

CHAPTER 122 - ON THE JOB INJURY

122.01 Injury Investigation Report

When an employee is injured on the job, an Injury Report (Form 2.35.1) must be prepared and forwarded to the Personnel Division. This report is to be completed in detail and submitted within five (5) days following the injury. Failure to submit this report within five (5) days following the injury may result in the denial of injury leave. Part I of the form is to be completed by the injured employee and Part II by the employee's supervisor. The supervisor signs the completed form and retains one copy for department or divisional use. The form is then forwarded to the Department Director for review and signature. The original form is then forwarded to the Personnel Division for review and signature.

122.02 Failure to Report

All injuries should be reported at once and thoroughly investigated by the supervisor. Failure to report an injury may preclude an employee from eligibility for injury leave and may preclude approval by the Bureau of Workers' Compensation, and can result in disciplinary action against the employee for failure to comply with the above policy and procedure.

122.03 Lost Time Injuries (More than seven (7) calendar days)

The employee or his/her supervisor should report all lost-time injuries at once to the Personnel Division. In addition, notification must be given when the employee returns to work.

122.04 Injury Leave

The maximum injury leave for on-the-job injury shall be 120 workdays for non-union employees and per appropriate collective bargaining agreements for union employees. The first forty (40) hours whether consecutive or not, an employee is absent as the result of an on the job injury shall be charged to sick leave, unless the employee is hospitalized. If the employee is absent more than five (5) working days as a result of the on-the-job injury, the first five (5) days shall be returned to the employee's sick leave balance and counted as injury leave, after review by the Injury Leave Committee. Approval of a claim for compensation by the Bureau of Workers Compensation is not conclusive evidence of entitlement of injury leave.

122.05 Use of Injury Leave

A claim for injury leave (Form 2.35.5) must be submitted to the Personnel Division within 3 workdays of the employee's use of leave. In the event the employee is hospitalized, the form must be submitted within 3 workdays from the date of the employee's release from the hospital. Failure to submit this form within three (3) workdays may result in denial of injury leave. A copy of the request must also be submitted to the employee's immediate supervisor. In each case of an alleged injury on the job, it is the responsibility of the supervisor to investigate the validity of the claim. This includes investigating whether the injury was actually sustained in the performance of the employee's duties.

All requests for injury leave submitted by non-organized employees shall be reviewed by an Injury Leave Committee unless an alternate procedure has been established by this employee's department or division and has been approved by the City Manager.

The committee shall be comprised of (1) the employee's department director; (2) a member of the Personnel Division; and (3) the Director of Law. In addition to the application, a doctor's statement of the nature of the injury and the period the employee will have to remain off work is required.

If the Injury Leave Committee questions the application of the employee, it may have the employee (at City expense) examined by a physician, psychiatrist, or psychologist, chosen by the City. The results of this examination will then be considered with other relevant information in determining whether or not the employee's application will be recommended for approval. The Injury Leave Committee shall make a recommendation to the City Manager for approval or rejection of the application.

122.06 Workers Compensation Claim Procedure For Injuries Requiring Medical Treatment

Once it has been determined that the injury is job related, the following checklist of procedures must be used:

1. Injured employee reports injury to supervisor, and completes the Managed Care Organizations (MCO's) First Report of Injury

Form. (Send original to Personnel with injury report. Keep a copy in division file and give a copy to employee.) The First Report of Injury form should be sent to Personnel immediately.

2. Supervisor refers to MCO's Injury Packet for necessary paperwork and provides packet to injured employee.
3. Supervisor gives injured employee "Employee Identification Card." (This notifies the provider that the injured employee is part of the MCO's. This card should be presented to all physicians who are providing treatment for this injury.)
4. Supervisor has injured employee sign the Medical Release Form. (This will assist the MCO in receiving medical information from all sources including out-of-network providers.)
5. Supervisor directs injured employee to a network provider for treatment. (Injured employee takes the MCO's First Report of Injury Form, Medical Release Form, Treatment Report Form and Identification Card to the doctor.)
6. The City suggests that Excel Corporate Care, 4420 Grand Avenue, Middletown, be used as the primary treatment site, Monday thru Friday, 8 a.m. to 5 p.m., since treatment can be obtained within 45 minutes, or Middletown Regional Hospital Immediate Care in case of serious injury. Employees are free to choose their own physician for the first treatment, however, any further treatments must be provided by a "bureau certified" provider or the cost will be the responsibility of the employee.
7. Supervisor calls and reports injury to the MCO. (This number is available 24 hours a day, will assist with directing your injured employee to a medical provider, and takes only 3 - 5 minutes.)
8. If injury leave will be utilized, a Claim for Injury Leave (Form 2.55.5) must be submitted to the Personnel Division within 3 working days of the employee's use of leave. In the event the employee is hospitalized, the form must be submitted within 3 working days from the date of the employee's release from the hospital. A statement from the employee's attending physician must be attached that includes the nature of the injury, limitations regarding the employee's ability to perform duties and projected dates the employee will be able to return to full employment duties.

All completed forms shall be filed with the Personnel Division along with a copy of the Injury Investigation Report. The Personnel Division will obtain the necessary information from the physician and/or hospital and check all forms for accuracy and completeness. An official of the Personnel Division shall sign the claim forms as the City's authorized representative.

Copies of completed forms will be filed in the employee's personnel file.

All correspondence from the Bureau of Workers' Compensation pertaining to a claim shall be routed to the Personnel Division. Additional information needed in support of a claim will be coordinated by the Personnel Division.

122.07 Off-The-Job Injuries

Injuries incurred while not officially performing City job duties (but not in connection with any outside employment) may be charged to sick leave, but are not subject to the City's Workers' Compensation benefits.

122.08 False Injury Claims

All claims are subject to further investigation. Anyone filing a false claim, misrepresenting the facts in a claim, or not following the procedures as set forth above, will be subject to disciplinary action.

Suspected false claims should be reported to the Personnel Division or the Bureau of Workers' Compensation Fraud Line: 1 (800) 837-1554.

122.09 Early-Return-to-Work-Policy

Supervisors shall coordinate with the Personnel Division for the customizing of early return to work programs as an incentive for the injured employee to return to productive employment as soon as medically appropriate.