

ORDINANCE NO. 005-051

AN ORDINANCE AMENDING THE TOWN'S CURRENT WORKERS COMPENSATION POLICY.

Section 1. Whereas workers' compensation insurance is designed to cover the costs associated with injuries resulting from identifiable and specific accidents or injuries occurring on the job, and

Whereas an employee injured on the job may be eligible for workers' compensation benefits, which may cover the cost of hospitalization, doctors, treatment, prescription drugs, and other related expenses to include possible partial salary continuation. And

Whereas all employees and volunteers of the Town are covered by workers' compensation insurance.

Section 2. BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS:

The Town of Addison does hereby amend the Workers Compensation policy as follows:

**Proposed Revision
Town of Addison
Workers' Compensation Policy**

Eligibility for Workers' Compensation

Workers' compensation is designed to cover the costs associated with injuries resulting from identifiable and specific accidents or injuries occurring on the job. It is not designed to cover ordinary diseases of life. All employees and volunteers of the Town are covered by workers' compensation insurance.

An employee injured on the job may be eligible for workers' compensation benefits, which may cover the cost of hospitalization, doctors, treatment, prescription drugs and other related expenses to include possible partial salary continuation.

Injuries not directly related to or caused by a specific accident or incident that occur in the performance of the employee's job duties for the Town of Addison, injuries occurring while an employee or volunteer is working for an employer other than the Town, and/or injuries occurring during self-employment, **are not covered** under the Town's workers' compensation plan.

Accident and Injury Reporting Procedures

Medical Attention

When an employee is injured on the job, the Town's first priority is to ensure that the employee gets timely medical attention. The employee must immediately report the circumstances of the accident and/or injury to his supervisor who will direct the employee to seek the necessary medical treatment.

Reporting and Documentation

The employee's supervisor is responsible for notifying the Human Resources Department **immediately** upon being made aware of an employee's involvement in an accident or injury. This timely notification is critical to allowing Human Resources to authorize treatment of the employee's injuries.

The employee's supervisor will initiate a thorough investigation into the cause and circumstances of the injury, interview all witnesses and prepare a detailed written report explaining how and why the accident occurred. **The supervisor must submit the Addison Accident Report, First Report of Injury or Illness and any other related information to the Human Resources Department no later than the business day after the injury was reported.**

If the employee's supervisor has reason to believe that an injury has been reported that is not directly related to or caused by a specific accident or incident occurring in the performance of the employee's assigned job duties, the Texas Workers' Compensation Commission requires the Town to list the accident as "alleged." The decision of whether or not an injury will be covered by workers' compensation is made by the Texas Workers' Compensation Commission and not by the Town.

If the employee's treating physician recommends convalescence at home, the employee is required to contact his supervisor each day during the time away from work and to report to the Human Resources Department each Friday. For every doctor's office visit, the employee is required to obtain from his doctor a completed medical report form, which includes the employee's diagnosis, when the employee is expected to be able to return to work, the employee's restrictions and the date of the employee's next appointment. It is the employee's responsibility to ensure that a copy of the medical report form is forwarded to the Human Resources Department and to his supervisor. Failure to report to Human Resources as required may result in disciplinary action, up to and including termination of employment.

Returning to Work

An employee is expected to return to work immediately after treatment unless the employee's physician will permit neither regular duty nor alternative duty. The employee must have a written release from his doctor to return to work and it must specify any restrictions. The employee will be expected to accept any alternative duty assignment that may be offered by the Town, including an assignment in another department.

All alternative duty assignments must be approved by the Human Resources Director to ensure compliance with Town policies and with the Americans with Disabilities Act (ADA). Upon returning to work per an alternative duty assignment, the employee's supervisor will create a written alternative duty assignment detailing the employee's

temporary duties. The employee must sign the alternative duty assignment agreement and the original is forwarded to the Human Resources Department.

Upon an employee's return to work following an accident or injury, he may be required to meet with the Safety Review Board to present the circumstances surrounding the accident or injury to determine what action might be taken to prevent the recurrence of similar accidents or injuries in the future.

Maximum Time Limits

Subject to other restrictions, limitations and earlier terminations as applicable in particular circumstances, the Town will hold an employee's position for no more than 40 weeks following the expiration of the 12 weeks of Family and Medical Leave (FMLA). At the end of the aggregate 52 week period, should the employee still be unable for any reason to perform the essential duties of his job, with or without accommodation, his position may be filled and he may be assigned to a vacant position for which he is qualified. If no vacant position is available for which the employee is qualified or if the employee declines to accept another position, his employment with the Town will be terminated.

Eligibility for Salary Continuation

An employee who is unable to work for any period of time, either at his regular job or at any alternative duty position, because of an injury that occurred while performing official job duties or conducting official Town business, is eligible to receive workers' compensation benefits equal to approximately 70% of his salary. It is the Town's policy is to make up the remainder of the employee's regular pay for at least a portion of the time off, provided certain conditions are met. The Human Resources Director will determine whether the employee meets the criteria for receiving supplemental salary continuation pay for any hours missed because of restrictions imposed by the employee's physician. Time away from work for eligible employees who are paid supplemental salary continuation benefits by the Town will not be charged to the eligible employees' sick leave, vacation or holiday leave accruals.

To be eligible for supplemental salary continuation, the employee must furnish to the Town sufficient proof to verify the injury or accident:

- occurred on the job;
- did not occur while conducting personal business on paid or unpaid meal breaks or while participating in voluntary fitness activities;
- was timely reported within the mandatory 24 hour period;
- was not caused by the employee's failure to use or wear prescribed safety apparel or devices;
- did not occur while the employee was under the influence of alcohol, illegal drugs or abuse of legally obtained drugs; and
- prevents the employee from performing his regular job duties or any other alternative duty assignment.

If an employee qualifies for supplemental salary continuation, he may continue to receive his regular pay amount throughout a portion of his recovery period. If at any time during this process the employee elects to retain an attorney and the Texas Workers' Compensation Commission orders that payment of attorney fees is to be deducted from the employee's workers' compensation benefit, a proportionate amount of the attorney fees will likewise be deducted from the salary continuation supplement paid by the Town.

Employees suffering injuries that are not eligible for extended salary benefits may elect to use sick leave, vacation or holiday accruals to offset the loss of income during the recovery period.

The Human Resources Director will continue to evaluate the employee's eligibility for supplemental salary continuation benefits at each 30 day interval of the employee's absence. The following events will be considered violations of Town policy and grounds for possible immediate loss of supplemental salary continuation benefits and/or termination of employment:

- failure to follow the procedures stated in this policy under "Accident and Injury Reporting Procedures;"
- failure or refusal to see a doctor or to follow the physician's instructions regarding treatment;
- failure to keep medical appointments;
- refusal to see a doctor of the Town's choosing for an evaluation when requested by Human Resources;
- working on another job, including but not limited to working in the employee's personal business, while collecting workers' compensation benefits, sick leave pay or supplemental salary continuation benefits from the Town;
- refusal to perform other duties assigned during the recovery period and approved by the employee's physician;
- misrepresentation or falsification of physical condition(s) or disabilities; and
- refusal or failure to immediately return to work after the employee has been released by his physician.

In no case will supplemental salary continuation benefits be granted for a period in excess of twelve calendar months for the same injury.

Injuries Occurring During Physical Fitness Activities

To encourage fitness among employees, the Town of Addison has established both mandatory and voluntary physical fitness programs and sporting events. Some injuries occurring during physical fitness activities may be eligible for workers' compensation benefits and supplemental salary continuation benefits, while others will not be eligible for either. An employee injured during the course of a voluntary fitness program is ineligible for workers' compensation benefits. An employee injured during the course of a mandatory physical fitness program may be eligible for workers' compensation benefits and may also be eligible for salary continuation. Definitions of these programs are as follows:

Mandatory Program

- The employee is required to maintain minimum fitness levels which have been established by the Town;
- failure to maintain established fitness levels may result in termination of employment; and
- official testing for fitness is conducted during paid time.

Voluntary Program


- Participation in events is not required by the Town and lack of participation will not jeopardize the employee's job, and
- activities are conducted during unpaid time such as lunch breaks, before or after scheduled work times or on days off.

Section 3. This ordinance shall become effective on the 28th day of September, 2005

Passed and approved this the 27th day of September, 2005.

ATTEST:

APPROVED:



City Secretary



Mayor

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