



CITY OF DULUTH

Human Resources Manual

CHAPTER: 54 – WORKERS’ COMPENSATION

EFFECTIVE DATE: 01-01-2009

54.01 PURPOSE & POLICY

- A. The purpose of this Chapter is to establish the guidelines for Workers’ Compensation. This Chapter applies to employees (including temporary hires, if they are being paid directly by the City and not through a "temporary" agency), and to elected officials (if they are performing duties directly required as part of City business activities). Others associated with the City in the conduct of day-to-day business, e.g., vendors, sub-contractors, etc., are not covered.
- B. It is the policy of the City of Duluth to provide Workers’ Compensation coverage to those eligible for such coverage, and to follow the law and administrative regulations relating to Workers’ Compensation coverage.

54.02 GENERAL

Injuries to employees arising during the course of employment are subject to Georgia Worker's Compensation Law (hereafter called "the Law.") The fact that the City of Duluth is "self-insured," creates no conflict, and the Law remains fully in effect. The City is committed to adhering to all of the requirements of such Law, by ensuring that all benefits, including income payments, medical treatment, and vocational rehabilitation services, are properly and promptly provided to an injured employee. It is the goal of the City to seek the return of any injured employee to gainful employment (with the City if possible) as soon as practicable. If questions arise regarding this guidance, please contact the City's Personnel Officer.

Workers’ Compensation covers only work-related injuries and illnesses. Neither the City nor its insurance carriers will pay workers’ compensation benefits for injuries that might happen if you voluntarily participate in an off-duty recreational, social, or athletic activity that we might sponsor.

54.03 REPORTING OF INJURIES

- A. Whenever an employee is hurt or injured on the job in the course of their employment, that injury must be immediately reported to their immediate supervisor as soon as possible. In accordance with O.C.G.A. 34-9-82, claims not

filed within one year after injury are barred.

- B. The supervisor must notify the Human Resources department immediately of all reported injuries, and the supervisor will complete the “Supervisor’s Report of Injury” form and provide it to the Human Resources Department.
- C. The Human Resources department will file the “First Report of Injury ” (form WC-1) with the City’s Third Party Administrator (TPA). In accordance with OCGA 34-9-81, this report must be submitted within 21 days.
- D. The Human Resources department will work closely with the Department Head about injured employee’s disability status, anticipated return to work, and work restrictions.

54.04 EMERGENCIES

In the case of an emergency, or when other panel physician’s offices are closed, the employee should go to (or be taken if unable to proceed safely alone) the nearest emergency room. Emergency first aid should be provided by a trained employee and/or Emergency Medical Services (EMS) should be called. Contact the Police Department 24-hours for assistance if needed. However, all follow-up care must, thereafter, be rendered by a physician from the Workers’ Compensation Panel or a Panel physician's referral.

54.05 PANEL PHYSICIANS POSTED

If the injury requires medical treatment, the employee must select a physician or medical group from the City's approved/posted panel of physicians. The Workers’ Compensation panel will be posted in all City departments on or near by employee information bulletin board, near the time clock, or in another location readily accessible by employees which they can refer to easily.

54.06 USE OF PANEL PHYSICIANS

- A. The injured employee should seek medical care appropriate to their needs from a panel physician. Follow up medical attention should be provided with approval or referral from the original treating panel doctor.
- B. Medical claims for on the job injuries from a physician other than those posted on the panel will NOT be paid by the City's worker's compensation carrier or by the City’s group medical insurance company.
- C. An employee may seek medical examination from a doctor not listed on the panel. However, the employee is responsible to bear the burden of payment for any doctor not listed on the panel or not referred by the original panel doctor. Employees should remember that their group medical insurance will NOT pay for workers’ compensation injuries—the employee must pay the full and entire cost of not using a panel physician.
- D. If the employee feels that additional follow-up care is needed a substantial time after the original injury and after all scheduled care has been provided, the employee must contact the Human Resources department for assistance in evaluating the need for follow-up treatment and to gain approval for the care.

54.07 INVESTIGATION OF INJURIES

- A. The immediate supervisor of the injured employee should investigate the situation which caused the injury. All facts concerning the injury situation will be properly documented in a report. This report should be completed by the investigating supervisor, not the injured employee.
- B. The original report will be given to the Human Resources department and a copy of the report should be sent to the Department Head or their designee.
- C. The supervisor, manager or Department Head (as appropriate) should take correction action to educate, train, install protective devices or measures, so that the same injury will be less likely to occur again.

54.08 MEDICAL & INCOME BENEFITS

- A. Once a valid claim for an on the job injury has been established, all associated medical claims shall be fully paid according to the provisions of the Law.
- B. An injured employee may be entitled to income benefits, which will be paid directly to the employee.
 - 1. First seven calendar days: The City will continue an injured employee’s regular pay (based on a 40-hour week) for up to the first seven calendar days so long as it is medically justified.
 - 2. Beginning day eight following a covered injury: Worker's Compensation benefits will begin being paid directly to the injured employee. Generally, this weekly disability income benefit will be equal to “2/3rds of the employee’s average weekly wage for the 13 weeks immediately preceding the injury”, up to a maximum amount per week set by Law.

The City will also supplement Workers’ Compensation benefits by paying the positive difference between 2/3rds of the employee’s base, 40-hour week pay and what the employee is receiving under Workers’ Compensation disability payments. This will be paid through regular payroll, and is taxable. This extra payment will be paid beginning day eight following a covered injury and for no longer than 90 calendar days, so long as it is medically justified.
 - 3. Supplementation: An employee may supplement their workers’ compensation disability income benefits by using sick leave (and annual leave if approved by their Department Head), but not beyond the amount they would earn during a regular, 40-hour week.
- C. After an employee exhausts all available sick and annual leave, and there is no City issued paycheck to withhold the employee’s medical insurance contributions, then the employee may become eligible for continuation of their medical insurance under COBRA provisions.
- D. An employee who sustains an injury which results in loss of use of specific body

members or loss of use of the whole body is entitled to compensation based on the schedule of body members contained in the Law. Entitlement to receive benefits for permanent partial disability is not allowed so long as employee remains entitled to weekly disability income benefits.

54.09 PHYSICIAN’S STATEMENT NECESSARY FOR RETURN TO WORK

Before returning to work, a Physician’s statement is necessary in order to determine the capacity of the employee to resume their job duties safely, and to determine any work duty limitations.

54.10 MODIFIED DUTY

When determined by the attending physician to be physically capable of returning to substitute work or modified duty, the employee shall be required to accept other work assignments or modified duty for the period of recuperation. A failure or refusal by the employee to perform substitute work or modified duty may result in termination of income benefits, and may result in disciplinary action, up to and including termination.

54.11 TIME SPENT AT MEDICAL/PHYSICAL THERAPY APPOINTMENTS

Time spent at medical appointment, physical therapy, or similar type treatments is compensable for pay. However, employees are highly encouraged to try and schedule such appointments so as to miss the minimum amount of work time (i.e., around lunch times, before or after work, at the start or end of work, etc.)

54.12 COORDINATION WITH FAMILY & MEDICAL LEAVE

Employees who are unable to work because of a work-related injury and whose injury qualifies under FMLA as a “serious health condition” will have their FMLA account debited. See Chapter 23 “Family and Medical Leave” for more information.

54.13 WORKERS’ COMPENSATION JOB CLASSIFICATION CODES

Job Classification Codes are used by the Human Resources department for reporting annual payroll to the State Board of Workers’ Compensation and for various insurance purposes.

7720 - Policemen

All employees, such as Chief of Police, uniformed and plain clothes officers, probation officers, warrant service guards, juvenile home attendants, police academy students, ambulance service, jailers, etc., including drivers and other security employees in other departments. (Exceptions: Clerical, custodial, building maintenance, and electronic equipment maintenance.)

8810 - Clerical – Office

Employees whose duties are confined to keeping books, records or conducting correspondence, or who are engaged wholly in office work. This includes: City Manager, Judges, City Attorney, Clerks, Secretaries, Typists, Switchboard Operators, Receptionist, Tax Office, Business Machine Operators, EDP Operators, and others with strictly office

duties. Certain high level department heads in large cities may also be included. [Includes elected officials.]

9015 - Building Operations

Operation of owned, leased, or occupied buildings, including janitorial and custodial, maids, elevator operators, and maintenance employees not included in other classifications.

9102 - Parks & Recreation, Not Otherwise Classified (NOC)

All employees including drivers that maintain and operate city parks, including city operated marina, setting up and supervising various activities, maintenance of heavy equipment, etc. (Exception: Clerical)

9402 - Street Cleaning

Includes employees doing either street or sewer cleaning. Including Street Department laborers, drivers and maintenance of heavy equipment.

9410 - Municipal Employees, Not Otherwise Classified (NOC)

Includes employees engaged in laboratory work, engineers, inspectors of the Board of Health, electrical inspectors, to any other code. Any municipal employee not described by another classification should be included under this one. Employees whose duties are described by more than one classification should come under the highest rated one.