



**CITY COUNSELOR/
DIRECTOR OF PERSONNEL**

JOINT REGULATION NO. 4

**WORKERS' COMPENSATION AND
DISABILITY LEAVE**

Effective: November 4, 2013

I. PURPOSE

The purpose of this Joint Regulation is to establish guidelines and procedures for the granting of leave and payment of benefits to employees of the City of St. Louis who suffer on-the-job injuries and/or occupational diseases.

II. ADMINISTRATION

- A. Under the contract between the City and its third party administrator, Cannon Cochran Management Services, Inc. ("CCMSI"), the scope of services provided by CCMSI includes the evaluation of claims. Such evaluation includes determining, after full investigation, whether a claim is covered. Such determinations are not required until thirty (30) days after a claim has been filed. Investigations do not begin until after reports of injury are received, and conclusions cannot be reached until such investigations are completed. Initial determinations may be changed if later warranted by the facts.
- B. Whether to accept or deny coverage is a determination ultimately to be made by the City Counselor or his/her authorized representative; however, such determination will give full consideration to the claim evaluation by CCMSI. Accordingly, any representation of coverage or non-coverage shall be made only by the City Counselor and only after consideration of CCMSI's formal evaluation. All other employees or representatives of the City must refrain from giving assurances of coverage or non-coverage until such formal determination has been made.

III. REPORTING OF ON-THE-JOB INJURIES

The City is required to report on-the-job injuries to the State of Missouri in a timely fashion. To ensure compliance with State reporting requirements and the requirements of this Joint Regulation, appointing authorities shall take the steps necessary to ensure that all employees, including management, supervisory and payroll personnel, are familiar with and follow the reporting procedures below, as well as the other provisions of this Joint Regulation.

- A. Employees shall report on-the-job injuries to their supervisors as soon after the injury as possible.
- B. When an on-the-job injury or an occupational disease is reported, a Report of Injury ("ROI") form must be completed by the operating department and submitted to CCMSI

and the City Safety Officer for the Department of Personnel in accordance with the instructions on the back of the form. A transmittal form should accompany the ROI form sent to CCMSI.

- C. If the employee misses more than 3 scheduled work days following his/her injury, or if requested to do so by the City Counselor's Office or CCMSI, a 13 Week Wage Statement shall be completed and submitted by the payroll clerk to CCMSI with the ROI form.

NOTE: (If there is a question of whether a particular injury or illness should be reported, contact CCMSI at 231-4094.)

IV. TREATMENT OF ON-THE-JOB INJURIES OR OCCUPATIONAL DISEASES

Employees who suffer on-the-job injuries and/or occupational diseases should be referred for medical treatment under the workers' compensation program. Employees who become sick while at work with non-work related illnesses should not be referred for medical treatment under the program. Bills resulting from the treatment of non-work related illnesses will not be authorized for payment under the workers' compensation program. Conversely, the City's health insurance plans will not cover the treatment for on-the-job injuries.

- A. Employees who suffer on-the-job injuries or occupational disease shall be referred or transported to the authorized facility for diagnosis and treatment when the injury is severe enough to require medical attention.

In life threatening emergencies employees should be taken to the nearest appropriate medical facility. (This will usually be determined by emergency medical service personnel.)

- B. An employee who selects a different physician and/or treatment facility must do so at his/her own expense.
- C. When an employee is referred or transported to a medical facility for treatment, the operating department will provide the employee with a Treatment Authorization and Fitness for Duty Form, completed, in part, by the employee's supervisor. When the employee reports for treatment, he/she should identify him/herself as a City employee and present the form.
- D. After receiving treatment, the employee will receive a copy of the Treatment Authorization and Fitness for Duty Form completed by the attending physician or other medical personnel at the treatment facility. The employee should sign and promptly return the Treatment Authorization and Fitness for Duty Form to his/her supervisor or payroll clerk.
- E. The Treatment Authorization and Fitness for Duty Form should be submitted to CCMSI according to the instructions on the form as soon as possible after treatment and along with the Workers' Disability Form, if required.

V. COMPENSATING EMPLOYEES FOR PERIODS OF DISABILITY

A. Temporary Total Disability:

1. When an employee is placed on temporary total disability, the options with respect to compensation for such period of time must be explained so that the employee can make an informed decision.
2. Unless an employee receives his/her regular bi-weekly salary during periods of temporary total disability, non-voluntary deductions, including taxes, from the workers' compensation payment the employee receives are prohibited. If an employee wishes to continue any deduction presently in effect, he/she must immediately notify his/her payroll clerk of his/her desire to continue the deduction(s). To prevent the lapse of any health, life, dental, or other coverage, the payroll clerk must indicate that the employee wishes to continue the deductions during the period of temporary total disability.
3. Unless an employee receives his/her regular bi-weekly salary during periods of temporary total disability, he/she may elect to use his/her accrued medical and/or sick leave for the first three work days of temporary disability, provided he or she has sufficient medical leave and/or sick leave accrued. Thereafter, the employee will be compensated at the rate mandated by law. If the period of disability extends fourteen (14) calendar days or more, medical and/or sick leave used during the first three (3) work days of disability will be restored to the employee's balance from which it was taken, i.e., medical leave or sick leave balance.
4. Payments for temporary total disability are to be made from the operating budget of the department where the injured employee works or worked when injured.

B. The Worker's Disability Form:

1. If the injured employee is unable to report to work on or subsequent to the day following the accident as determined by authorized medical personnel, a Workers' Disability Form must be completed by the operating department and submitted to the Workers' Compensation Section of the City Counselor's Office at the end of each pay period during which the employee is or was unable to work.
2. The form must be received by 3:00 p.m. the workday before payroll closes for processing. A copy of the Treatment Authorization and Fitness for Duty Form from the authorized treatment facility must be attached to the Workers' Disability Form.

VI. STATUS OF INJURED EMPLOYEES

- A. When all pertinent information is received, the City Counselor or his/her designee will determine whether an employee will be continued on disability leave or workers' compensation, removed from disability leave or workers' compensation and/or referred to a medical facility for additional evaluation.

- B. Appointing authorities are encouraged to utilize employees who are medically cleared to work in a temporary light duty capacity. An injured employee, though not able to perform his or her full duties may be able to perform other needed and useful functions or tasks. All light duty assignments should be clearly defined and have a specified starting and ending date.
- C. Prior to the dismissal of an employee who is on temporary total disability or who is unable to perform the essential functions of his/her position, the appointing authority should review the provisions of Joint Regulation No. 2 and Department of Personnel Administrative Regulation No. 133 to determine the applicability of either or both regulations.

VII. SAFETY VIOLATIONS

A twenty-five (25) to fifty (50) percent reduction in workers' compensation benefits is permitted when an injury is caused by the failure of the employee to use safety devices, when provided, or the failure to obey any reasonable rule adopted for the safety of the employee. In an effort to reduce injuries, the City will apply this reduction in benefits when allowed by law. Applicable safety rules include those issued by the employee's department or division.

VIII. CITYWIDE ACCIDENT REVIEW COMMITTEE

The Citywide Accident Review Committee ("Committee") reviews on-the-job injuries and accidents to determine what, if any, steps can be taken to reduce the frequency and/or severity of said injuries and accidents in the future. The Committee is composed of the Department of Personnel's City Safety Officer, safety coordinators and employees from various City departments, as well as a representative from CCMSI. The information gathered by the Committee is used to advise operating departments as well as individual employees of recommendations that may decrease the frequency of further injuries and/or accidents and/or the severity of same. In order to have all the information needed, the Committee frequently requests that employees who have sustained on-the-job injuries or have been involved in on-the-job accidents attend its meetings. Employees and their supervisors are required to attend such meetings when directed by their appointing authority to do so. The information provided by the employee in said meetings will not be utilized in connection with pending workers' compensation claims or pending disciplinary matters. Employees who fail to attend such meetings when directed to do so by their appointing authority will be subject to discipline.

Questions concerning the legal aspects of disability leave or Workers' Compensation should be referred to the Workers' Compensation Section of the City Counselor's Office at 622-4708.

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