

All work-related injuries including incidents where no medical treatment is required or time off is needed must be reported by the employee to his or her supervisor immediately following the incident, but no later than the end of the workday. Illness and injuries caused or occurring on-duty that do not qualify for workers' compensation reporting shall be documented on the *Incident/Injury Report* form, which shall be signed by a supervisor. This report shall be signed by the affected employee, indicating he/she desired no medical attention at the time of the report. By signing, the employee does not preclude his/her ability to later seek medical attention.

All injuries that require medical treatment will be fully investigated by the employee's supervisor

In cases of ongoing medical treatment, it is the employee's responsibility to keep his or her supervisor updated with all subsequent medical appointments.

Any employee who is unable to return to his or her regular work may be temporarily assigned to alternative or transitional work within prescribed medical restrictions based on availability of such work and the physical capabilities of the injured employee. Every alternative or transitional work assignment will be evaluated on a case by case basis. No transitional or alternative work assignment shall exceed eight (8) weeks.

Refer to Addendum C for the City's Transitional Work Program Policy.

D. Workers' Compensation.

Employees who are injured on duty may have compensation protection provided by the City and/or by the State of Ohio's Workers' Compensation Insurance Program. The Workers' Compensation Law is a no-fault insurance plan which is supervised by the State of Ohio Bureau of Workers' Compensation and is paid in its entirety by the City. This law was designed to provide benefits for an injury which may be suffered in connection with employment. Under the provisions of the law, an employee who is injured while at work is eligible to apply for Workers' Compensation.

To receive benefits, an employee injured on the job must follow the reporting procedures under the *Reporting Personal Injuries Policy*. An Employee who suffers an on the job injury while in the performance of his/her official duties and acting within the scope of his/her employment with the City, who is not working as a result of that injury, will be compensated at his/her regular rate of pay at the time of the injury less the Employee's income from any other source including Workers' Compensation, retirement, or other forms of government payment, for a period of time not to exceed one hundred eighty (180) calendar days, except with the approval of City Manager. The City shall have the right to demand proof of all items listed above regarding receipt of payment from other sources. Falsification of any information with respect to this or any paid leave may be grounds for

dismissal. It is understood and agreed that the employee and the City will complete salary continuation forms for the period for which injury pay is being paid.

The City will not be liable for the injury of any employee resulting from, or arising out of, outside employment, off-the-job injuries, or a result of negligence, recklessness, self-infliction, intoxication, or being under the influence of illegal drugs or legal drugs not used in compliance with a prescription, or "horseplay" by the employee. Injury leave may not be used under these circumstances. Injury leave will be converted to sick leave or other available applicable leave from the beginning if it is subsequently determined that the injury or disease was not in the course of or did not arise out of employment.

While receiving paid injury leave employees may not work outside employment details or jobs without specific written authorization to do so by the Department Head and Director of Administrative Services.

An employee applying for injury leave shall, in compliance with the rules of the Ohio Bureau of Workers' Compensation, sign a medical release authorizing the City or its designee to request all medical information related to the alleged injury, and treatment for the body part(s) alleged to be injured. The employee is also required to complete a provider list identifying any and all physicians, medical facilities, and pharmacies who have treated or filled prescriptions for the employee for the alleged injury or who have treated the employee for the same body part in the past.

An employee claiming the right to receive, or who is receiving, injury leave compensation, may be required by the City, from time to time, to submit to a medical examination by a physician selected by the City for the purpose of determining any questions regarding eligibility for and the duration of injury leave.

An employee on injury leave and unable to perform his/her regularly assigned duties may, at the discretion of the City, be assigned other duties not requiring great physical exertion in lieu of injury leave compensation, provided such work is available and either the employee's or City's physician releases the employee to return to work under such conditions. Please see the *Transitional Workplace Policy*. In determining an employee's eligibility for leave, or mental or physical ability to perform or return to regular or transitional work, the City may rely upon medical evidence presented by the employee's physician or may require the employee to submit to an examination by a physician or other examiner selected and paid for by the City. If the City's and employee's physicians disagree as to the return to work issue such physicians shall mutually select a third physician to decide that issue. The third physician shall be chosen from among those providing service covered by the Employee's health insurance plan. The cost of the third physician shall be split evenly between the City and the employee.

C. Transitional Work Program Policy.



Transitional Work Program (TWP)

I. Purpose

This policy establishes the roles and responsibilities and defines the guidelines of the Transitional Work Program. A Transitional Work Program (TWP) is an organized process to assist employees to remain at work or return to work in a safe and timely fashion following an injury or illness. Transitional work uses real job duties for a specified period to gradually return the injured worker to the worker's original job. Employees involved in a TWP are temporarily assigned meaningful, productive work activities that they can perform within the worker's physical abilities as prescribed by their treating physician.

This process involves the employee, supervisor, physician and other healthcare professionals who work together to develop and support the worker's transitional work plan. The TWP helps the employee to return to full duty *within eight weeks*. The Transitional Work Program policy is not intended to supersede or modify the procedures applicable to employees eligible for reasonable accommodations covered under the Americans with Disabilities Act (ADA) or leave benefits under the Family and Medical Leave Act (FMLA). Employees will be entitled to any applicable state or federal leave as required by law.

Our Transitional Work Program is designed to: 1) protect jobs for employees with injuries and disabilities, 2) eliminate the frustration and personal consequences of disabilities among employees, 3) control the costs of workers' compensation, and 4) maintain the employee's employment and full wages.

II. Benefits to workers involved in the TWP

There are many benefits to maintaining the injured or ill employee's connection to the worksite:

- Receiving beneficial rehabilitation services while participating in the TWP, such as physical reconditioning services, safe work practices training, coaching and counseling.
- Maintaining relationships with co-workers at the worksite.
- Protecting the employee's job and continuing to receive regular wages.
- Understanding employee rights and responsibilities.
- Obtaining case management services to coordinate objective evaluations and transitional work activities.
- Minimizing stress, uncertainty and confusion.

III. Policy Guidelines

- A. Any full-time or part-time employee who experiences a work related or non-work related injury or illness that results in work restrictions will be considered for involvement in the TWP when his/her physician of record determines the worker is medically stable and if the employer is able to accommodate the worker's restrictions.
- B. The Village of Indian Hill cannot guarantee a transitional position and is under no obligation to offer, create or encumber any specific position for purposes of offering placement to such a position. Each transitional work assignment request will be evaluated on a case by case basis, independently of others. If temporary transitional duty assignments are limited, employees with work related injuries have priority over employees with non-work related injuries.
- C. If an employee cannot be placed in any transitional work assignment, they may be placed on paid or unpaid leave in accordance with the applicable paid and unpaid leave policies.
- D. The Director of Administrative Services is designated to serve as the Transitional Work Program coordinator who will assist in coordinating the transitional work assignments and returning an employee to work.
- E. To obtain a transitional assignment, the employee must request a Return-to-Work Form from the Director of Administrative Services and provide it to the employee's Physician of Record (POR). If the treating physician of record releases the employee to return to work on light or modified duty and has completed the Return-to-Work Form, the form must be returned to the Director of Administrative Services within 24-hours following medical treatment for assessment of transitional work. The employee cannot return to work without the release of the treating physician.
- F. The Director of Administrative Services will review the Return-to-Work Form and will work with the employee's Department Head, or his/her designee, and other pertinent parties to establish and determine a transitional position and work assignment that falls within the Village needs.
- G. Transitional work assignments are developed based on the physical capabilities of the worker, Village needs, and the availability of transitional work. The transitional work assignment will focus on the employee's current abilities rather than the task(s) he/she is unable to perform. Whenever possible, the injured employee should perform components of the original job or in their department. If a transitional work assignment cannot be identified within the original department, crossover to other departments and positions will be acceptable if transitional work tasks are identified. The Village will determine appropriate work hours, shifts, duration and locations of all work assignments and reserves the right to determine the availability, appropriateness and continuation of all transitional work assignments. Employees who are restricted to working less than their regular FTE will be paid at their regular rate of pay for actual hours worked.
- H. The maximum length of a TWP assignment will be eight (8) weeks. Extensions beyond the eight (8) week timeframe will be evaluated on a case by case basis. Time

frame is dependent on medical necessity and progress. Decisions regarding extensions to the TWP will be made by the City Manager, in conjunction with the Director of Administrative Services and Department Head, with input from any relevant consultants (physician of record, TPA, MCO, BWC, etc.).

- I. The employee must notify the Director of Administrative Services or immediate supervisor within 24-hours of any and all changes in medical conditions. It is the responsibility of the employee or the employee's supervisor to notify the Director of Administrative Services immediately of any work related injuries, if the employee misses time from transitional work, or of any changes to transitional work assignments.
- J. An offer of transitional work letter and assignment form outlining the doctor's approval, the start date, hours, duration and location of the transitional work assignment will be provided to the employee. The employee will be asked to sign the Transitional Work Assignment Form indicating his or her acceptance or refusal to the transitional work assignment and return the form to the Director of Administrative Services or immediate supervisor. In addition, if it is a work related injury, the employee will be asked to sign a Bureau of Workers' Comp Transitional Work Offer and Acceptance form (TWB-2). Employees are expected to comply with all applicable personnel policies, procedures and safe work practices. Any employee returning to a transitional work assignment must not exceed the duties of the position or go beyond the doctor's restrictions.
- K. A worker involved in the TWP is evaluated on a regular basis to determine how well he/she is improving. As the worker improves in strength, endurance and physical ability, the worker may be assigned more challenging work activities at the worksite within their treating physician prescribed restrictions. On a gradual basis, the worker may assume more of his/her regular work activities while involved in the TWP. The goal of the TWP is to enable the worker to recover from his/her injuries and restrictions while continuing to work as a productive employee.
- L. An employee's refusal to accept or act in accordance with the medically approved duties assigned in a temporary transitional work assignment may result in loss of Workers' Compensation benefits in accordance with state law.

IV. Roles and Responsibilities

| Position | Responsibilities |
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| Employee | <ol style="list-style-type: none"> 1. Notify their supervisor immediately of any work related or non-work related injury or illness that may relate to, or impacts their medical eligibility for transitional work assignments. 2. Provides "Return-to-Work" documentation with specific restrictions from the physician of record to immediate supervisor or Director of Administrative Services. 3. Follows treatment recommendations of the POR. 4. Must only perform and comply with the terms and tasks identified in the "Offer of Transitional Work" agreement. Maintain regular, consistent attendance during program. 5. Reports any concerns to the work supervisor or Director of Administrative Services. 6. Participates in progress meetings as needed. 7. Submits regular updates as provided by the health care provider. 8. Submits return to work documentation when your health care provider determines changes in your restrictions or release to full duty within the same day or day after seeing POR. |
| Department Head, or his/her designee | <ol style="list-style-type: none"> 1. Helps identify job duties and implement transitional work opportunities that meet the health care provider-driven restrictions for the employee. 2. Ensures job expectations and tasks are consistent with restrictions. 3. Identifies and resolves problems that may arise to promote the successful reintegration of the transitional work participant in the department. 4. Recommends transitional work agreement extensions, modifications or terminations. 5. Participates in follow-up meetings as needed. |
| HR Administrator | <ol style="list-style-type: none"> 1. The Director of Administrative Services will serve as the coordinator for the Transitional Work Program by facilitating all case management activity. 2. Will serve as the main employer contact. 3. Develops "Offer of Transitional Work" agreements. 4. Collaborates with the Bureau of Workers' Compensation, Managed Care Organization and others to ensure timely delivery of medical services to employees. 5. Initiates transitional work meetings and follow-up meetings as necessary. 6. Updates the departments as appropriate when new medical information is received. |
| Physician of Record (POR) & Initial Treating Provider (Doctor's Urgent Care) | <ol style="list-style-type: none"> 1. Providing restrictions for work and indicating whether the employee will be able to return to work within the time frame of the TWP. 2. Medical provider should provide work restrictions to the employer no later than 24-hours after initial visit. |
| Managed Care Organization (MCO) | <ol style="list-style-type: none"> 1. A private company that partners with BWC and the Village to manage the medical portion of an injured workers' claim. 2. Assists in obtaining restrictions and prescriptions as needed for work related injuries. 3. Monitors claims to ensure that the injured worker is receiving appropriate medical care, including vocational rehabilitation, case management services, approves or denies treatment requests. 4. Pays medical bills. |

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| | <ol style="list-style-type: none"> 5. Works closely with the Village and BWC to assist in returning the injured worker to work as quickly and safely as possible. |
| Bureau of Workers' Compensation (BWC) | <ol style="list-style-type: none"> 1. Responsible for making the initial determinations an injured workers claim. 2. Investigates reported claims and makes claim determinations of allowed conditions. 3. Manages and pays applicable compensation benefits. 4. Determines eligibility for rehabilitation services. 5. Assists with bringing a claim to resolution. |
| Risk Management (Safety Committee) | <ol style="list-style-type: none"> 1. Reviews annual status report of all work related injuries and illnesses. 2. Reviews annual report of utilization of the Transitional Work Program. |