

PROCEDURE 508-1
WORKERS' COMPENSATION BENEFITS
Effective 05-01-2021, Resolution No. 014-21

Injury Leave

Injury Leave will terminate on the earlier of: 1) the date the employee is released by the physician to return to work; 2) the date an authorized physician determines the injured employee has reached maximum medical improvement; or 3) upon a settlement approved by the Division of Workers' Compensation.

Supplemental Pay will terminate on the earlier of the expiration of 180 calendar days or termination of Injury Leave.

Employees who do not qualify for Supplemental Pay or whose Supplemental Pay has expired may use any available accrued vacation or sick leave to make up the difference between the worker's compensation benefit and their regular net pay.

While on Injury Leave employees will continue to accrue vacation and sick leave and continue to receive benefits, if applicable.

FMLA

A workers' compensation injury or illness that results in a serious health condition will be considered a qualifying event under the Family and Medical Leave Act (FMLA) provided that the employee is eligible for FMLA leave. Injury Leave hours will be applied to the 12-week FMLA benefit. Department/agency/office leaders will notify the Department of Human Resources, which will provide the employee with the appropriate FMLA notice as required under the Act. Departments/agencies/offices are responsible for tracking and recording the employee's use of leave.

Claims Process

The following process will be followed when an employee incurs an injury or illness on the job.

Employees must immediately report to their supervisor all injuries and illnesses incurred while on the job, regardless of the severity of the injury or illness.

Supervisors will direct injured or ill employees to receive medical treatment, if required, at the County's designated treatment facility. Employees may also be directed to the closest emergency room if warranted or if the injury or illness occurs before or after the designated facility's clinic hours.

Supervisors will complete an Employer's Report of Accident (K-WC Form A - as revised) and forward it to the Risk Management Division of the Department of Financial Management & Administration (Risk Management) for processing.

If able to return to work, employees must provide a work status/medical report documenting their ability to perform their duties.

Employee must notify their supervisor immediately if unable to return to work. In this event, the work status/medical report will be sent by the employee to appropriate department/agency/office leaders. Injury Leave will not be granted unless there is medical evidence to support the time off.

The authorized treating physician, Risk Management, and the injured employee's department/agency/office will actively seek to return the employee to modified duty consistent with the restrictions provided by the authorized physician. The department/agency/office may not require, nor may the employee perform, duties that are beyond the physician's stated restrictions. Return to modified duty is temporary in nature until the treating physician releases the employee to return to full duty or determines permanent work restrictions.

Employees are required to inform their supervisor of their physical condition, medical appointments, and anticipated date of return to work. The notice may require the inclusion of supporting medical documentation.

A release to return to work provided by the attending physician must be provided to appropriate department/agency/office leaders and a copy to Risk Management. Employees may not return to work after Injury Leave without a release.

Retaliation

Employees may not be subject to discrimination, harassment, or retaliation for good faith reporting of workplace injuries or illnesses or for filing a workers' compensation claim in good faith. Employees who believe they have been subjected to such conduct or who have knowledge of such conduct are expected to report the matter so it can be addressed. Employees may report either verbally or in writing to the Department of Human Resources or to any official, supervisor, manager, or department/agency/office leader without regard to the chain of command. To ensure thorough investigation, employees are encouraged to report to these persons; however, employees may also report anonymously using the Johnson County Alertline: 855-236-2042 or www.jocogov.ethicspoint.com.

All employees in supervisory and management positions who receive a report of such conduct, or who have knowledge of such conduct, are required to report it to the Department of Human Resources within one business day.