting medical information will be kept in a confidential file consistent with Bullard-Plawewski Right-to-Know Act, Public Act No. 397 of 1978, HIPPA requirements, and ADA.

Retaliation Prohibited: An employer will not be penalized or discriminated against an employee because he or she files, intends to file, receives a settlement or award on a Workers' Compensation claim or testifies for a co-worker who was injured.

FMLA Coordination: Please note that FMLA runs concurrently with Workers Compensation time off the job.

Employees remain responsible for any buy-up benefit selections made under County Choices.

SPECIFIC PROVISIONS OF PERSONNEL POLICIES OR UNION CONTRACTS:

Non-Union Employees

Regular employees who sustain an injury or disease for which compensation is paid under the Worker's Compensation Act may elect to supplement the benefit with accrued sick or accrued vacation leave. Paid leave will accrue on a pro rata basis that is based on the percentage of sick or vacation leave used to supplement the Workers' Compensation benefit for lost wages.

An employee receiving workers compensation payments shall accrue vacation and sick leave credits while on workers' compensation leave provided they have enough accruals to supplement the workers compensation payment.

Health Insurance Continuation: In the event a regular employee is off work and is being compensated under the workers' compensation act for an on-the-job injury or illness, the County will continue for eligible employees for a maximum of one (1) year from the date of the injury, to pay the premiums on health, dental and life insurance, where applicable. Thereafter, the employee may make arrangements to pay the premiums to continue those insurances under COBRA.

911 Central Dispatch (excerpt from the collective bargaining agreement at §18.1)

Any employee involved in a work related accident or injury must report that accident or injury to the operations manager and the Human Resources department as soon as possible after the mishap and fill out the proper reporting forms. Failure to properly report an injury may disqualify the employee for benefits under workers' compensation insurance.

Building Inspection (excerpt from the collective bargaining agreement at Article 19, §3)

Any employee involved in a work related accident or injury must report that accident or injury to his/her department head and the Human Resources department as soon as possible after the mishap and fill out the proper reporting forms. Failure to properly report an injury may disqualify you for benefits under workers' compensation insurance. An employee receiving workers' compensation payments shall not earn vacation and sick leave credits while on workers' compensation nor shall they be eligible to receive holiday pay. In the event a regular employee is off work and is being compensated under the workers' compensation law for an on-the-job injury or illness, the employer will continue for eligible employees for a maximum of twelve (12) months from the date of the injury, to pay the premiums on health, dental, and life insurance, where applicable. Thereafter, the employee may make arrangements to pay the premiums to continue those insurances, provided that the insurance carrier permits the same. All other fringe benefits shall cease while on workers' compensation.

Court (excerpt from the collective bargaining agreement at Article 28)

The Employer Shall Provide Workers' Compensation Protection for All Employees.

Sheriff Deputies, Detectives, and Corrections Officers (excerpt from the collective bargaining agreement at Article XXIV)

Any employee sustaining an occupational injury, for which compensation is paid by the worker's compensation insurance carrier, shall receive from the employer a salaried payment equal to the difference between the compensation benefits and his/her regular bi-weekly straight time salary for a period not to exceed twelve (12) calendar months. Such employee shall receive a salary payment equal to the difference between the compensation benefits and their regular bi-weekly straight time salary, by crediting accumulated sick leave days and vacation time accumulated and earned by the employee. The employer further agrees to provide, if possible, a position that the employee is able and capable of performing upon termination of his worker's compensation injury if a position is available. Fringe benefits shall terminate after an employee has been on worker's compensation for one hundred twenty (120) days.

EMS (excerpt from the collective bargaining agreement at §11.3)

Workers' compensation leave and filling vacancies during workers' compensation leave. The employer shall continue to pay the employee's blue cross/blue shield, dental and life insurance premiums only for a maximum of one (1) year, if such leave is the result of a work connected injury and is covered by workers' compensation. Employees receiving workers' compensation benefits shall not be entitled to, nor shall they receive, any salary supplement from the employer. No other fringe benefits, such as, but not limited to, holiday pay and paid time off (PTO) accumulation, will be continued while the employee is on workers' compensation. The employer shall have the right to fill any vacancy due to the granting of a workers' compensation leave by hiring temporary employees to fill the position while the employee is on said leave. The employer need not consider seniority for overtime, notwithstanding anything in this agreement to the contrary, when overtime is needed to fill a vacancy when an employee is on workers' compensation leave. While it is employer policy to apply family and medical leave (FMLA) to workers' compensation leaves, such practice may be suspended on an individual basis at the department director's discretion. Said decision shall not be arbitrary and capricious and shall be subject to the grievance procedure.

Lieutenants (excerpt from the collective bargaining agreement at Article 22)

Any employee involved in a work related accident or injury must report that accident or injury to the sheriff and the personnel department as soon as possible after the mishap and fill out the proper reporting forms. Failure to properly report an injury may result in disciplinary action.

Regular employees covered under this agreement who have been employed for one (1) year or more sustaining an occupational injury for which compensation is paid by the worker's compensation insurance carrier, shall receive, from the employer, a salary payment equal to the difference between the compensation benefits and his/her regular bi-weekly salary for a period not

to exceed six (6) months, less normal tax withholdings. An employee receiving worker's compensation payments shall not earn vacation and sick leave while on worker's compensation nor shall they be eligible to receive holiday pay. In the event a regular employee is off work and is being compensated under the worker's compensation law for an on-the-job injury or illness, the employer will continue, for eligible employees, for a maximum of one (1) year from the date of injury, to pay the premiums of health, dental, and life insurance, where applicable. Thereafter, the employee may make arrangements to pay premiums to continue the insurance, provided that the insurance carrier permits the same. All other fringe benefits shall cease while on worker's compensation.

Sergeants (excerpt from the collective bargaining agreement at Article 22)

The Employer agrees to provide Workers' Compensation insurance in accordance with the Worker's Compensation laws of Michigan. Any employee sustaining an occupational injury, for which compensation is paid by the Workers' Compensation insurance carrier, shall receive from the Employer a salaried payment equal to the difference between the compensation benefits and his/her regular bi-weekly straight time salary for a period not exceed three (3) calendar months, less normal tax withholdings. The employer further agrees to provide, if possible, a position that the employee is able and capable of performing upon termination of his Workers' Compensation injury if a position is available. Fringe benefits shall terminate after an employee has been on Workers' Compensation for one hundred eight (180) days.