

DOUGLAS COUNTY SHERIFF'S OFFICE		Policy and Procedure
Employee Leave and Compensation		P&P-L-103
Workers' Compensation		
Effective Date: 04-01-19 Supersedes: 11-19-14	Approval: Sheriff	Number of Pages: 4
References: 8-42-124 CRS P&P-L-101, P&P-L-106	Reevaluation Date: Annually	Standards: 4-ALDF-7D-14

I. POLICY

All work related injuries are to be reported to the member's supervisor immediately. Any visible injury or report of pain by the member will require a medical examination at an approved medical facility. In the event an employee incurs injury or illness within the course and scope of employment, the County will pay the employee's regular pay beginning on the day of injury or illness and continuing for a period not to exceed 350 work hours. <7D-14> For the purpose of this section, regular pay is defined as the employee's regular base monthly rate or regular straight-time hourly rate for the average number of hours per week, that an employee worked in the previous three-month period, but not to exceed 40 hours per week. Employees are required to report work-related injuries or illnesses to the Sheriff's Office and Risk Management within 4 days of the injury or illness. The County shall be entitled to all workers' compensation credits / reimbursements as defined in 8-42-124(2) C.R.S.

II. PROCEDURE

A. Employee Responsibilities:

It is the employee's responsibility to notify their supervisor of an injury or illness incurred within the course and scope of employment, if physically able to do so. It is also the employee's responsibility to seek medical attention from the designated medical provider, if physically able to do so.

B. Supervisor Responsibilities:

It is the supervisor's responsibility to ensure that the on-line reporting of the injury in the County Risk Management Worker's Compensation reporting system, referred to as Origami, is completed by the end of shift. If the employee is unable to complete the on-line reporting, the supervisor shall complete the reporting for the employee. Medical documentation will not be attached to any report that is turned into records (such as an offense report if the employee was a victim of a crime).

III. MEDICAL SERVICE PROVIDERS

For non-life and/or non-limb threatening injuries, refer to the Designated Provider List for authorized medical providers.

For after hour or life and/or limb threatening injuries, the nearest medical facility shall be deemed authorized. However, the injured employee must contact one of the designated providers as soon as possible to arrange follow up care, including referrals. Please see the current Douglas County Government guide to work injuries for additional details.

IV. FOLLOW-UP REPORTS AND WORKERS' COMPENSATION FORMS

Follow-up reports and Worker's Compensation forms will be coordinated through the Professional Standards Bureau. All medical treatment for the work related injuries must occur at an approved medical facility. The only exception is life/limb threatening emergencies. If any problems are experienced with the medical provider, contact Risk Management at (303) 660-7425 immediately.

V. WORKER'S COMPENSATION PAY

- A. In the event that it is determined that the injury, illness, or disability is not compensable, any payments made by the County will be charged against the employee.
- B. The County or Office may, at any time, require any employee to submit to a medical examination by a physician chosen by the Office, at County expense.
- C. On the job injuries or illnesses apply in the aggregate for each injury or illness. Any days off due to recurrence of a medical condition related to the same injury or illness shall be added to previous days off in computing pay and benefits. Available medical leave status time is calculated using the original date of the qualified medical condition.
- D. Necessary medical appointments for treatment of a workers' compensation claims that are scheduled during the employee's normal work schedule, will be reimbursed as regular (or workers' compensation) time. The employee should make reasonable efforts to minimize the amount of work missed by scheduling the appointment at the beginning or the end of the shift.

All medical appointments made during an employee's non-scheduled work hours will not be reimbursed. An employee assigned to the graveyard shift who has no ability to schedule a workers' compensation appointment during duty hours may, with supervisor approval, reschedule a portion of their shift on the day of their appointment. For example, if a graveyard shift employee has a workers' compensation related appointment, the supervisor may allow the employee to leave two hours early the day of the appointment. In this example, the employee's time sheet does not need to reflect a change for the appointment since it would be considered "on-duty" time.

In the event an injured or ill employee is unable to perform the essential function of their regular assignment after the completion of 350 work hours, the employee may be eligible for workers' compensation disability pay at 66 2/3 % of their average weekly wage (compensation pay for employees may be less than 66 2/3 % of their average weekly wage due to financial limits set by the state).

VI. WORKERS' COMPENSATION DOCTOR RECOMMENDS RETURN TO MODIFIED DUTY

When the workers' compensation doctor states the employee can return to work in a modified duty status, the employee must return to work and apply for a modified duty position. The member cannot decide to stay home once the workers' compensation doctor has decided they can return to work in a modified duty status or return to a full duty status.

After the employee's workers' compensation doctor's appointment, the employee must immediately contact the personnel coordinator and their direct supervisor and let them know that they have been placed on a modified duty status. The employee will need to complete a modified duty request form and submit it to the personnel coordinator immediately (This form is located in PowerDMS). The personnel coordinator will work with the member's Division Captain and Chief Deputy to determine an appropriate modified duty position and then offered to the member in writing. This process should be accomplished on the same day as their worker compensations doctor appointment if at all possible.

If the workers' compensation doctor has placed restrictions on the employee that are so severe the Division Captain and Chief Deputy cannot find a modified duty position, the employee will be allowed to stay home until their restrictions are modified and can then be accommodated or the employee is medically released to return to full duty status.

If an employee refuses to return to work after their workers' compensation doctor states they can return to work in a modified duty status, the employee's workers' compensation benefits may be modified, terminated or suspended, per Rule 6 of the Colorado Division of Workers' Compensation Rules of Procedure and the employee may be terminated.

Returning to the modified duty status can also preserve the employee's remaining FMLA time.

Employees always need to keep their first line supervisor and the personnel coordinator apprised of their current medical status and inform them of any changes to their medical status.

There can be exceptions to this section of the policy. If the employee has already exhausted all their modified duty time, then they can only return when cleared to full duty status. If the employee is on medical leave and have exhausted all the FMLA they should only return if they will have no further time-off associated with the injury because once they return medical leave status will be terminated.

VII. RETURN FROM LEAVE

Once the employee can perform all the essential functions of their job and is released to return to work, he or she will be returned to the same or equivalent position upon returning from a maximum of 12 weeks of authorized leave subject to the rules of FMLA. (See P&P-L-101 *All Other Leave* for additional details.)

If the employee is on an approved Medical Leave Status (see P&P-L-106 *Medical Leave* for additional details) and is released to return to work within nine months from the original date of their qualified medical condition, the employee must first make a written request to the Sheriff to return to duty. The employee may be immediately reinstated if their previous position is still vacant. If an employee's previous position has been filled during the employee's absence and there is a vacant position in the same or similar job title, the employee may be reinstated into that vacant position. If the employee's previous position has been filled and there are no other vacancies for which the person is qualified in the same position / job title, the employee may be terminated and may be eligible for re-hire.

It is the responsibility of commissioned personnel to become current on all required training (ACT, driving and/or range qualifications) once they return to full duty.

In the event that the employee declines to accept any position offered by the Office or the County for which the employee is qualified, and which the employee is able to perform, any further obligation on the part of the Office or the County to place such employee shall end and the employee may be terminated.

By Order of the Sheriff