



Chapter Four: *Fringe Benefits*

Worker's Compensation – Workplace Injuries and Reporting

400.05

Purpose:

The purpose of this policy is to establish procedures and guidelines for handling workplace injuries in accordance with Ohio's Workers' Compensation system (Ohio Revised Code Chapter 4123). The policy is designed to ensure that employees are familiar with their Workers' Compensation eligibility and obligations.

Scope:

This policy applies to all permanent employees of the City. It covers the procedures for reporting injuries, the process for claiming Workers' Compensation, and the employer's responsibilities related to workplace injuries and illness. This policy also defines the City's procedures regarding transitional work, accommodations for disabled employees, and the handling of fraudulent claims.

Policy Guidelines:

A. Workers' Compensation Coverage:

All employees are covered by Workers' Compensation for injuries that arise out of and in the course of employment, as long as the injury meets the requirements established under state law. Injuries that meet this criterion will be compensated under Workers' Compensation and not through the City's health insurance plan.

B. Injury Reporting:

Employees who are injured during the course of employment must complete an Incident Report Form, which is available in the Office of Human Resources and on the City's website. The form must be completed regardless of the seriousness of the injury or whether medical attention is required. **The completed form and all related documentation must be submitted to the Office of Human Resources within 24 hours of the injury.**

C. Serious Injury:

In the event of a serious injury or near miss, the injured employee's supervisor must immediately notify their department head to initiate an investigation. Serious injuries may require immediate action to ensure the safety and well-being of the employee.

Serious Injury Definition:

For the purposes of this policy, a 'serious injury' is defined as any injury that results in significant harm to the employee and substantially impairs their ability to perform work or engage in daily activities. Examples of serious injuries include, but are not limited to:

- Severe fractures or broken bones that would require surgery or extended medical treatment
- Loss of limb or amputation
- Severe burns causing long-term damage or necessitating extensive medical intervention
- Spinal cord injuries resulting in paralysis or permanent disability
- Head injuries, including traumatic brain injuries (TBI), leading to cognitive impairments or permanent neurological damage
- Significant organ damage requiring surgery or causing long-term health complications
- Loss of vision or hearing due to the injury

D. Accident Investigation:

All accidents, including 'near miss' incidents, must be immediately reported to a supervisor and will be investigated to determine the cause of the accident. Once the cause is identified, immediate action may be taken to control or eliminate the hazard to prevent further incidents.



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Depending on the severity of the accident, the Department Head, Safety Service Director and/or other management personnel, will participate in the investigation. All reports will be forwarded to the Office of Human Resources to further process and communicate with the City's worker's compensation management provider and/or BWC.

A number of specific steps will be followed after an incident occurs. These steps are outlined in greater detail below. Employees who were present at the scene or who have other relevant information will be asked to provide details and assist management in identifying the factors that led to the event. Information will be compiled as soon as practical after the event, and details will be documented, including sketches, diagrams, or photographs if necessary. Typical assessments will include steps such as:

- Visits to the scene
- Discussions with the injured worker(s)
- Collection of job site information
- Review of pertinent safety rules
- Identification of hazards
- Analysis of what happened, how it happened, and how it could have been prevented

Each investigation will conclude with recommendations for steps to be taken to prevent future accidents. To help prevent future incidents, the cooperation of all employees, even those indirectly involved, will be required to complete accident and incident investigations and assessments.

Workplace Injuries and Reporting Forms are available in each department and the Office of Human Resources.

E. Return to Work:

Employees who are absent from work due to a work-related injury must provide periodic updates to their department head, in communication with the Office of Human Resources, regarding their status and estimated return date. Employees are responsible for notifying their department head and the Office of Human Resources about their anticipated return to work as soon as possible.

F. Documentation:

Any documents related to the employee's injury, including forms from the injured employee, medical providers, hospitals, investigations, return to work slips, or the Ohio Bureau of Workers' Compensation (BWC), must be forwarded to the Office of Human Resources immediately upon receipt.

G. Wages on Injury Date

Employees injured in the course of employment who must leave work before completing their scheduled shift will be paid their regular rate for the remainder of the workday, only if the Bureau of Workers' Compensation (BWC) approves the claim.

H. Payment Options for Time Off Work:

The City has three options for compensating an employee who misses work due to a work-related injury:

1. Wage/Salary Continuation
2. Allow the employee to apply for Temporary Total Disability (TTD) benefits through the Ohio BWC.
3. Repurchase used sick leave.



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Wage/Salary Continuation: The City of Mount Vernon will apply the following guidelines toward the use of Sick Leave and Injury Leave. Sick Leave will remain unaltered by definitions (see codified ordinance 155.02). However, Sick Leave will not be used for injuries or illnesses that are directly work related. Any employee who suffers a compensable work-related injury or occupational illness may elect to receive Injury Leave in lieu of Ohio Bureau of Workers' Compensation. The Ohio Bureau of Workers' Compensation (OBWC) pays compensation at a rate of 72% of the full weekly wage for the first 12 weeks of disability and at 66 $\frac{2}{3}$ % for all subsequent weeks of disability.

In most cases, administrative delays have caused interruptions in income from the last day of work to the eventual receipt of benefits of up to three (3) months or more. In order to prevent such delays, the City will, in qualifying claims, continue to pay wages at a rate equal to 100% of the employee's current wages. In most cases, payments will begin upon completion of a certified claim application. The payments by the City will be taxable income to the employee and subject to the same tax withholding requirement as one's regular weekly wage. Workers' Compensation benefits payable by the State are not taxable income to the employee. Receipt of Injury Leave will be in lieu of workers' compensation lost time benefits. The payment of medical benefits will continue to be the responsibility of the Ohio Bureau of Workers' Compensation. Since the claim number will already be assigned by the Bureau, no interruption in the disabled employee's benefits should occur. Employees who elect to receive Injury Leave will receive benefits such as rehabilitation services and job accommodation through OBWC, if eligible. This plan is designed to eliminate any financial hardship suffered by an employee as a result of an occupational illness or injury. **Note:** The employee's time sheet and payroll documentation must reflect the days on injury leave and the days on transitional work assignment.

Termination Conditions

Wage Continuation / Injury Leave will cease upon the occurrence of any of the following conditions:

- The attending physician releases the employee to return to work.
- The employee returns to full work status.
- The employee returns to work for another employer.
- The employee fails to return to a "light duty assignment" (Transitional Work Assignment) consistent with their medical restrictions.
- The employee fails to appear for an employer-sponsored medical examination.
- The employee has reached maximum medical recovery and/or the condition has become permanent.

Additionally, regardless of the above conditions of termination, management may, at its sole discretion, terminate injury leave benefits if the disability exceeds twelve (12) weeks. In such cases, the employee would then receive appropriate workers' compensation reimbursement.

Temporary Total Disability (TTD) Benefits: Employees who are unable to work due to a work-related injury may apply for Temporary Total Disability (TTD) benefits through the Ohio Bureau of Workers' Compensation (BWC). TTD benefits provide financial support to employees who are temporarily unable to perform their job duties due to the injury, with compensation typically based on a percentage of the employee's average weekly wages. However, employees are not permitted to receive both TTD benefits and regular wages for the same period of time. To avoid double payments, employees must choose either to apply for TTD benefits or use other forms of compensation, such as sick leave, but not both simultaneously. The claim for TTD benefits must be approved by the Ohio BWC, and once approved, the employee will receive compensation until they are medically cleared to return to work or achieve maximum medical improvement. It is important for employees to follow all guidelines and work closely with their healthcare provider and the BWC to ensure proper documentation and avoid any potential payment discrepancies.



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Repurchase of Used Sick Leave:

An employee who applies for Workers' Compensation may elect to use accrued sick leave in accordance with the City's policy prior to receiving payments from Workers' Compensation. Employees must sign an agreement directing all Workers' Compensation payments to the City as reimbursement for sick leave used. Sick leave will be restored on a proportionate basis once the Workers' Compensation payments are received. Employees do not accrue additional vacation or sick leave while on Workers' Compensation.

I. Transitional Work:

Employees who suffer serious injuries or develop occupational illnesses may be eligible for a transitional work program. Transitional work is designed to aid the employee's recovery and return to full duty by providing temporary work assignments that accommodate their physical restrictions. This program is individualized and may involve alternative tasks within the employee's department, or another department based on the employee's capabilities and the department's needs. Transitional work is temporary and will be coordinated through the Office of Human Resources and the employee's Department Head. Transitional work is not guaranteed and is offered on a case by case basis when considering the needs of the Department.

J. Accommodation of Disabled Employees:

When an employee claims a disability under Workers' Compensation and meets the criteria defined by the Americans with Disabilities Act (ADA), the City will assess whether a reasonable accommodation can be provided to help the employee perform the essential functions of their position. Employees who return to work but still require ongoing medical care are encouraged to schedule appointments outside of regular work hours when possible. If medical appointments conflict with work schedules, employees must use the appropriate leave time.

K. Fraudulent Claims:

The City reserves the right to discipline employees for fraudulent claims, misuse of leave time, submission of fraudulent medical information, or any other action that involves providing fraudulent information related to a Workers' Compensation claim, up to and including termination. Employees found to have filed fraudulent claims may be required to repay all Workers' Compensation benefits received from the City.

L. Notice of Rebuttable Presumption:

In accordance with Ohio law, the City provides employees with this notice of rebuttable presumption. Rebuttable presumption means that an employee may dispute or prove untrue the presumption (or belief) that alcohol or a controlled substance not prescribed by the employee's physician is the proximate cause (main reason) of a work-related injury. Employees may be drug/alcohol tested in the event the employee is involved in a reportable accident or injury. The burden of proof is on the employee to prove that the presence of alcohol or a controlled substance was not the proximate cause of the work-related injury. An employee who tests positive or refuses to submit to chemical testing may be disqualified for compensation and benefits under the Workers' Compensation Act.

Policy Review:

This policy will be reviewed often to ensure its continued effectiveness, alignment with state and federal laws, and consistency with best practices in Workers' Compensation management. Any necessary updates will be made to reflect changes in the Ohio Revised Code, applicable state or federal laws, and evolving industry standards. Employees will be notified of any significant changes to this policy.