

WORKERS' COMPENSATION POLICY

AUTHORITY

This Workers' Compensation Policy is consistent with City Charter Section 3.01 (12), City Code Section 62-61 and Florida Statutes Chapter 440.

POLICY STATEMENT

The City of West Palm Beach provides workers' compensation benefits to ensure that employees who sustain on the job injuries are properly compensated and reintegrated into the workforce as soon as safely practicable to perform all their job duties without risk of re-injury.

PURPOSE

This policy sets forth guidelines and procedures to safely reintegrate employees who sustain a work-related injury to full duty.

SCOPE OF APPLICABILITY

This policy applies to all City of West Palm Beach employees, except for employee covered under the PBA and IAFF bargaining agreements. Where provisions of this policy conflict with a collective bargaining agreement, the collective bargaining agreement shall prevail.

STANDARDS AND PROCEDURES

A. General

1. All employees injured on duty shall comply with the City's Substance Abuse Policy, Policy 4-16, and all other applicable policies concerning use of leave and mandatory post-incident testing.
2. The workers' compensation treating physician determines the employee's specific work restrictions.
3. If the treating physician determines that the employee can return to work without work restrictions, the employee must return to full duty immediately after the appointment or the following scheduled work day if the work day has ended.
4. If the treating physician determines that the employee has work restrictions, the employee and/or Risk Management shall contact Human Resources for FMLA leave administration.

5. While the employee is absent from work due to work restrictions, the employee is eligible to receive workers' compensation benefits up to 66 2/3% of their average weekly wage, subject to a maximum as set forth under Florida Statute 440.12.
6. Light duty will not be provided to any employee.
7. The City may provide a Workers' Compensation Medical Leave of Absence "WCMLLOA" of up to 12 weeks for employees who (a) are hospitalized or had surgery due to a work-related injury and (b) have exhausted their FMLA leave. Employees unable to return to full duty after exhaustion of WCMLLOA will be subject to separation from employment. Separation from employment shall have no effect on the continued handling of the employee's workers' compensation claim.
8. The City shall provide reasonable accommodations to qualified employees consistent with applicable laws. Nothing in this policy is intended to limit any employee's rights under applicable disabilities laws.
9. An employee's ability to perform their job should be evaluated on a case-by-case basis based on medical provider determinations of their work restrictions and their job duties.

B. Employee Responsibilities

1. Employees sustaining work related injuries shall notify their supervisor, manager and/or department director (referred to collectively as "supervisor") as soon as possible.
2. Employees referred for medical treatment are required as a condition of continued employment to attend scheduled appointments and follow the treatment plan as prescribed by the City's designated workers' compensation physician(s).
3. Employees absent from work due to work restrictions are required to provide a release to full duty by the workers' compensation treating physician to return to full duty and are prohibited from working any secondary employment while absent from work due to workers compensation work restrictions
4. Employees are responsible for actively interacting and communicating with Risk Management and the Human Resources Benefits Division throughout the procedure described herein.
5. An employee returning to work shall provide Risk Management medical certification stating that the employee is able to resume full duty work.

The certification must specify any restrictions (temporary or permanent) that may affect the employee's performance of assigned duties.

6. Coverage under the insurance plans will continue for an "eligible employee" who is on approved Workers' Compensation leave at the same level and the same condition(s) as if the employee were actively at work. The employee shall continue to make his or her premium contributions regardless of whether the employee is on paid or unpaid leave.

C. Supervisor's Responsibilities

1. The supervisor receiving notice of an on the job injury shall notify Risk Management as soon as possible after the accident or injury.
2. The supervisor must accompany the employee who sustains an on-the-job injury to a treatment facility for post-accident drug testing, and, if needed, medical care.
3. Supervisors are responsible for ensuring that the injured employee arrives at the drug testing facility and remains there until testing is complete.

D. Risk Management Responsibilities

1. Ensuring injured employees are provided adequate and prompt initial medical treatment once the incident is reported.
2. Maintaining communication with the medical professional regarding the employee's job duties and restrictions.
3. Evaluating the information provided by the Worker's Compensation physician and consulting with the City's Medical Director and Chief Human Resources Officer. Risk Management shall provide each employee with a fair, confidential and thorough evaluation and consideration of their medical condition(s) considering their job duties, the operational needs of the City and the employee's department.

Failure to follow this policy may result in discipline up to and including termination of employment.

Policy 7-1 is effective this __10th__ day of August, 2018


Geraldine Muoio
Mayor

Cross reference: City Policies 4-12 (FMLA); 4-13 (Leave Administration); 4-2 (EEO); 4-16 (Substance Abuse Policy)