



**Administrative Regulations
Office of the Mayor**

Title: WORKERS' COMPENSATION

A.R. Number: 5.1 **Effective Date:** 2/1/2007 **Page:** 1 of 4

Supersedes: Replacement of Eye Glasses and Other Personal Items **A.R.:** 5.1 **DATED:** 9/1/2000

I. PURPOSE

The City of Richmond complies with the Workers' Compensation Act of Virginia. This policy outlines the basic structure of Virginia Workers' Compensation law; authorizes supplemental payments for injured employees in certain circumstances, and the procedures supervisors and employees must follow after an on the job injury.

The Workers' Compensation law enacted by the legislature of the Commonwealth of Virginia sets the requirements for the employer in the handling of employee illness, injury and disability arising from a job-related accident. Enforcement and interpretation of this law rests primarily with the Virginia Workers' Compensation Commission.

II. POLICY

A. Employee Benefits

If an injury or illness is judged to be compensable, the injured employee is entitled to the following benefits:

1. **Wage Benefits:** 66 2/3 of the employees average weekly wage for the twelve months prior to the injury payable for up to 500 weeks, if appropriate, after a seven calendar day waiting period. If the injury leave exceeds 21 calendar days, the employee is reimbursed for the first seven calendar days.
2. **Medical Benefits:** Medical expenses for conditions directly related to the injury are covered for as long as necessary if the employee receives an award for wages. If there is no wage benefit involved, the employee must write the Workers' Compensation Commission to apply for lifetime medical benefits.

B. Supplemental Pay

The City provides workers' compensation as required by the Code of Virginia. In addition, the City also voluntarily pays a supplement to workers' compensation in certain situations for employees up to one year following the accident. During the first seven calendar days of absence, authorized by the City's Worker's Compensation Treating Physician, injury leave with full pay will be allowed. During this period, leave will be paid as the difference between compensation allowed under the Workers' Compensation Act and the employee's normal net pay. For purposes of this policy, "normal net pay" shall be defined as gross pay (after pre-tax adjustments), less social security (FICA), federal income tax and state income tax. After this one-year period, the employee shall only receive the amount of compensation allowed under the Worker's Compensation Act.

C. Extension of Supplemental Pay

In the event the compensable disability lasts longer than one year, the employee may submit a written request to the Appointing Authority to consider an extension of leave with pay. A panel consisting of the Appointing Authority, the Director of Human Resources, and the Director of Finance will investigate the matter and consider the request based on criteria set forth in the City's Pay Ordinance (Ordinance 93-117-159). The panel shall make its recommendation to the Chief Administrative Officer (CAO) with regard to the disposition of request for additional injury leave. The CAO may then, in his discretion, grant or deny the request. If the request is granted, the initial one-year period may be extended for an additional period of time as deemed necessary, consistent with the appropriate medical findings. The CAO shall report to the Council periodically with regard to cases in which a request for additional leave is not granted.



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D. Depending on the duration of workers' compensation leave and nature of manpower needs, the City cannot guarantee employment after a long absence. However, if the employee reaches maximum medical improvement, but cannot return to the original job, efforts will be made to provide productive work if it is available.

E. The City will comply with Family Medical Leave Act requirements (Administrative Regulation 4.3) in the application of this policy.

F. Replacement of Personal Items

The City may provide replacement of employees' eyeglasses, contact lens, dentures, prosthesis due to damage, breakage, or loss as a result of employee work-related injury and/or accident.

The City Safety Officer will evaluate each case. Based upon the recommendation from the City Safety Officer, the Department/Agency Director will make the final determination for reimbursement. Replacement costs shall not exceed the quality of the lost or damaged items.

Examples of accident-related justifications are:

- A vehicular accident while on the job.
- Struck by a tool or object while performing job.

As with claims related to personal injury accidents, the event must have been witnessed or adequate proof of the incident presented to the Safety Officer. The presentation of damaged glasses or other personal items, or a verbal claim of loss, does not constitute adequate proof.

Items will not be replaced if the employee was:

- Engaged in horseplay;
- Violating safety rules;
- Was negligent in his actions; or
- Under the influence of alcohol, drugs or other unauthorized or prohibited substance while on the job.

The above examples are not all inclusive.

III. PROCEDURES

A. Required Forms:

1. Employee's Accident Report- When the injury exceeds on-site first aid, the Employer's Accident Report is to be completed and signed by the person designated within the department to complete this form and will include his/her title. The form will state the employer's version of events. The original of the Employer's Accident Report will be delivered within 24 hours of the occurrence of the accident to the department safety officer or the City Occupational Safety and Health Officer. All sections of the form shall be completed, including the home telephone number of the employee.
2. Supervisor's Investigation Report and Report of Employee Injury- When any injury occurs, the immediate supervisor of the injured employee must promptly complete the City's Supervisor's Investigation Report and Report of Employee Injury. The purpose of this report is to identify all factors



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that contributed to the accident so that corrective action can be instituted if necessary. The original of the Supervisor's Investigation Report and Report of Employee Injury will be delivered **within 24 hours of the occurrence** of the accident to the department safety officer or the City Occupational Safety and Health Officer. This report should be retained by the supervisor and a copy forwarded to the Appointing Authority.

3. Duty Status Report – Supervisors will ensure that the injured employee is provided a Duty Status Report with Side A completed by the employee's immediate supervisor and Side B to be completed by the attending physician or medical facility on the initial visit to the health care provider. The injured employee will be advised to deliver the form to the medical facility, have the form completed, and then bring the form back to his/her supervisor, who in turn will promptly deliver the form to the City Occupational Safety and Health Officer. The physician's name, medical facility, address and telephone number must be written on page two (2) of the form.

B. Claims Management

The Bureau of Risk Management manages the City's workers' compensation program and has chosen to utilize a third party administrator (TPA) to administrate the claims process. The claim process is as follows:

- It is the employee's responsibility to report immediately all injuries or illnesses, possibly related to their job, to their supervisor immediately. The employee will be offered a choice of physicians from the City's authorized Panel of Physicians. Medical care, except for emergency care, from a doctor not on the panel is not covered.
- The supervisor should complete an Employers' Accident Report within 24 hours of accident and send it to his department safety officer. The safety officer will transmit the Employers' Accident Report to the TPA by fax, 800-number, or internet.
- The TPA will establish a file and contact the employee, the supervisor and the treating physician before reaching a decision on compensability. If the claim is approved and the employee has lost more than seven (7) calendar days from work, the TPA will offer a Memorandum of Agreement to the employee for signature. The TPA will forward the signed Memorandum of Agreement to the Virginia Workers' Compensation Commission who will then issue an Award authorizing the payment of wage benefits.
- The TPA will issue the wage check and send it to Risk Management for review before releasing it to Payroll for delivery to the employee on payday.
- If a claim is denied, the injured employee will receive a denial letter from the TPA. Copies will be sent to the employee's appointing authority, safety officer and Risk Management.
- The employee can contact the Virginia Workers' Compensation Commission, in writing, at any time in the claim process and request a hearing.

Virginia Workers' Compensation Commission
100 DMV Drive
Richmond, VA 23220
(804) 367-8600



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IV. RESPONSIBILITIES

- Employee

The employee is required to keep all appointments with the selected physician and accept the treatment recommended by that physician as well as any other physician, health care provider, or rehabilitation professional whom the employee is referred. Employees are responsible for providing their supervisor with written notice of the health care provider's change in restrictions.

The employee must report to his or her next scheduled shift once released by the health care provider. If released to modified or transitional duty, the employee must accept the assignment offered. Failure to follow the recommended course of treatment, report for modified duty, or accept job assignments may jeopardize the employee's workers' compensation benefits and/or result in disciplinary action.

Failure to report any work-related injury/disease or to select a physician from the panel physician list could result in loss of payment for medical expenses.

- Department

Department Safety Officers must ensure that all required forms are accurately submitted in a timely manner to the TPA or the City's Occupational Safety and Health Officer. Departments are responsible for accurately reporting time lost because of on-the-job injuries or illness forwarding that information in a timely manner to Risk Management.

Managers should encourage timely reporting of all work-related injuries or illnesses and assist employees with the process. When requested to provide modified or transitional duty, managers should actively assess the workplace for appropriate tasks and duties to encourage employee return-to-duty. If a suitable modified duty position cannot be found, the Department of Human Resources should be contacted to assist in finding reasonable accommodations, including tasks within the department that may be different than the employee's regular job or reassignment to a different job.

Managers should include safety expectations in supervisor and employee performance evaluations where appropriate.

V. REGULATION UPDATE

The Office of the Mayor, the Department of Human Resources shall be responsible for modifications to this Policy.

APPROVED:

MAYOR