

SALT LAKE COUNTY HUMAN RESOURCES POLICY & PROCEDURE
WORKERS' COMPENSATION

REFERENCE

Americans with Disabilities Act of 1990
Human Resources Policy & Procedure:
 General Definitions
 Family and Medical Leave
 Reasonable Accommodations Guidelines
 Return to Work After Injury or Illness
Workers' Compensation Act 35-1-1, et seq., Utah Code Annotated, 1953, as amended
Volunteer Government Workers Act, 67-20-1

PURPOSE

To establish the guidelines for compliance under the Workers' Compensation Act as referenced above.

PROCEDURE

1.0 Provision

Workers' Compensation benefits are provided to all County employees, including volunteers for the purposes of medical reimbursement only, who become injured on the job and cannot perform their normal duties (similar benefits are provided to employees who contract occupational diseases as covered under the Workers' Compensation law).

2.0 Eligibility

2.1 All County employees, including provisional, temporary, interns and volunteers are eligible for Workers' Compensation as required by the State of Utah Workers' Compensation Act, Utah Occupational Disease and Disability Act, and the Volunteer Government Workers Act as administered by the Industrial Commission of Utah.

3.0 Workers' Compensation Coverage

Workers' Compensation shall cover and pay the following:

- 3.1 Hospital and medical bills at the County's contracted rate;
- 3.2 Time lost from work to the extent covered by law
- 3.3 Permanent loss of body function; This is covered as temporary total or permanent partial in 3.2 above;
- 3.4 Artificial Appliance - The amount is set by statute;
- 3.5 Death and burial benefits; The amount is set by statute.

4.0 Reporting Requirements

- 4.1 An employee shall report an injury, no matter how slight, to the supervisor during the shift it occurs or he or she may lose his or her rights.
- 4.2 Supervisors or designees shall complete the Employer's First Report of Injury form, give a copy to the employee and forward original to the District Attorney's Office

within 48 hours of supervisor's notification.

Supervisors shall also provide injured employee with Workers' Compensation Instruction Sheet along with the copy of employee's final report of injury. In the event of serious injury involving fatalities or disabling serious injuries, supervisors, Administrators or their designees shall contact the Occupational Safety and Health Division of the Utah Labor Commission within twelve (12) hours. Upon contact, document the person contacted at the Utah Occupational Safety and Health Division, the date and hour of contact and submit along with the Employer's First Report of Injury.

- 4.3 An employee reporting an accident or injury while performing his or her duties on the date of the accident will be paid for that day by his or her division.
- 4.4 Employees shall ensure that doctors who treat their injuries complete a medical report describing how, when and where the accident occurred, copies of which shall be sent to the County District Attorney Risk Management Unit and the Workers' Compensation Division of the Utah Labor Commission.

5.0 Period of Disability Compensation

5.1 **Temporary total disability** is paid according to the dates that a doctor certifies the employee is totally unable to work. During the period of medical care, doctor's reports shall be completed and submitted to establish the dates for which workers' compensation will be paid.

5.1.1 The Salt Lake County Risk Management Unit shall notify the appropriate payroll unit regarding the expected date of return to work as established by the employee's doctor at the time a determination of the disability is made. The responsible supervisor shall ensure Workers' Compensation forms are completed, and that the injured employee is notified of the need to maintain communications as to his or her work status (see attachment to this policy). If the dated written notification shows a "return to work", it shall also state either, "full duties" or any work restrictions. This information will be sent to the Risk Management Unit. If the Risk Management Unit receives this information from the doctor directly, he or she shall inform the Administrator.

5.1.2 The injured employee shall request and turn in the dated written notification received from his or her doctor, including the employee's work status and next appointment date, to his or her Supervisor.

5.1.2.1 The employee's failure to provide the supervisor with accurate information about his or her medical status may result in disciplinary action.

5.1.3 The payroll clerk shall submit a "Request for Payment of Benefits" form. If necessary, the Risk Management Unit will contact the payroll clerk requesting a copy of the employee's current Position Description. Any significant physical requirements such as standing, lifting or bending shall be clearly described in the Position Description or added as an attachment. Lifting should be defined in terms of total weight lifted for a specified period of time, e.g., 75 pound bags x 100 per day x 5 days = 37,500 pounds a week. All required forms and other information shall be sent to the Salt Lake County Risk Management Unit.

5.2 **Permanent Partial Disability** is a rating given to an employee who suffers a permanent loss of bodily function because of a job injury. This rating may be established when an employee is released to return to work or may be established at a later date when an employee has reached a state of stabilization. Compensation for permanent partial disabilities, such as amputated fingers is fixed by law and the amount of permanent partial rating or award is determined by a medical panel convened by the Workers' Compensation Division of the Utah Labor Commission.

5.3 **Permanent Total Disability** begins upon entry of a final order by the Workers' Compensation Division of the Utah Labor Commission establishing the date of permanent total disability.

5.3.1 Generally the condition exists when an employee meets the requirements of the Utah Workers' Compensation Act for permanent disability.

6.0 Compensation Payments

6.1 Compensation payments are based on the number of days off work as determined by a doctor's statement. Payroll clerks shall send Request for Payment of Benefits form to the Salt Lake County Risk Management Unit stating the last day worked by the employee. This information is used by Salt Lake County to figure time and rate of compensation as follows:

Time Off Work Reported	Payments Made by County:
By Doctor:	
Less than 3 days	None
1 to 14 days	11 days except the first 3
More than 14 days	All days lost including the
first 3 days	

In computing days the number of weekend days or holidays should be added. Time off does not need to be consecutive but shall be confirmed by doctor's reports.

6.2 Time away from work following the date of injury will be charged to sick leave except as provided under Compensation Payments of this Policy and Procedure.

6.2.1 The date of the workers' compensation injury will be treated as a work day for which the injured employee will receive his or her regular compensation.

6.2.2 The employee may also use sick leave to supplement workers' compensation payments but not to exceed total gross earnings as provided in Human Resources Policy #5510, Leave Practices, section 7.11.

6.3 Following a doctor's declaration that an employee may return to work, occasional absences from work which relate to the original injury (doctor's appointments, etc.) will be charged to his or her sick leave unless the employee has been assigned light duty, as provided in 14.1.2, prior to medical stabilization.

6.4 For payroll purposes, occasional absences from work which relate to the original injury may be treated as administrative leave at the Administrator's discretion, if cost effective and in the best interest of the County.

7.0 Workers' Compensation Rates

Workers' Compensation shall be paid at rates established by Part 4, Utah Workers' Compensation Act.

8.0 Lump Sum Settlements

After a doctor's rating has been received, permanent partial compensation payments will be made in the same manner as temporary total payments were made, usually bi-monthly. Lump sum payments of the permanent partial award shall only be made as ordered by the Workers' Compensation Division of the Utah Labor Commission.

9.0 Hearings

Employees who have questions regarding Workers' Compensation benefits and payments may request a hearing with the Workers' Compensation Division of the Utah Labor Commission. Employees may be represented by an attorney at such hearings. Attorney fees will be paid from any awards granted. The Utah Labor Commission sets the rates attorneys may charge.

10.0 Coordination of Social Security Benefits

Employees who are eligible for both Workers' Compensation and Social Security will receive less Social Security payments but will not receive less Workers' Compensation benefits.

11.0 Unemployment Insurance

Utah Workforce Service's unemployment insurance program requires a person to make a declaration if he or she is physically unable to work. Employees are not eligible for unemployment insurance if they are receiving Workers' Compensation benefits.

12.0 Access to Medical Services

12.1 Upon injury requiring medical care while performing work related duties, employees, including provisional, temporary, interns and volunteers, are strongly encouraged to seek medical care through the contracted preferred provider organization (PPO).

12.1.1 Following receipt of medical services and appropriate billing, the County will pay 100% of the costs for such services.

12.2 Employees needing medical care for an industrial injury may elect to receive treatment from a health care provider which is not on the County's panel of providers; however, the employee will be obligated to pay any charges that exceed the amount the County has contracted for under the PPO contract.

12.3 Employees incurring an industrial accident involving serious or life threatening injuries may seek medical treatment through any health care provider without incurring out of pocket expenses.

12.3.1 Post emergency follow-up care should be accessed through the PPO otherwise the penalty provision in 12.2 will apply.

13.0 Employee Responsibilities

13.1 Change of Doctors

Employees may make one change of doctor without requesting the permission of the Risk Management Unit so long as the Risk Management Unit is promptly notified of the change by the employee. Employees shall have written permission from the Risk Management Unit for any further changes.

13.2 Change of Address

Employees who move and have a change of address shall notify the Risk Management Unit immediately. Employees who leave the state shall complete: 1)

Request for Permission to Leave the State, and 2) Attending Physician Certificate as provided by the Utah Labor Commission. These two forms legally protect employees and guarantee continuation of compensation benefits.

13.3 Protection of Rights

Employees shall file the Workers' Compensation claim within 180 days of the day of the injury or knowledge of occupational illness with the Utah Labor Commission or be ineligible for benefits. Contact the Utah Labor Commission, Workers' Compensation Division for questions regarding protection of rights.

14.0 Return to County Employment

14.1 An employee shall return to the same or comparable position held at the time of injury or position of lesser grade at the same rate of pay.

14.1.1 If the employee, in the opinion of his or her doctor, cannot, with or without reasonable accommodation, perform the essential duties of the position from which leave was taken, the Administrator is not required to accept the employee for work. The Administrator or the employee may, at his or her discretion, request a second opinion to verify the doctor's findings providing the requesting party pays any fees. If necessary, administrators shall have the right to make a decision based on its own doctor's findings. A copy of the position description in question should be sent to the verifying doctor.

14.1.2 Light duty may be provided to an employee upon return to County employment dependant upon the position and at the discretion of the Administrator.

14.1.3 Reasonable accommodation shall be made where possible to permit a disabled employee to return to work.

14.2 If an employee does not return to work when released from a doctor's care, the Administrator shall notify the employee by certified mail, or have signed receipt of delivery to the employee, that he or she is on unapproved leave and is expected to return to work immediately.

14.3 An employee who does not report to work and makes no contact with his or her supervisor, or with the Administrator within 1 day following the receipt of certified mail or signed receipt of delivery, may be terminated pursuant to Policy & Procedure: Termination of Employment.

14.3.1 An employee who wishes to establish a different report date shall do so before his or her expected date of return. This may be accomplished by obtaining the written statement of the treating doctor, as recognized by the County Risk Management Unit. The new expected date of return shall be approved by the Risk Management Unit and communicated by the Risk Management Unit to the Administrator. In such cases, paragraph 13.0 once again is followed.

14.4 An employee who returns to work from Workers' Compensation and whose performance is unsatisfactory may be subject to disciplinary action according to the provisions of the Salt Lake County Human Resources Policies and Procedures: Discipline.

APPROVED AND PASSED THIS 15TH DAY OF JULY, 2008.

THINGS YOU SHOULD KNOW ABOUT WORKERS' COMPENSATION

1. Report an injury - no matter how slight - to your supervisor during the shift that it occurs. You may lose your rights if your injury is not reported.
2. Have your **supervisor** fill out a "First Report of Injury" form.
3. Your payroll clerk will mail the original to the District Attorney's Risk Management Unit, 2001 South State, #S3400, Salt Lake City, Utah, 84190-1200. You will receive a copy.
4. Go to the nearest emergency room in the event of serious or life-threatening injury. Otherwise, employees are **strongly encouraged** to seek medical care through the following for week day industrial injuries:

**OccMed at
Redwood Health Center***
University of Utah Hospitals & Clinics
1525 West 2100 South
Salt Lake City, Utah 84119
801-887-2400
Hours: Monday - Friday
8:00 am to 5:00 pm

ALTERNATE HEALTH CENTERS

Greenwood Health Center*
 7495 South State Street
 Midvale, UT 84047
 801-567-7300
 Hours: Monday - Friday:
 8:00 am to 6:00 pm

Madsen Health Center*
 Research Park
 555 Foothill Blvd.
 Salt Lake City, UT 84112
 801-581-8000
 Houses: Monday - Thursday:
 8:30 am to 7:30 pm
 Friday: 8:30 am to 5:00 pm
 Saturday: 9:00 am to 12:00 pm

Stansbury Health Center*
 220 Millpond Road, #100
 Stansbury Park, Utah 84074
 435-843-3000
 Hours: Monday - Thursday:
 7:30 am to 7:00 pm
 Friday: 7:30 am to 5:00 pm

Sugar House Health Center
 1138 East Wilmington Ave
 Salt Lake City, UT 84106
 801-581-2000
 Hours: Monday-Thursday:
 8:30 am to 7:30 pm
 Friday: 8:30 am to 5:00 pm

Summitt Health Center*
 1750 Sun Peak Drive
 Park City, Utah 84098
 435-647-5740
 Hours: Monday - Friday:
 8:00 am to 6:00 pm

Westridge Health Center*
 3730 West 4700 South
 West Valley City, Utah 84118
 801-964-2300
 Hours: Monday - Friday:
 7:30 am to 6:00 pm

***Pharmacy services available**

URGENT, WEEKEND AND AFTER HOURS CARE

Redwood Urgent Care*
 1525 West 2100 South
 Salt Lake City, Utah 84119
 801-887-2499
 Hours: Monday - Friday
 5:00 pm to 8:00 pm
 Saturday: 9:00 am to 8:00 pm
 Sunday: 9:00 am to 8:00 pm

**University Hospital
 Emergency Department***
 50 North Medical Drive
 Salt Lake City, UT 84132
 801-581-2292
 24 hour care, 7 days a week

***Pharmacy services available**

Parkway health Center*
 145 West University Parkway
 Orem, Utah 84058
 801-226-7555
 Hours: Monday - Friday:
 8:00 am to 5:00 pm
Urgent Care:
 Monday-Friday:
 5:00 pm to 8:00 pm
 Saturday: 8:00 am to 5:00 pm

If you choose a different clinic or doctor to seek medical care for other than serious or life threatening injuries, you shall be responsible for any medical charges which exceed the County's contracted rate.

5. If care is acquired through other than the above cited clinics, ask your doctor to send a report of accident to the Risk Management Unit. The report shall include the following:
- a. Statement as to how injury was sustained;
 - b. The nature and extent of injury;
 - c. Whether the injury is due to any pre-existing condition, and if so, what;
 - d. When you will be able to return to work;
 - e. If there will be any permanent injury or disability, and if so, to what extent;
 - f. The names of all doctors or surgeons who examined your present injury;
 - g. The name of the hospital and date of hospitalization.

6. Approval must be authorized by the Risk Management Unit before a change of doctors can be made, unless you are referred by your treating physician to another doctor.
7. You must communicate your work status to your supervisor. If the accident requires that you miss work, get written notification from your doctor stating that you cannot work. Send the notification to your payroll clerk and the Risk Management Unit. Ask the payroll clerk to send a "Request for Payment of Benefits" and a copy of that report to the Risk Management Unit.
8. When you have been released by your doctor, you shall return to work. Immediately take the release to your supervisor. Your supervisor will give it to your unit's payroll clerk. The payroll clerk will notify the Risk Management Unit and send a "Notification of Employee Benefit Termination".
9. The Utah Worker's Compensation Act states that before any major surgery is performed, except in the case of an emergency, the Risk Management Unit may request a second opinion from another doctor. If your injury requires surgery, contact the Risk Management Unit immediately at 468-3421.

REV 7/03