

## 11.00 SAFETY AND WORKERS' COMPENSATION

**11.01 GENERAL.** Tom Green County will make every effort to provide healthful and safe working conditions for its employees.

The County's Safety Manual can be accessed on our Intranet ([info.co.tom-green.tx.us](http://info.co.tom-green.tx.us)) or obtained from the Risk Management Department.

**11.02 EMPLOYEE RESPONSIBILITIES AND REPORTS.** Employees are responsible for working in a manner that is protective of their own health and safety, as well as those of other employees. Employees must report every on-the-job accident, no matter how minor, to their supervisor immediately, but no later than 24 hours. Department Heads are responsible for filing a written accident report immediately **incident investigation report at their earliest opportunity** with the Risk Manager. The following rules are designed to promote the safety and well being of County employees and are to be observed at all times:

- 1) Employees may not engage in horseplay, wrestling, or practical joking while on duty or operating county equipment;
- 2) Employees should maintain awareness of potential dangerous situations that may cause injury to themselves, fellow employees, or the public;
- 3) Employees must report immediately to their supervisors any conditions that in their judgment threaten the health or safety of employees or the public;
- 4) Employees who are unable to perform their duties safely due to illness must promptly notify their supervisor; and;
- 5) Employees must immediately seek proper first aid treatment for all on-the-job injuries, including minor injuries, and must immediately report all injuries to their supervisor unless emergency circumstances exist.

Failure to report an on-the-job injury, no matter how minor, is grounds for disciplinary action.

**11.03 EMPLOYEE SUGGESTIONS.** Employees are encouraged to make suggestions to their supervisors for improvements that would make the county workplace safer or more healthful.

### 11.04 ON-THE-JOB INJURIES.

**10.04.01 Medical Attention.** Employees who sustain a bona fide, on-the-job, work related injury and who have fulfilled the obligation set forth in 10.02 must notify the office of Risk Management if they wish to seek medical attention. All employees under the care of a physician for a work related injury should present a Texas Department of Insurance Work Status Report (DWC073) to their supervisor upon return from each medical 31 appointment so that any restrictions directed by the medical provider can be accommodated into the employee's work schedule.

**11.04.02 Insurance.** The County provides workers' compensation insurance for all of its employees. This insurance provides protection against the cost of medical expenses and loss of wages because of a bona fide, on-the-job, work-related injury as prescribed under the statutes and rules of the Texas Department of Insurance. All necessary submission of forms will be handled by the office of Risk Management and copies of individual forms can be obtained by employees as requested.

**11.04.03 Statutory Benefits.** Employees who sustain an injury at work may be eligible to receive benefits prescribed by the Texas Workers' Compensation Act. These benefits may include, but not be limited to compensation payments, medical care as reasonably required to cure and relieve the effects of the injury or occupational disease(s), and/or death benefits.

**11.04.04 Exclusion.** Injuries caused by willful intent and attempt to injure self or to unlawfully injure another, intoxication, horseplay by the injured employee, an act of God except in certain limited circumstances (i.e., assigned to official duty during a tornado, lightning storm, etc.), or act of a third party for personal reasons are excluded specifically from coverage by injury leave with pay.

**11.04.05 Compensation.** Employees removed from duty by a treating physician due to a work related injury or illness may receive Temporary Income Benefits beginning with the eighth day of absence from work. If the doctor-approved absence lasts for a period of ~~three~~ two weeks, the first seven days are paid in arrears at that time. In such cases, employees who used available accrued hours to cover the first seven days of their absence will have their hours reinstated. The Treasurer's Office will insure that such employees do not receive double payment for the first seven days of absence. Employees who are not removed from duty, but are required to make doctor visits, go to rehab, or any other physician directed appointments must list these absences as "Workers' Compensation Hours" on their timesheets. These hours will be subject to monthly review by the office of Risk Management for accuracy. Any incorrect charges to Workers' Compensation will be corrected during the next available payroll period after notification to the Treasurer's Office. The Treasurer's Office will be notified whenever an employee is removed from duty by a treating physician so that payroll can either be discontinued or changed to accumulated benefit hours, as addressed above.

**11.04.06 Continuation of Medical Insurance for Employee/Dependent.** To continue medical insurance for employees and/or their dependent(s) when employees are on injury leave, the County will continue to pay its portion of employees' medical insurance for a period up to one year following the injury.

**11.04.07 Reporting Requirements.** While on leave because of a bona fide work related injury employees must provide the Risk Manager a Work Status Report (DWC073) after each doctor's visit, medical consultation, or treatment. Any change in employees' condition, which might affect their entitlement to Workers' Compensation payments, must also be reported to the Risk Manager. In addition, injured employees must contact their supervisor periodically to report on their condition and anticipated return-to-duty date. Failure to provide the required medical status reports or to contact the supervisor on the schedule required by the Department Head is grounds for revoking leave and for taking disciplinary action.

**11.04.08 Duration of Injury Leave.** The maximum duration of occupational disability or injury leave is one year unless the Commissioners' Court expressly authorizes an extension. The Commissioners' Court, in no more than 30-day increments, may authorize requests for extension after careful review.

**11.04.09 Termination of Injury Leave.** Employees' injury leave with pay may be terminated at any time without prior notice, if justified by legal and/or medical review.

**11.04.10 Return to Service.** Work Status Report (DWC073) must be received by the office of Risk Management before employees may return to work. All employees on injury leave must report to work after approval of either the attending physician or an independent physician paid by the County. Failure to return to work when directed will result in appropriate disciplinary action, up to and including discharge. Upon the return to work of injured employees, supervisors must immediately notify the office of Risk Management and the County Treasurer to ensure proper payroll and leave records are maintained.

**11.04.11 Temporary Restricted Duty Status.** Employees released by their physician to part-time or full-time restricted duty will be placed in an appropriate position, if available. If no acceptable restricted duty assignment can be found, employees will be placed on inactive status until released by the physician to return their previous job. Employees who return to work in a restricted duty status may be required to work in a different department and/or perform duties not contained within their current job description. Such employees will be paid according to the level of pay assigned to the restricted duty position. **The employee's original department will be responsible for payroll, regardless of the assigned job.**

A restricted duty assignment cannot exceed one (1) year. In addition, employees may be eligible for Workers' Compensation payments in a reduced amount as provided by the statutes and rules of the Texas Department of Insurance, Workers' Comp Division.

**11.04.12 Total Disability/Retirement.** A determination of total disability may be rendered at any time during the course of the occupational disability or injury leave. Upon such a determination, the County Treasurer's Office, in consultation with the employee will provide The Texas County and District Retirement System (TCDRS) with all necessary paperwork for their approval of a Disability Retirement. Tom Green County does not have authority to approve the disability.

**11.04.13 Reasons for Termination of Employment During Injury Leave.** Employees may be terminated while on leave for an on-the-job injury for, **but not limited to** the following:

- 1) Refusal to return to duty on the workday on which the treating physician has released the employee;
- 2) Failure to accept a "restricted duty" assignment;
- 3) Failure to follow prescribed treatment including medical appointments;
- 4) Participating in activities, which, according to the County's medical and legal advisor, justify termination because they are injurious to recovery or they do not aid in healing.
- 5) Employee has been unable to work for one year following the date of injury.

**11.04.14 Final Release.** At the time of final release or settlement of a Workers' Compensation claim employees must furnish the County with a certificate from their physician stating they are able to return to work. The certificate must also specify any restricted duty limitation(s) and the estimated duration of the limitation(s). In accordance with 10.04.11 and 10.04.13, employees who cannot perform their previous job duties, with or without reasonable accommodation as specified in the Americans with Disabilities Act, will be separated from employment and paid accrued benefits, if any.

The Human Resources Director will:

- 1) Send employees a certified return receipt requested letter;
- 2) Explain the circumstances, outlining that a reasonable effort has been made to place them in a suitable position; and
- 3) Inform employees that they have been separated from County employment and that they will be mailed a final paycheck, if applicable, for any accrued and payable leave benefits.