

Workers' Compensation Policy

Effective Date: Adopted 10/79; Revised 4/80, 9/86, 1/89, 03/10, 8/12

§ **PURPOSE**

To provide policies and procedures related to the administration of Workers' Compensation coverage for injured employees within the meaning of the State of Georgia Workers' Compensation Act (OCGA 34-9-1, et seq.).

§ **SCOPE**

All employees, including full-time, part-time, seasonal, and temporary employees and employees of elected officials.

§ **DEFINITIONS**

Authorized Treating Physician (ATP) means the physician(s) agreeing to perform workers' compensation medical service for Cobb County.

Employee's Supervisor means the employee's supervisor at the time the original on-the-job injury or illness occurred. (The Employee's Supervisor may also act as the Restricted/Modified Duty, or RMD Supervisor.)

Hazardous Duty Injury means a bodily injury to an employee within the scope and course of employment that is due to life or limb threatening activities, provided the employee's own conduct (i.e., failure to follow safety procedures or other violations of policy) did not cause or contribute to the injury.

On-The-Job Injury or Illness means a compensable injury or illness resulting from an accident or incident that arises out of and in the scope and course of the employee's employment.

Restricted/Modified Duty (RMD) means modified job requirements to meet short-term limitations or restrictions, including temporary job tasks approved by the ATP that are assigned to an injured employee until such time that the Authorized Treating Physician (ATP) releases the employee to return to full duty.

Restricted/Modified Duty (RMD) Supervisor means a supervisor responsible for managing an employee's attendance, conduct, and work performance during a RMD assignment. (The Employee's Supervisor may also act as the RMD Supervisor.)

TPA (Third Party Administrator) is the administrator of workers' compensation claims.

§ PROCEDURES

- A. An employee who is injured in an accident/incident arising out of and in the scope and course of his/her employment (hereinafter "on-the-job injury") with Cobb County must report the injury to his/her Supervisor/Department Head/Elected Official within 24 hours or as soon as possible for the injury to be compensable.
- B. For the injury to be compensable, an employee who has suffered an on-the-job injury must seek medical treatment for that injury from an ATP listed on the Panel of Physicians that has been approved by the Cobb County Human Resources Director and posted at each work location, and on the Cobb intranet web site.
- C. An employee who is injured after normal business hours or who requires emergency treatment may initially seek medical care from any medical provider. Follow up care for the on-the-job injury must be provided by an ATP listed on the approved Panel of Physicians for the injury to be compensable.
- D. The supervisor must complete and forward the required First Report of Injury (WC-1) to Human Resources within 24 hours of notification of the accident/injury. This form must be completed for all reported injuries.
- E. The supervisor must complete the Supervisors' Accident Investigation Report and ensure the injured employee has signed the Statement of Understanding within 48 hours after notification of the accident/injury. These forms must be forwarded to Human Resources. Additional documentation of the injury may be required, including a recorded statement of the injured employee and any witnesses to the accident/incident.
- F. An employee who has suffered a compensable on-the-job injury shall not be charged for any absence from work due to the injury on the day of the injury.
- G. Beginning with the first day following an on-the-job injury and continuing through the seventh (7th) calendar day following the injury, an employee who is unable to work due to the injury and restrictions given by the ATP may elect to be compensated by using available sick leave or annual leave for absences related to the on-the-job injury. If the employee is participating in the sick leave "buy-back" option for the year in which the injury occurs, such hours should be recorded under Workers' Compensation and will not adversely affect the employee's voluntary sick leave "buy-back" option.
- H. Beginning with the eighth (8th) calendar day following a compensable on-the-job injury, the employee who is unable to work due to the injury and restrictions given by the ATP may continue to use accrued sick, annual or compensatory leave to supplement compensation benefits provided under the Workers' Compensation Act for absences related to the on-the-job injury. The supplemental use of leave may not exceed any available sick, annual or compensatory leave balances.

- I. In the event an employee has been absent from work due to restrictions given by the ATP for an on-the-job injury for twenty-one (21) consecutive calendar days, the employee will receive credit for the statutory Workers' Compensation benefits for the first seven (7) days of lost time (i.e., an employee who used sick or annual leave during the first seven (7) days of lost time will have leave usage restored in an amount commensurate with the statutory benefits due under the Workers' Compensation Act; an employee who was in leave without pay (LWOP) status for all or part of the first seven (7) days will receive prorated statutory Workers' Compensations benefits for all or any portion of the first seven (7) days of lost time in which the employee was in LWOP status.
- J. An employee who is unable to return to work as a result of his/her compensable on-the-job injury may be offered a Restricted/Modified Duty assignment consistent with any medical restrictions from the ATP or granted a leave from absence in accordance with the Cobb County Leave of Absence Policy.
- K. When an employee with medical restrictions returns to work full time in a Restricted/Modified Duty assignment, he/she will receive his/her regular salary. If an employee has limited work hours because of the on-the-job injury, he/she will receive his/her regular salary for the hours worked and any applicable Workers' Compensation benefits.
- L. Should an employee refuse Restricted/Modified Duty that is approved by the ATP, the County may exercise its legal rights to deny ongoing Workers' Compensation lost time wage benefits.
- M. An employee who is unable to perform the essential job duties of his/her position as a result of permanent limitations provided by the ATP is to work with Human Resources to identify available opportunities for which the employee may apply. Alternatively, such employees may be offered suitable employment in accordance with the Workers' Compensation Act.
- N. An employee who is unable to perform the essential job duties of his/her position for a period of six months or longer as a result of limitations provided by the ATP must apply for long-term disability benefits to supplement any statutory Workers' Compensation benefits.
- O. Cobb County reserves the legal right to require repayment of all or part of the funds paid for medical care and lost time wages for a compensable on-the-job injury from an injured employee who receives payment or settlement from another party or insurer.
- P. This policy should be applied and construed in accordance with Workers' Compensation Act of the State of Georgia. In the event of conflict, the Workers' Compensation Act shall be controlling.

§ RESTRICTED/MODIFIED DUTY (RMD) RETURN TO WORK PROGRAM

Only employees who incur on-the-job injuries/illnesses (as defined in this policy) are eligible for the RMD Return to Work Program.

A. Job Availability

Jobs for the RMD Return to Work Program will be identified and injured employees may be offered positions with following priorities:

1. Modification of the employee's current job to accommodate the restrictions given by Authorized Treating Physician.
2. Identification of another job within the department.
3. Identification of a job within another department within an employee's agency.
4. Identification of a job within any other department within Cobb County.

B. Duration of Restricted/Modified Duty (RMD) Assignments

Temporary Restricted/Modified Duty assignments will usually be limited to a period of six months. A Restricted/Modified Duty assignment will end: if the modified assignment can no longer be offered, when the employee is released to pre-injury job status by the ATP, when the employee has been offered suitable employment and/or has accepted an alternate position, if the employee has voluntarily terminated employment, or when the workers' compensation claim is closed.

C. Department Responsibilities

Under this policy, the employee's department/agency has the following responsibilities:

1. **The employee's department and the supervisor should not allow the employee to return to work, under any circumstances, until the employee has been released to work with restrictions or to return to full duty by the ATP.**
2. The employee's department must confer and work with Human Resources to identify appropriate available transitional work assignments for an employee who has been returned to work with restrictions.
3. A department should determine whether suitable work is available within the department based on restrictions provided by the ATP and inform Human Resources. Where the department initially determines that suitable work is not available based upon the restrictions, such determination is subject to review by the Human Resources Director and the County Manager.

4. The department must work with Human Resources to maintain contact with the employee to discuss and determine whether suitable employment is available within the department and/or to identify other return to work options.
5. If the ATP has approved a Restricted/Modified Duty assignment, the employee must be notified in writing of the job assignment and provided with a list of work tasks and the reporting location, date and time. Human Resources is to be provided a copy of the notice to the employee.

D. Employee's Supervisor's Responsibilities

Under this policy, the individual who was the Employee's Supervisor at the time of his/her injury has the following responsibilities:

1. To meet with the employee when he/she is returning to Restricted/Modified Duty, regardless of whether the employee will be working within the department or in another department. At the time of meeting, the employee's supervisor will review with the employee his/her responsibilities, modified tasks and the restrictions defined by the Authorized Treating Physician.
2. To maintain communications with the employee, the RMD Supervisor (if one is involved), and Human Resources.
3. If the employee will perform Restricted/Modified Duty under the supervision of the employee's supervisor, to ensure that the employee understands and follows the restrictions provided by the ATP. (Failure of the employee or the Employee's Supervisor to follow work restrictions will be considered to be unsafe conduct, which may result in disciplinary action against the Employee's Supervisor.)
4. To inform Human Resources about the status and progress of any employee assigned to Restricted/Modified Duty. If an employee fails to report for the Restricted/Modified Duty assignment, Human Resources should be notified immediately.
5. To reasonably accommodate an employee to allow him/her to attend medical appointments and/or therapeutic sessions; however, the Employee's Supervisor may ask that the employee schedule such appointments so as not to disrupt the work shift.
6. In the event it is not feasible (e.g., due to shift work) for the employee's supervisor to fulfill the duties and responsibilities set forth above, the employee's department must confer and work with Human Resources to identify the appropriate person to assume the responsibility of the Employee's Supervisor.

E. Restricted/Modified Duty (RMD) Supervisor's Responsibilities

Under this policy, the RMD Supervisor has the following responsibilities:

1. To meet with the employee when he/she reports to Restricted/Modified Duty. At the time of meeting, the RMD Supervisor will review with the employee his/her responsibilities, modified tasks and the restrictions defined by the Authorized Treating Physician.
2. To maintain communications with the employee, the Employee's Supervisor and Human Resources.
3. To ensure that the employee understands and follows the restrictions provided by the ATP. (Failure of the employee or the Employee's Supervisor to follow work restrictions will be considered to be unsafe conduct, which may result in disciplinary action against the RMD Supervisor.)
4. To inform Human Resources about the status and progress of any employee assigned to Restricted/Modified Duty. If an employee fails to report for the Restricted/Modified Duty assignment, Human Resources and the Employee's Supervisor should be notified immediately.
5. To reasonably accommodate an employee to allow him/her to attend medical appointments and/or therapeutic sessions; however, the RMD Supervisor may ask that the employee schedule such appointments so as not to disrupt the work shift.
6. To review and approve time and leave records of the employee in accordance with County policies and submit them to the employee's department.
7. To report any conduct or performance issues to the Employee's Supervisor and Human Resources and provide input into the appraisal process where appropriate.

F. Employee's Responsibilities

Under this policy, the employee in the RMD Return to Work Program has the following responsibilities:

1. **To provide any work restrictions to his/her RMD supervisor. Any subsequent change in his/her restrictions or work status must be reported to the RMD supervisor immediately.**
2. To understand and follow the restrictions imposed by the Authorized Treating Physician (ATP) and to bring to the attention of the RMD supervisor and Human Resources any job requirements that would violate the ATP's restrictions. (Failure of the employee to follow work restrictions will be considered to be unsafe conduct, which may result in disciplinary action and/or may affect the compensability of any subsequent accident or injury.)
3. To follow all rules, regulations, work standards, policies and procedures of Cobb County and the department to which he/she is assigned.

4. If placed on duty outside his/her normal work area, to complete a time sheet and include actual hours worked, leave taken, etc. and submit it to the RMD supervisor.
5. To perform assigned work in an acceptable manner and meet the requirements of the job. Unsatisfactory performance will be addressed as any other type of performance or conduct issue.
6. To remain available for any and all work fitting his or her medical restrictions, including jobs in other divisions and/or jobs performed during hours that vary from his/her regular work schedule. (An employee's failure to respond in a timely manner after receiving notification of available work may result in the suspension of his/her Workers' Compensation benefits.)
7. To provide his/her supervisor with documentation of any scheduled appointments for treatment, therapy, or absences from work due to his/her job-related injury/illness. Every effort should be made to schedule appointments at a time that will cause minimal disruption of the work schedule.
8. Failure to follow the restrictions on the part of the employee may result in disciplinary or other corrective action.

G. Human Resources Responsibilities

Human Resources is responsible for overseeing the Return to Work Program and has the following responsibilities:

1. To maintain communication with the employee, supervisors and medical providers in order to facilitate the return of an employee to a Restricted/Modified Duty assignment where warranted, appropriate, and available.
2. To consult, as appropriate, with the employee, Authorized Treating Physician, Third Party Administrator, and the employee's department on positions and conditions of the Return to Work Program.
3. To identify Restricted/Modified Duty assignments and to assist the Employee's Supervisor and/or RMD Supervisor in implementing and administering such assignments.

§ HAZARDOUS DUTY INJURY

- A. An employee who is determined to have suffered a Hazardous Duty Injury shall be eligible to receive pay to supplement statutory Workers' Compensation benefits to a maximum of full salary – without charge to annual or sick leave – for a maximum period of six (6) months.

- B. Determination of whether an employee has suffered a Hazardous Duty Injury will be made upon the recommendation of the Department Head/Elected Official to a committee comprised of the Human Resources Director, two public safety department heads, a department head from a department other than a public safety department, and a representative of the County Manager. Said committee shall be convened by the Human Resources Department upon receipt of the Department Head's request for determination.