



Safety Rules
Policy No. 03
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City Manager: _____

THE CITY OF POMONA

SAFETY POLICIES AND PROCEDURES

WORKERS' COMPENSATION POLICY

I. PURPOSE

This Policy describes the procedures for the City of Pomona's self-insured workers' compensation program

II. APPLICABILITY

This Policy applies to all City employees.

III. POLICY

It is the Policy of the City of Pomona to adhere to all aspects of the State of California Labor Code sections on workers' compensation, which are governed by State Law.

IV. DEFINITION OF TERMS

"4850 Benefits" – Benefits paid to a sworn officer for missed time from work due to a work-related injury. The benefit pays full salary up to one (1) year per injury.

"DWC-1 Claim Form" – Form that must be provided to an employee within one (1) day of an industrial injury if that injury results in lost time or medical treatment beyond first aid. "First aid" is defined as "one time treatment of minor scratches, cuts, burns, splinters or other minor industrial injury." Minor industrial injury specifically excludes "serious" exposure to hazardous substances.

"Form 5020 Employer's Report of Occupational Injury or Illness" – This form shall be completed by the employee's department and filed by the City with the State within five (5) days of an industrial injury or occupational disease claim when injury or disease results in lost time beyond the date of injury, or medical treatment beyond first aid.

"Labor Code 132(a)" – Prohibits an employer from retaliating against an employee for filing or making known the intent to file a claim for workers' compensation benefits.

"Permanent Disability (PD)" – Rating by the State of an employee's permanent restrictions that determines monetary compensation for the loss of function in the labor market.

WORKERS' COMPENSATION POLICY (Continued)

“Qualified Injured Worker (QIW)” – An employee who has been found to be unable to return to his/her usual and customary position by the treating physician and therefore, qualifies for vocational rehabilitation.

“Temporary Disability (TD)” - Payments of two-thirds of an injured employee’s salary after a waiting period (varies by employee group) not to exceed a maximum set by the State of California.

“Treating Physician” - The physician who is primarily responsible for managing the care of an injured employee, and who has examined the employee at least once for the purpose of rendering or prescribing treatment and has monitored the effect of the treatment thereafter.

“Vocational Rehabilitation” – Benefit available to employees who cannot return to their normal position and have been found to be a qualified injured worker (QIW) by their treating physician. Benefit allows up to \$16,000 for the employee to be re-trained into a new career.

V. RESPONSIBILITIES

A. Department Directors shall:

1. Ensure that this Policy is implemented. The Department Director has the authority to delegate any or all portions of this Policy to subordinates, but the Department Director will be held responsible for compliance.

B. Division Managers shall:

1. Implement this Policy.
2. Report employee injuries to Risk Management within 24 hours of occurrence.

C. Employees shall:

1. Adhere to all aspects of this Policy and report injuries or illnesses that are work-related before the end of the work shift.
2. Provide off-work slips to their supervisors for any work-related injury or illness.

D. Senior Workers’ Compensation Examiner shall:

1. Update and maintain this Policy as needed.
2. Advise all levels of management on workers’ compensation issues.

VI. PROCEDURE

A. Injury Reporting

Employees shall immediately report all injuries or work-related illnesses to their immediate supervisor. If the injury or illness developed gradually (like tendinitis or hearing loss), the employee shall report it to the immediate supervisor as soon as the employee believes it is

WORKERS' COMPENSATION POLICY (Continued)

job related.

Supervisors shall provide the injured employee a *DWC-1 Claim Form* within one (1) working day after receiving notification of the injury or illness. The supervisor shall complete the employer section of the form and give the form to the employee. It is not mandatory for the employee to return the *DWC-1*; however, failure to do so will determine that a workers' compensation claim has not been filed. The supervisor shall make a note of the date and time the *DWC-1* was provided to the employee. Once the employee and the employee's supervisor have completed the form, then the employee shall be provided with the pink employee's copy. The supervisor shall then complete the City's *Incident Investigation* form and the *Form 5020 – Employer's Report of Occupational Injury or Illness*. Under no circumstances shall the injured employee complete the *5020* form.

The supervisor shall send the completed *5020*, *DWC-1*, and *Incident Investigation Report* to Risk Management within 48 hours of the injury. Faxing these documents preliminarily to Risk Management is acceptable with the originals to follow by interoffice mail.

B. Medical Treatment

Employees who wish to be treated by their personal physician for a work-related injury must pre-designate that physician before an injury occurs. Employees electing to pre-designate a physician must complete the "Personal Physician Request" form and send it to Human Resources.

If an employee does not "pre-designate" a physician and becomes injured on-the-job, the City will arrange for medical treatment. The City controls the medical treatment for the first 30 days. If an injured employee is dissatisfied with the medical provider after the first 30 days, the employee may select a physician or ask the City to designate a new physician. Injured employees who are dissatisfied with the medical provider must contact the Senior Workers' Compensation Examiner to request a change.

C. Claims Processing

The City may accept, deny, or delay any worker's compensation claim. The City has 90 days in which to make a compensability decision. An accepted claim means the City has determined that the injury is work-related and covered under workers' compensation. A denied claim means the City has determined the injury is not work-related and is not covered under workers' compensation.

An injured employee whose claim has been delayed must use personal time (comp, sick, etc.) for any days that are missed from work due to the injury. If the claim is accepted, the time that the employee used will be reinstated to the employee's leave balances. It is the employee's responsibility to apprise the immediate supervisor of days that will be missed

WORKERS' COMPENSATION POLICY (Continued)

due to an injury or time away from work for doctor's appointments or physical therapy for claimed work-related injuries.

Non-sworn, full-time employees are eligible to receive up to 60 working days of salary continuation per injury for any work-related injury that is accepted and causes the employee to miss time from work. Family Medical Leave (FMLA) will run concurrently with any leave for workers' compensation for non-sworn employees. All sworn employees may receive up to one (1) year of salary continuation per injury for any work-related injury that is accepted and causes the employee to miss time from work. FMLA Leave will begin after 4850 benefits are exhausted for any sworn employee.

D. Temporary Disability (TD)

Temporary Disability (TD) pays two-thirds of the gross (pre-tax) wages an employee loses while recovering from an accepted workers' compensation injury; however, an employee cannot receive more than the maximum set by State law. Sworn employees who exhaust their 4850 benefits who are still temporarily disabled will receive TD payments until such time they return to work or are declared permanent and stationary. Non-sworn who have exhausted their 60 days of salary continuation and who are still temporarily disabled will receive TD payments until such time they return to work or are declared permanent and stationary. Employees who receive TD may use their accrued leave balances to subsidize TD payments. This will allow the employee to remain in a full pay status and to accrue benefits the employee would normally be entitled to receive until such time as their leave accruals are exhausted or until the employee returns to work.

E. Permanent Disability (PD)

Injured employees may be entitled to permanent disability (PD) benefits if the treating doctor or Qualified Medical Examiner (QME) finds that the employee has permanent limitations due to a work-related injury or illness. PD benefits are payments that compensate the injured employee for limitations due to permanent work restrictions (if any). A State Disability Rater determines the rating from the final Permanent and Stationary (P&S) Report. Ratings are based on four (4) factors:

1. The employee's medical condition;
2. The date of injury;
3. The age of the employee when injured; and
4. The occupation of the injured employee.

If the injured employee does not agree with the medical findings on the P&S Report, the employee may request to be evaluated by a QME. The employee must request to be evaluated by a QME within 30-days of receiving his/her P&S Report. The employee will be provided a list of three (3) QME's from which the employee will make a selection.

WORKERS' COMPENSATION POLICY (Continued)

Final benefits are typically determined from the QME's report.

If an employee does not agree with the rating from the State Disability Rater, the employee may request reconsideration of the rating through the State Division of Workers' Compensation.

Once a claim has been settled by Stipulations with Request for Award, the employee has up to five (5) years from the date of injury or up to one (1) year from the last date benefits were provided, whichever is later, to seek additional permanent disability.

F. Transitional Work

Every department/division/section in the City is required to participate in the transitional work (light duty) program. Transitional work is designed to help the injured employee gradually transition back into normal job duties while the employee is recovering from an injury or illness. Risk Management will provide the department/division/section with the employee's works restrictions. If the department/division/section cannot accommodate the employee's restrictions, Risk Management will attempt to temporarily place the employee into a different department/division/section. The employee's department/division/section will be responsible for paying wages to an employee who is being accommodated in a department other than their own. Sworn officers shall only do transitional work within the Police Department. An employee who is offered transitional work that meets the medical restrictions may elect not to accept the transitional work assignment; however, the employee will not be entitled to TD benefits and will be required to use accrued leave (i.e. sick leave, vacation leave).

G. Vocational Rehabilitation – For Dates of injury prior to 1/1/04

If a work related injury or illness prevents an employee from returning to the employee's usual and customary occupation, the employee may be entitled to vocational rehabilitation benefits. The City will determine if the employee can be permanently accommodated into another position in lieu of vocational rehabilitation. If the City cannot accommodate the employee into another position within the City, vocational rehabilitation will be offered to re-train the employee for another occupation. The employee and the City will work through a rehabilitation counselor to develop an employment plan. Sworn employees may also qualify for an industrial disability retirement, while non-sworn employees may qualify for a disability retirement.

Vocational Rehabilitation – For Dates of injury post 1/1/04

If a work related injury or illness causes permanent partial disability and the injured employee does not return to work for the employer within 60 days of the termination of temporary disability, the employee may be entitled to a Supplemental Job Displacement benefit in the form of a non-transferable voucher for education-related retraining or skill enhancement or both at a state approved or accredited school. The amount of the voucher

will be determined by the amount of permanent partial disability that is awarded.

VII. ACTION

This Policy is approved as of August 27, 2001 and revised on August 3, 2006.

