**SECTION: SAFETY AND HEALTH**

**POLICY:** Workers’ Compensation **EFFECTIVE DATE:** insert date adopted

**STATEMENT OF WORK:**

This policy establishes guidelines for workers' compensation leave for employees in Texas who sustain injuries or illnesses while performing their official duties. The goal is to ensure affected employees receive appropriate compensation and leave benefits in compliance with state regulations while maintaining continuity in operations and services.

This policy applies to city employees who are injured within the course and scope of their employment. It addresses leave eligibility, compensation, documentation requirements, and administrative procedures.

**DEFINITIONS:**

1. Workers' Compensation: Insurance benefits provided to employees who are injured or become ill during the course of their job.
2. Public Safety Employee: Any individual employed in a role responsible for the protection and safety of the public, such as police officers, firefighters, paramedics, and emergency responders.
3. Occupational Injury or Illness: An injury or illness directly related to the performance of official duties.
4. Leave Duration: The time period during which an employee is excused from regular work duties due to an approved workers' compensation claim.

**PROCEDURES:**

1. Eligibility and Application for Leave
   1. Employees who suffer a work-related injury or illness are eligible for workers' compensation leave.
   2. Employees must report the injury or illness to their supervisor within 24 hours or as soon as reasonably possible.
   3. A workers' compensation claim must be filed with the designated administrative office along with supporting medical documentation.
2. Compensation During Leave
   1. Employees approved for workers' compensation leave will receive benefits according to the Texas Workers' Compensation Act provisions.
   2. Public Safety employees will receive benefits according to State law.
   3. Compensation may include Temporary Income Benefits (TIBs) until the employee reaches Maximum Medical Improvement (MMI
   4. TIBs will be discontinued if an employee refuses to accept a Bonafide Job Offer to perform a different job with the city that is within the employee’s physical capacity, according to their treating physician, for which the employee is qualified or will be trained, and for which the employee will be paid their current rate of pay.
3. Workers Compensation Benefits
   1. The city’s workers’ compensation insurance provider is responsible for compensability determinations, authorizing medical treatment, rehabilitation, or other actions related to an injured employee’s claim, and facilitating resolution of cases.
   2. If an employee is unable to perform work in any capacity or an alternate position, their workers’ compensation leave will run concurrently with FMLA leave according to the city’s FMLA Leave Policy.
4. Documentation Requirements
   1. Employees must provide medical certification from an approved healthcare provider outlining the diagnosis, treatment plan, and estimated recovery period.
   2. Periodic updates on the employee’s condition may be required to assess the ongoing eligibility for leave benefits.
5. Return to Work
   1. Employees on workers' compensation leave must obtain a release from their healthcare providers certifying their ability to safely resume work duties.
   2. The city will accommodate transitional or modified duties where possible for employees returning to work after recovery.
   3. Depending on the nature of the injury and duration off work or on modified duty, employees may need to complete a fitness-for-duty assessment prior to returning to their job, if such assessment is required for hiring.
6. Compliance and Oversight
   1. Supervisors and HR representatives are responsible for ensuring compliance with state regulations and maintaining accurate records of workers' compensation leave cases.
   2. Any questions or concerns regarding workers' compensation leave should be directed to the HR department.
7. Other Employment During Leave Prohibited
   1. Under no circumstances may an employe on leave for a work-related injury or illness engage in outside employment during the period of leave unless expressly authorized in writing in advance by the Department Director and Human Resources.
8. Fraud
   1. An employee who fraudulently obtains workers' compensation benefits will be subject to disciplinary action up to and including termination.

By following these guidelines, employees can receive necessary support and benefits during their recovery from work-related injuries or illnesses while enabling a smooth and transparent administrative process. Non-compliance with this policy may result in delays or denial of benefits.