



CITY OF NEWPORT NEWS PERSONNEL ADMINISTRATIVE MANUAL

Effective: 4/01/08

SECTION 1202	SUBJECT OCCUPATIONAL INJURY AND DISEASE POLICIES, PROCEDURES AND GUIDELINES
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This section establishes policies and procedures pertaining to work-related injuries and diseases.

I. PROCEDURES

A. Any employee who sustains or witnesses a work-related injury or any employee who is diagnosed with an occupational disease shall immediately report such injury/disease to his/her supervisor, even if medical treatment is not desired by the employee. Employees are not required to be treated following a work-related injury/disease. However, a supervisor may consult with the Director of Human Resources or designee to request a fitness for duty evaluation whenever, in the supervisor's opinion, the employee is not able to perform the essential functions of his/her regular job, or the employee may pose a direct threat to him/herself or others. Human Resources must authorize all fitness for duty evaluations. Not all injuries/diseases that occur at work are covered through Workers' Compensation.

B. Medical Treatment

When an employee informs his/her supervisor of a work related injury or disease, the supervisor will provide the employee with an Authorization for Medical Treatment form ("Employee's Notice of Injury") to be completed as follows:

1. The employee completes the top portion of the Authorization for Medical Treatment form in his/her own handwriting. All information should be completed by the employee listing his/her home address, phone number and describing the injury with as much detail as possible making sure to include exact body parts injured. The supervisor is responsible for completing the Employer's Accident Report and the Loss Prevention Investigative Worksheet. The Employer's Accident Report and Loss Prevention Investigative Worksheet are available on the Intranet and may be submitted online or may be faxed to Human Resources.
2. Both the employee and the supervisor sign the Authorization for Medical Treatment form after a physician is selected by the employee. A panel physician should be selected for all injuries even if the employee is not seeking treatment at the time of the injury.

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3. If the employee seeks medical treatment, he/she takes the Authorization for Medical Treatment form (all three parts) to the panel physician to be completed. Departments should make a copy of the form before the employee leaves and fax a copy to the Department of Human Resources. The employee is required to return the authorization form to his/her supervisor after receiving medical treatment.
4. When the employee returns from receiving medical treatment, the department shall give the pink copy of the Authorization for Medical Treatment form to the employee. The yellow copy is for department files and the white copy should be forwarded to the Department of Human Resources along with the original copy of the Employer's Accident Report and the Loss Prevention Investigative Worksheet (unless completed online).
5. Even if the employee does not seek medical treatment, the Authorization for Medical Treatment form must still be completed, and a panel physician must be selected by the employee. The employee's department should forward a fax or photo copy of the form to the Department of Human Resources along with the Employer's Accident Report and the Loss Prevention Investigative Worksheet. The employee's department will maintain the three-part form in the event the employee seeks future medical treatment.
6. If at any subsequent time an employee reports to his/her supervisor that he/she is experiencing a problem from a work-related injury or disease for which he/she has previously sought medical treatment, the employee should be instructed to contact Human Resources or the City's Third Party Administrator directly. In most instances, the employee will be directed to seek treatment with the panel physician previously chosen and seen for the injury. Do not complete another Authorization for Medical Treatment form.
7. The employee is required to obtain and provide his/her supervisor with all documentation regarding work status promptly after each doctor visit. The employee's department will promptly forward all documentation to the Department of Human Resources.
8. The employee is responsible for attending all scheduled medical appointments. Failure to attend may result in the Workers' Compensation claim being denied for medical non-compliance.

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9. The employee is responsible for forwarding all medical bills to the Department of Human Resources.

C. Emergency Treatment

In an emergency situation, the primary objective is to obtain immediate medical care for the injured employee by transporting them to the nearest hospital emergency facility for treatment. Should the severity of the injury be such that emergency medical service is indicated, 911 should be called. The Department of Human Resources should be contacted as soon as possible when a serious injury occurs.

1. In the event the employee is returned to full duty by the emergency room physician, an Authorization for Medical Treatment form should be completed and a panel physician must still be selected in case future medical treatment is needed.
2. If the employee is not cleared to return to full duty by the emergency room physician, he/she should take an Authorization for Medical Treatment form for follow-up care the next day with his/her chosen panel physician.
3. If the employee is admitted to the hospital, Human Resources should be notified immediately.

II. DETERMINATION OF COMPENSABILITY

All reports for workers' compensation are reviewed by the Department of Human Resources and forwarded to the Third Party Administrator. The Third Party Administrator determines if the injury/disease is covered under the provisions of the Virginia Workers' Compensation Act based on the information provided on the Employer's Accident Report, interviews with the injured employee, supervisor and co-workers, and medical documentation. Although an employee may have been injured at work, a claim is compensable under Workers' Compensation laws in Virginia only if the condition is an injury by accident, an occupational disease or an ordinary disease of life caused by the work environment as defined under the Virginia Workers' Compensation Act.

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Should an injury or disease be found compensable, the employee's medical costs and wage loss for a specified period of time will be handled by the City and the Third Party Administrator in accordance with this policy and the Virginia Workers' Compensation Act. While the City will file any report of injury or disease with the Virginia Workers' Compensation Commission, it is the responsibility of the employee to file a claim with the Commission within the time limit provided by law.

If an injury/disease is initially not accepted as compensable pending an investigation, the employee may be required to use his/her own leave until a determination is made on compensability.

Should an injury be initially accepted as compensable and later found to be non-compensable, medical bills not covered by the Third Party Administrator shall be the responsibility of the employee and should be submitted to the employee's private medical insurer, if any. Any absence due to a non-compensable injury previously charged to workers' compensation will be changed to paid personal leave or paid medical leave if available. If no time is available, Finance will contact the employee's department to change the absence to LWOP and notify the employee of any salary overpayment that is due back to the City. The employee will be notified in writing by the Third Party Administrator that the claim has been denied. The Department of Human Resources will forward a copy of the denial letter to the employee's department. Subsequent to the denial of a claim and at any time, the employee may contact the Virginia Workers' Compensation Commission for further information in regard to his/her rights.

III. RETURN TO WORK

- A. If the employee seeks medical treatment, he/she will not be allowed to return to work without a release from the ER or the workers' compensation treating physician stating that the employee can return to work, with or without restrictions.
- B. If the employee is released to return to work with restriction(s), the employee shall immediately provide his/her supervisor with the return to work note from the health care provider. The department head or designated manager shall determine whether the employee can be accommodated in his/her regular job or in an alternative employment assignment, if such is available in the department. The department will notify the Department of Human Resources of the action taken.

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- C. If an accommodation or alternative employment assignment is not available in the department, either in the employee's current position or in another assignment in the same or another division or section of the department, the supervisor or designated manager will contact the Department of Human Resources for possible placement of the employee in an Alternative Employment assignment in another department.

IV. OVERVIEW OF POLICIES GOVERNING EMPLOYEES WHO CANNOT PERFORM THEIR REGULAR JOB

When an employee is medically unable to perform the essential functions of his/her position due to an occupational injury or diagnosis of disease, the employee's circumstances will be reviewed by the Department of Human Resources to determine the appropriate course of action.

Depending on the circumstances of the individual case, an employee who cannot perform the essential functions of his/her regular position may be placed on approved leave, accommodated in his/her regular position, offered light duty within his/her department, or placed in the Alternative Employment Program in another department. The employee may be terminated under certain circumstances such as being unable to return to his/her regular position after reaching maximum medical improvement, not locating another position within the City, exhausting any time limit under this policy or similar circumstances.

Employees who remain in their regular job will maintain regular pay, status and benefits.

The following apply to employees who cannot perform the essential functions of their regular job:

- Employees may remain in a regular pay status during covered absences totaling up to 1040 hours within the two year period immediately following the injury or diagnosis of disease subject to coordination of hours worked in alternative employment. See paragraph V.
- Employees who can perform some work may be placed in an alternative employment assignment. The employee may remain in regular pay status while in Alternative Employment for up to a total of 2080 hours within the two-year period immediately following the injury or diagnosis of disease subject to coordination of hours of Alternative Employment with covered absences. See paragraph VI.

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- Employees who have both covered absences and alternative employment within the two year period immediately following the injury or diagnosis of disease may remain on regular pay status for up to 2080 hours of alternative employment and up to 1040 hours of covered absences not to exceed a combined total of 2080 hours. See paragraph VI. See Attachment I for examples.
- Employees who have exhausted the maximum allowable time for covered absences at regular pay may be eligible for wage loss payments from the Third Party Administrator for future covered absences in accordance with the Virginia Workers' Compensation Act.
- Employees who can perform some work, but have exhausted the maximum allowable time for alternative employment at regular pay may be placed on the Department of Human Resources Alternative Employment Payroll at an appropriate rate of pay, if qualified, and if an assignment is available. See paragraph VI, section C. If paid at a lower rate of pay, the employee may also be eligible for a Workers' Compensation benefit in accordance with the Virginia Workers' Compensation Act.
- At any time during this process when it appears that the employee can perform some work, but will not be able to return to his/her regular position, the employee is encouraged to apply for other job openings with the City that may be available. See paragraph VI, section D.
- Employees may be placed on a medical leave of absence for up to six months when they have exhausted the maximum allowable time at regular pay and are unable to return to restricted duty or their regular job.
- When an employee's covered absences at regular pay, leave of absence and any Alternative Employment benefits have been exhausted and the employee has not been successful in locating another budgeted City position, he/she may be terminated. If terminated, the employee may be eligible for vocational rehabilitation services outside the City. See paragraph VII. If the employee is eligible for disability or service retirement, he/she must apply before termination.
- The provisions of this policy apply only to current City employees. If the employee retires, resigns or terminates for any reason, he/she will only be entitled to benefits as defined in the Virginia Workers' Compensation Act. If the employee is terminated for cause, he/she may forfeit the right to receive workers' compensation indemnity benefits.

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- It is the City's policy to seek reasonable accommodation for employees with disabilities in appropriate cases. See paragraph X.
- An employee with a covered disability under Workers' Compensation may also be entitled to benefits under other programs such as FMLA, ADA, or the City's Retirement Fund. Department representatives should contact and consult with the Department of Human Resources in appropriate cases. See paragraph X.

V. ABSENCE FROM WORK

For purposes of this section, the terms "absence from work" and "covered absence" mean approved time away from work due to a compensable injury or disease, unless otherwise stated or unless another meaning is clear from the context in which the term is used.

Such time includes approved time away from work due to incapacity, doctor's appointments, physical therapy, medical treatment, time spent traveling to and from work to attend medical appointments and similar medical reasons. It includes both continuous and intermittent periods of absence which are authorized in writing by the treating workers' compensation physician.

Generally, any time spent receiving medical treatment outside of work hours will not be compensated.

The following compensation, status and benefits apply when an employee is absent from work due to a compensable injury or disease.

A. Day Of Injury

1. The employee's compensation, status and benefits remain the same.
2. The employee is granted the remainder of the work day at regular pay without charging paid leave for the day of the accident, unless the employee is authorized to return to work immediately after seeing the doctor. In this case, if the employee does not return to work, he/she would be paid only for time actually worked and time spent receiving treatment during normal work hours.

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3. If the employee does not seek medical treatment, but in the supervisor's opinion, the employee is not able to perform the essential functions of his/her regular job, or the employee may pose a direct threat to him/herself or others, the supervisor should consult with the Director of Human Resources or designee to request a fitness for duty evaluation.

B. Absences Of Up To 1040 Hours Within The Two Year Period Immediately Following The Injury Or Diagnosis Of Disease

1. During covered absences, the employee remains on the payroll of his/her regular department with the same net rate of pay, status and benefits to a maximum total absence of up to 1040 hours within the two year time period immediately following the date of the injury or diagnosis of disease subject to coordination of hours worked in Alternative Employment. During covered absences, the employee may receive two checks - one from the Third Party Administrator based on 2/3's of his/her pre-injury average weekly wage up to the weekly maximum statutory benefit allowed by Workers' Compensation and if necessary, a supplemental check will be issued by the City which will equal the base net pay less the amount of the workers' compensation check and any City payroll deductions. The employee may choose to continue to receive his/her base net City paycheck by remitting the check from the Third Party Administrator to the Department of Finance.
2. If the employee is working and takes leave for personal or medical reasons not related to the compensable injury or disease, the leave is charged as paid personal leave, paid medical leave, preventive medical care, unpaid leave or other leave in accordance with applicable City leave and payroll policies.
3. During periods of absence within the two year period, the employee shall not be eligible for any salary increases above his/her rate at the time of injury.
4. These absences may be covered under the Family Medical Leave Act and departments should consult with the Department of Human Resources regarding documenting leave as such.

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- C. Absences Exceeding The 1040 Hours Or Absences After The Two Year Period Immediately Following The Injury Or Diagnosis Of Disease
1. After the exhaustion of covered absences at full pay or after two years from the date of the injury or diagnosis of disease, whichever is earlier, the employee is no longer eligible for regular pay during covered absences but may be eligible for wage loss payments from the Third Party Administrator equal to 2/3's of his/her pre-injury average weekly wages up to the weekly statutory maximum benefits allowed by Virginia Workers' Compensation.
 2. When an employee is working in his/her regular position or in Alternative Employment and has a covered absence after the exhaustion of covered absences at full pay or after two years from the date of injury or diagnosis of disease, whichever is earlier, the employee's time and compensation are handled as follows:
 - a. Covered absences of a full day or less due to incapacity or medical treatment related to the compensable injury or disease may, at the employee's option, be charged to Workers' Compensation, if entitled, or to paid personal leave, paid medical leave, preventive medical care or other applicable leave time in accordance with City leave policies, should the employee have sufficient leave balances to cover the absence. However, medical treatment shall be scheduled outside of work hours whenever possible.
 - b. Any covered absence of more than one work day due to incapacity, doctor's visit, therapy or other reasons related to a compensable injury or disease is not paid by the City if the employee is eligible for lost wages through Workers' Compensation. The employee shall contact the Third Party Administrator to determine if he/she is eligible for lost time reimbursement through Workers' Compensation. If the employee is not eligible for reimbursement, the employee may charge leave in accordance with applicable leave policies.
 3. After the exhaustion of covered absences at full pay, if the employee is not working and is expected to experience an extended absence, he/she may be placed on a leave of absence with the City for up to six (6) months. See Section 704, Unpaid Leaves of Absence.

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VI. ALTERNATIVE EMPLOYMENT

The Workers' Compensation Alternative Employment Program has been established to provide temporary alternative employment to employees who experience a workers' compensation covered disability which prevents them from performing the essential functions of their regular job, but who are not totally disabled.

For purposes of this section "Alternative Employment" includes formal transfer to the Human Resources Alternative Employment Program or reassignment to a different job or modified assignment in the employee's regular department or another department that the employee is medically cleared to perform. The term "light duty" may be used interchangeably with "alternative employment".

When an employee experiences a covered disability, the employee's department will attempt to place the employee back into his/her regular position provided the employee can perform the essential functions of his/her job. When the employee cannot perform the essential functions of his/her job, but can perform some work, the employee may be placed in a temporary Alternative Employment assignment in the employee's regular department or in another department. See paragraph III C. The program may provide full time, part time and day-to-day assignments.

This program does not guarantee any employee an alternative employment assignment, nor does it guarantee that employees with covered disabilities will be placed in any current or future budgeted vacancies which may arise. The provisions of this policy notwithstanding, the City retains the right in its sole discretion to place an employee with a covered disability in a position with an employer other than the City.

A. Employee Responsibilities

1. The employee is required to accept the offered assignment. Refusal to accept the offered assignment and to participate in the program may result in suspension of Workers' Compensation benefits, shall be deemed as insubordination and may result in termination of employment.
2. The employee is subject to all regular employment rules, regulations and standards while in the program.
3. The employee is responsible for performing assigned work in a proper and conscientious manner and for maintaining acceptable conduct.

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4. The employee is responsible for immediately reporting to his/her assigned supervisor any inability to perform the assigned work or other problems concerning work assignments.
5. The employee shall not perform work that is outside the restrictions determined by the Workers' Compensation treating physician.
6. The employee is responsible for providing his/her supervisor and the Department of Human Resources with work status updates promptly after each medical appointment.

B. Department's Responsibilities

1. The department is responsible for ensuring that the employee performs only approved work. The employee is not to be assigned any work that does not fall within the restrictions which have been approved by the Workers' Compensation treating physician.
2. The department is responsible for maintaining required records and making periodic reports as required to the Department of Human Resources and for notifying Human Resources of any problems.
3. A department utilizing the Alternative Employment Program should regard the employee's assignment as temporary. Each assignment will be reviewed on a case by case basis by the Director of Human Resources to determine its duration.
4. While the employee is in the Alternative Employment Program, the Department of Human Resources will continue to work with the employee to attempt to return him/her to full duty or to locate a regular budgeted position.
5. The department is responsible for addressing any misconduct, attendance, or unacceptable job performance issues of the employee with the Department of Human Resources.

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C. Alternative Employment Assignments, Compensation, Status and Benefits

1. Within the two years immediately following the injury or diagnosis of disease when the employee is working in an approved alternative employment assignment, whether in the employee's department or in another department, the employee will remain on the employee's regular department payroll with the employee's regular pay, status and benefits for a cumulative total of alternative employment and covered absences from the regular job not to exceed 2080 hours. For example, if the employee has no covered absences, the employee could remain in alternative employment up to 2080 hours. If the employee uses 1040 hours of covered absences, the employee would only be eligible to use 1040 hours of alternative employment. See examples in Attachment I.
2. The Director of Human Resources shall periodically review all cases and may in his/her sole discretion determine to extend the employee's alternative employment on his/her regular department payroll by up to three additional months when the City's workers' compensation treating physician states the employee is making improvement and is expected to be able to return to full unrestricted duty within the three month period, and it is likely that the employee's former job or a job of similar level and status will be available. During this time, the employee will remain on his/her regular department payroll with the employee's regular pay, status and benefits. Factors that will be considered are the work the employee is performing, the department's operating requirements, reasonableness of the accommodation, the knowledge, skills and abilities of the employee, the difficulty in filling the job or modifying the assignment held by the employee, the likelihood the employee's job will be available and other relevant factors.
3. Transfer to the Department of Human Resources Alternative Employment Payroll.
 - a. At the end of the period of Alternative employment on the employee's regular department payroll, the Director of Human Resources may transfer the employee to the Department of Human Resources Alternative

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Employment Payroll. The employee's department should forward a Status Change form to Human Resources. The Director of Human Resources will determine the appropriate rate of pay for any assignment in the Human Resources Alternative Employment Program.

- b. The employee may be eligible for a Workers' Compensation benefit in accordance with the Virginia Workers' Compensation Act when paid at a lower rate of pay through the Department of Human Resources Alternative Employment Payroll.
4. Covered absences which occur while the employee is working alternative employment are charged and paid as stated in Section V.
5. Employees may use paid personal leave, paid medical leave, preventative medical care or other applicable leave for approved absences not related to the work-related injury or disease while in the Alternative Employment Program, subject to regular approval procedures.
6. If an employee works 80 hours or more a month in the Alternative Employment Program, the employee will accrue paid leave at his/her regular rate of accrual. If the employee works at least eight hours during the month, the employee will accrue one-half the regular accrual.
7. The employee will receive retirement credit each month he/she is in an active pay status at least 15 calendar days with appropriate pro rating for 24-hour Fire employees.
8. The employee will remain eligible for participation in group health insurance plans at the regular employee rate during each month the employee is actively employed 8 hours or more.
9. The employee shall not be eligible for any salary increases above his/her rate at the time of injury while assigned to alternative employment.

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10. If an employee is offered alternative employment, but refuses, the employee will not be entitled to Workers' Compensation benefits. The employee may be eligible for other leave benefits offered by the City in accordance with established policy.
11. If an employee suffers a second injury, or his/her work status changes due to a previous injury while working in the Alternative Employment Program, the employee's time period of full pay will be determined by the Director of Human Resources.
12. The status, compensation and benefits for employees assigned to the Alternative Employment Program for a very brief period, on an intermittent basis or on a basis not otherwise covered by this policy, will be determined by the Director of Human Resources on a case-by-case basis.

D. Termination of Alternative Employment Assignments

Alternative employment assignments are intended to be temporary with the objective of facilitating the employee's return to his/her regular job or to another budgeted position within the City. Each case will be reviewed periodically on a case-by-case basis while the employee is recuperating. If at any time it appears that the employee can perform some work, but will not be able to return to his/her regular position, the employee is encouraged to apply for other job openings with the City that may be available. Generally, Alternative Employment assignments will terminate when the employee is medically cleared to return to regular duty, reaches maximum medical improvement, locates another budgeted position within the City, or exceeds any time limit under this policy. Alternative Employment may be terminated in the event of changes in operating needs, employee misconduct, less than acceptable job performance or similar circumstances. The Director of Human Resources is authorized to remove employees from the Alternative Employment Program at any time.

VII. EMPLOYMENT STATUS

When an employee's covered absences, approved leave, leave of absence and Alternative Employment benefits have been exhausted, the employee's status will be reviewed by the employee's department head and the Director of Human Resources and one of the following will apply:

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- A. If the employee is transferred to another City position in another grade or status, the employee's pay and benefits will be governed by policies applicable to the new position. The employee may be eligible for a Workers' Compensation benefit in accordance with the Virginia Workers' Compensation Act when paid at a rate of pay lower than his/her pre-injury wages.
- B. If the employee qualifies for disability retirement or service retirement under the City's retirement plan, the employee is encouraged to apply for benefits. If the employee retires, and the employee receives Workers' Compensation indemnity benefits, the retirement benefit will be adjusted in accordance with retirement policies. The employee will be removed from the regular payroll and shown as retired.
- C. If the employee does not retire he/she may be terminated. The designated manager will consult with Human Resources to review all the circumstances and any Americans With Disabilities Act (ADA), Family Medical Leave Act (FMLA) or other legal implications. If the employee is terminated, he/she may be eligible for a Workers' Compensation benefit in accordance with the Virginia Workers' Act and may qualify for vocational rehabilitation services to facilitate locating a job outside the City.

VIII. JOB STATUS

The position of an employee who is unable to perform the essential functions of the position due to a compensable injury or disease will be held open for the employee for at least six months from date of injury or diagnosis of disease. The Director of Human Resources is authorized to make final determination as to when the position will no longer be held open pending the employee's return. In order to make the determination, the Department Head and the Director of Human Resources will periodically review the situation to include operating needs, prognosis by the employee's treating physician regarding the anticipated return to unrestricted employment in his/her regular position, applicable provision of FMLA and ADA, and other relevant policies. Should the employee subsequently be able to return to work, the employee will be eligible to apply for vacant positions within the City.

IX. FRAUDULENT CLAIM FILING

Falsification of information regarding a Workers' Compensation claim or providing false information about witnessing an accident/injury by a City employee is a violation of the City Standards of Conduct and state law, and shall subject that person to disciplinary action as prescribed by the Standards of Conduct.

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X. COORDINATION WITH ADA, FMLA AND OTHER BENEFITS

Throughout an employee's disability, the City will endeavor to make reasonable accommodations for the disability on the same general basis as made for employees with non-occupational illnesses or injuries. The City will periodically review continuing disabilities and will determine if an employee should be considered an individual with a disability under the Americans with Disabilities Act of 1990 (ADA). See Section 300.2, Employment Definitions and Section 1202, V. B. 3., OCCUPATIONAL INJURY AND DISEASE POLICIES, PROCEDURES AND GUIDELINES. Since there are several factors which must be considered on a case-by-case basis to make various determinations, and since individual situations may require coordination of policies and benefits between Workers' Compensation, ADA and FMLA and the City's Retirement Fund, department representatives should contact and consult with the Department of Human Resources in appropriate cases.

XI. THIRD PARTY CLAIMS

An employee who makes a claim against another party for responsibility for the employee's injury must provide the City's Workers' Compensation Third Party Administrator with the name of the insurance company providing coverage and the name of the employee's attorney, if represented. The City of Newport News is entitled to recover any amounts paid through Workers' Compensation should any recovery be received through a Third Party Claim. Any employee who withholds funds rightfully due the City under Section 65.2-310 of the Workers' Compensation Act of the Commonwealth of Virginia will be subject to disciplinary action, including dismissal. The City will also seek to recover such funds by any lawfully available means.

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PAYROLL PROCEDURES FOR LOST TIME & ALTERNATIVE EMPLOYMENT

The following procedures and payroll codes will be used for payroll purposes and for tracking time an employee is away from work (lost time) due to a compensable work-related injury or disease, including time spent at the doctor and time spent working in alternative employment. See Attachment I for coding examples.

NWC1: This code is used for covered absences when a work-related injury/disease has been reported and is pending review by the third party administrator. This code is also used for absences which have been determined by the Third Party Administrator as compensable and should not exceed 1040 hours. This code should be tracked in conjunction with ALT1 so that the total hours do not exceed 2080.

- If the injury is determined to be non-compensable, time charged to WC1 may be changed to accrued leave if available. If not available, Finance will contact the department to change the time to LWOP and notify the employee of any salary overpayment that is due back to the City.
- If an investigation of the claim is necessary, the employee may be required to use leave time instead of having absence charged to WC1.
- Also used for time away from work for approved doctor's appointments, physical therapy, medical treatment and travel time to and from work for appointments. Please contact the Department of Human Resources on appropriate limits on travel time.
- For day of injury, only use WC1 for time away from work due to injury to go to the doctor and any covered absences (not the entire shift).

NAL1: This code is used to record time when an employee is working "alternative employment" at his/her net rate of pay. This code should be tracked in conjunction with WC1 so that the total hours do not exceed 2080.

- If employee is temporarily working in a different department, hours worked will be faxed to employee's original department to be entered in the system.
- This code should also be used if employee is granted a three month (12 week) extension of alternative employment. See paragraph VI, C. 2.

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NWC6: This code is used for approved lost time absences after 2 years from date of accident or diagnosis of disease or after exhaustion of 1040 hours of full pay under City policy. Employee must be eligible for lost wages under Workers' Compensation and will receive pay only from the City's Third Party Administrator for absences related to the work-related injury. This is a City non-pay status and the employee's regular pay should be cut off.

- Employee may charge paid leave time if time lost is a full day or less in place of WC6.
- For absences of more than one day, employee shall contact the Third-Party Administrator to find out if eligible for lost time reimbursement through Workers' Compensation. If eligible, code approved time away from work as WC6 and stop employee's pay. The employee should report his/her lost time to the Third Party Administrator and provide them with a copy of his/her paycheck stub to show lost time for reimbursement.
- If employee will be out of work for more than 30 days, they should be changed to inactive status for leave and retirement purposes.
- If not eligible for lost time reimbursement through Workers' Compensation, employee may charge paid personal leave, paid medical leave, preventative medical care or other applicable leave for any absence of more than one work day.
- If employee is reimbursed by Workers' Compensation after receiving paid leave, Finance will credit the employee's paid leave to off-set overpayment and will make any necessary adjustment to employee's pay.
- If an employee is eligible for workers' compensation and is receiving workers' compensation indemnity benefits, he/she may not supplement the benefit with any accrued paid leave unless otherwise mandated by the State.

NAL6: This code is used for time the employee participates in the Alternative Employment Program if transferred to the Department of Human Resources payroll at a reduced rate of pay as stated in section VI.

- The department the employee is working in will fax time sheets to the Department of Human Resources.
- Department of Human Resources will enter time in the payroll system for all employees on Workers' Compensation payroll.

AMENDS/SUPERSEDES SECTION 1202, 10/1/999	REFERENCES	APPROVAL
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ATTACHMENT I

The following examples have been developed to help in administering this policy:

EXAMPLES

Employee *A* injured his knee while at work and is put out of work following surgery. He uses 480 hours of his time under covered absences before he is released to work in an alternative duty position. He works in alternative duty for 1280 hours before he is released to full duty. His time would be coded as follows:

- 480 hours of NWC1
- 1280 hours of NAL1

Employee *B* was involved in a serious motor vehicle accident while working. She is hospitalized for an extended period of time and exhausts her 1040 hours of covered absences. At that time she would only be eligible for wage loss payments from the Third Party Administrator equal to 2/3's of her pre-injury average weekly wages. Her pay from the City would be stopped at the exhaustion of the 1040 hours of covered absences, she would be placed on a leave of absence, and she would receive wage loss payments directly from the Third Party Administrator. After being out of work completely for another 400 hours, she returns to alternative employment and works 300 hours before returning to full duty. Her time would be coded as follows:

- 1040 hours of NWC1
- 400 hours of NWC6 - City pay would be stopped, she would be placed on a leave of absence, and she would receive wage loss payments from the Third Party Administrator.
- 300 hours of NAL1

Employee *C* injured his back while loading a truck and is returned to alternative employment. He continues to work alternative employment for a year and is only away from the job intermittently a total of 200 hours for doctor and physical therapy appointments. At the end of a year he has not been released to full duty. His time would be coded as follows:

- 200 hours of NWC1 (used periodically throughout the year)
- 1880 hours of NAL1

At this time, Employee *C*'s Department Head and the Director of Human Resources would consider relevant medical information in order to determine whether or not to extend employee's employment for up to 3 months.

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Employee *D* injures her shoulder during an altercation and is returned to alternative employment. She continues to work alternative employment for 80 hours and is released to full duty. She has multiple doctor and physical therapy appointments using 200 hours during the first year after her accident. A year after her injury it's determined that she needs surgery. She is out of work for another 200 hours before returning to full duty. Her time should be coded as follows:

- 400 hours - NWC1
- 80 hours - NAL1

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