



# Unified Government Human Resources Guide

Effective 07-10-14

## WORKERS' COMPENSATION AND INJURY LEAVE

- I. General: The covered employee who is injured on the job receives medical treatment and partial wage protection, as well as physical and vocational rehabilitation, if reasonably necessary.
- II. Policy
  - A. It is the responsibility of each employee to read, become familiar with, and comply with the rules and regulations set forth in the Unified Government Safety Manual. A copy is distributed to each new employee during employee orientation. Additional copies are available in Human Resources.
  - B. Unified Government employees (excluding those covered by the International Association of Firefighters (IAFF), Local #64) are covered by the "Workers' Compensation Act," which is contained in Articles 5 and 5a of Chapter 44 of Kansas Statutes Annotated. On-the-job injuries of employees covered by the IAFF are handled under the Unified Government's group medical care coverage plan.
  - C. Within this policy, "on-the-job injuries" include occupational diseases, which are diseases or illnesses arising out of and in the course of employment resulting from the nature of the employment, all as defined in K.S.A. 44-5a01.
  - D. The Unified Government's Workers' Compensation program is administered by Human Resources. Questions about Workers' Compensation may be directed to the Workers' Compensation Coordinator or Safety Officer.
  - E. Reporting an on-the-job injury
    1. An employee must immediately report to his or her supervisor all injuries incurred while on the job, regardless of the extent of the injury.
    2. Supervisors will immediately notify the Workers' Compensation Coordinator or Safety Officer of all on-the-job injuries.
    3. Human Resources will authorize an injured employee to receive medical treatment, if required, at the Unified Government's designated treatment facilities.
    4. Supervisors will complete the Unified Government's Injury Report and submit it along with any witness statements and other applicable documentation to the Worker's Compensation Coordinator or Safety Officer within 24 hours of being notified of the injury.



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## F. Types of benefits

### 1. Medical treatment

- a. K.S.A. 44-510 gives an employer the right to designate a treating physician and hospital. Authorized sources of treatment for on-the-job injuries are listed in APPENDIX I. However, in an emergency the nearest hospital should be used. The Workers' Compensation Coordinator or Safety Officer or a designee of the Unified Government's third party administrator has the authority to approve other treatment sources if the required care is not otherwise available.

**NOTE:** The authorized sources of treatment for on-the-job injuries may be different than the health care providers authorized by an employee's particular health care plan. The employee should keep this in mind if there is doubt that injuries are compensable under the Workers' Compensation Act.

- b. The Unified Government will pay all costs of necessary treatment by a health care practitioner designated by the Unified Government. An employee has the right to consult a health care practitioner of his or her choice, but under the Workers' Compensation Act the Unified Government must pay a maximum of \$500.00 for the charges of a non-authorized health care practitioner. The employee must pay all amounts over \$500.00.
- c. Every on-the-job injury must be reported to the employee's supervisor or to the Workers' Compensation Coordinator or Safety Officer even if the employee does not plan to seek medical treatment because:
  - (1) the employee's right to Workers' Compensation benefits may be jeopardized if complications should later occur; and
  - (2) the Workers' Compensation Act allows for a penalty against an employer (the Unified Government) who has knowledge of an on-the-job injury and does not submit a timely report to the state. (Timely is considered to be within 28 days.)
- d. An employee must seek medical treatment in the following cases:
  - (1) If the injured employee states they cannot finish the remainder of his or her shift; or
  - (2) If the injured employee will place himself or herself or others in danger if he or she continues working.



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- e. Extremely serious injuries should be reported to the Workers' Compensation Coordinator or Safety Officer immediately by telephone.
- f. Treatment for on-the-job injuries
  - (1) All major injuries will be treated at the hospital(s) listed in APPENDIX I. A major injury is one that is incapacitating and requires transportation by ambulance. If in the opinion of the ambulance technicians the injured employee is in need of immediate medical attention, the nearest hospital should be used.
  - (2) During business hours, all minor injuries will be treated by the non-hospital health care provider(s) listed in APPENDIX I. A minor injury is one that leaves the employee able to walk, with assistance if necessary.
  - (3) After business hours, minor injuries will be treated in a hospital emergency room. (See APPENDIX I for authorized hospital(s).)
- 2. Physical and vocational rehabilitation

These are available if reasonably necessary to restore the injured employee to substantial and gainful employment.
- 3. Partial wage protection
  - a. Benefits are available for employees who are totally and permanently disabled by on-the-job accidental injuries, or if the employee dies as the direct result of such injuries.
  - b. The employee who is temporarily totally disabled because of an accidental on-the-job injury will receive weekly benefits. Temporary total disability is defined in K.S.A. 44-510c as "when the employee, on account of the injury, has been rendered completely and temporarily incapable of engaging in any type of substantial and gainful employment." Workers' Compensation wage benefits begin with the second week the employee is disabled. Pay for the first week of disability is covered by Section II.F.4. Injury Leave below.
- 4. Injury Leave
  - a. The employee injured on the job may be eligible for paid Injury Leave. Pay for such leave is in addition to any Workers' Compensation benefits, except for members of the Firemen's Relief Association, who are not covered by the Workers' Compensation policy. This Section II.F.4 "Injury Leave" covers all employees unless a union contract contains a conflicting



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provision, in which case, the contract provision governs those employees covered by the contract.

- b. To initiate Injury Leave pay, the department must inform the Workers' Compensation Coordinator or Safety Officer that the employee has been placed on temporary total disability by the attending health care practitioner. Otherwise, the days off will be subtracted from the employee's accumulated sick leave.
- c. Injury Leave will run concurrently with FMLA leave available to the injured employee. See 5.6—Family and Medical Leave.
- d. Fire Department command officers: Absence due to job-related injuries will not be charged against the employee's accrued sick leave. Such a job-related absence is considered to be an "on-duty injury leave," and the employee's pay continues at the normal rate. An on-duty injury leave for any one injury is limited to an accumulated maximum time of 12 months. At the conclusion of 12 months, the employee must either return to work or make application for a disability pension. However, the employee may request to use his or her accumulated sick leave days before returning to work or before making application for disability pension. (See also 4.1—Health Care Benefits and 5.1—Sick Leave.)
- e. Employees who are not covered by the IAFF: The amount of Injury Leave pay is the difference between the Workers' Compensation wage protection benefit payment and the employee's average gross weekly wage. The Unified Government continues paying the employee's regular wages or salary during the first week he or she is off under this policy. If the claim is approved, effective with the second week, the employee will receive two checks: one for statutory Workers' Compensation wage benefits and one for Injury Leave pay.
- f. General limitations
  - (1) A temporary or summer employee is not eligible for and will not be paid Injury Leave beyond the date his or her employment would have ended had he or she not been injured.
  - (2) An employee who is injured after giving notice of retirement or resignation, or after receiving notice he or she is to be discharged or laid off, will not be eligible for paid Injury Leave beyond the announced date of separation from employment.
- g. Limitations for those employees who are not covered by the IAFF:



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- (1) Except where a union agreement provides otherwise, paid Injury Leave will be a maximum of 12 weeks per injury.
    - (a) In no event will paid Injury Leave continue after weekly Workers' Compensation wage protection benefits have ceased.
    - (b) A return to work for a period of at least 30 calendar days is necessary before the employee is entitled to another period of benefits.
  - (2) All disability benefits received by the injured employee from any source in addition to Workers' Compensation benefits shall offset the amount of Injury Leave pay to which the employee is otherwise entitled. This includes, but is not limited to, KPERS, KP&F, and Social Security benefits.
  - (3) An employee whose injuries are being compensated from another Workers' Compensation program is ineligible for paid Injury Leave.
- h. Sick leave and vacation time
- (1) Sick leave and vacation time continue to be accrued and accumulated while the employee is off work on paid Injury Leave.
  - (2) An employee who is denied paid Injury Leave, or has used up such benefits, may request permission to take his or her accrued and accumulated sick and vacation leaves before returning to work.
- i. Subsequent aggravation or re-injury traceable to a specific time or event is considered a new injury and is handled as such.
- j. Injury Leave and Injury Leave pay cease upon the resignation, retirement, discharge, or death of the employee.
- G. The Unified Government may require that the injured employee be reexamined by an authorized health care practitioner even after the employee has been to his or her own health care practitioner. However, K.S.A. 44-515(a) provides that "the employee shall not be required to submit to an examination more often than twice in any one month, unless required to do so in accordance with such orders as may be made by the (state) director." An injured employee who refuses to submit to a physical examination or diagnostic tests required by the Unified Government will forfeit all rights to Injury Leave and Injury Leave pay and may prejudice or lose Workers' Compensation benefits.



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- H. An employee will forfeit all rights to Injury Leave and Injury Leave pay and may lose all or part of his or her Workers' Compensation benefits, and his or her employment may be terminated, if he or she:
1. Engages in work, either part-time or full-time and either for pay or as a volunteer, for or on behalf of himself or herself or any other person, firm, or corporation, while on Injury Leave;
  2. Fails or refuses to comply with or follow, or disregards or violates, the treating health care practitioner's instructions or advice regarding treatment of the injured condition;
  3. Falsifies or misrepresents his or her injured condition or physical capacity or disability as worse than it in fact is while receiving Injury Leave pay; or
  4. Refuses to return to work after he or she has been released for duty, including light duty, by the treating health care practitioner.
- I. The total amount the employee is entitled to receive in Workers' Compensation and Injury Leave benefits shall not exceed the amount of his or her regular pay. Any overpayment to the employee or payment made to an employee who is not entitled to it must be refunded to the Unified Government.
- J. Electing to continue the pay of an employee by payment of Workers' Compensation and Injury Leave benefits does not commit the Unified Government to accept the claim as one that is eligible for payment. Investigation may result in the conclusion that the incident is not compensable under Kansas Workers' Compensation law. If the state director and the administrator of the Unified Government's Workers' Compensation program make such a determination, the Unified Government will charge any days off to the employee's accumulated sick leave.
- K. For the purposes of this policy, a return to full-time work with temporarily limited activities, upon the attending health care practitioner's release, is considered to be a return to regular work. Such a return suspends the employee's right to the payment of temporary total disability compensation and Injury Leave pay; however, it does not affect any right the worker may have to compensation for any permanent partial disability.
- L. If an employee is injured on the job and it is determined by a court of law that the injury resulted from the negligence of a third party, then the Unified Government is to be paid back for any amount paid to such employee as Workers' Compensation benefits and Injury Leave pay, if the employee receives a monetary award or other financial settlement from the third party. This includes any out-of-court settlement obtained as the result of such on-the-job injury.



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RELATED POLICIES: 5.1 -Sick Leave  
5.2- Vacation  
5.6 -Family and Medical Leave  
6.4 – Temporary Alternative Duty

RELATED FORM(S): Injury Report  
Notice of Limited Liability  
Consent and Acknowledgement of Receipt Form



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APPENDIX I. Names and addresses of authorized medical treatment centers.

Clinics	Hospital
State Avenue Health Care 4810 State Avenue Kansas City, Kansas 66102 Phone: 913.945.9740 Monday-Friday: 7:30 a.m. – 5 p.m.	The University of Kansas Hospital 3901 Rainbow Blvd. Kansas City, KS 66160 913-588-5000 913-588-6500 (Emergency Room)
KU MedWest Occupational Health 7405 Renner Road Shawnee, Kansas 66217 Phone: 913.588.2200 Monday-Friday: 7:30 a.m. – 9 p.m. Saturday/Sunday: 8 a.m. – 4 p.m.	
The University of Kansas Hospital Occupational Health 3901 Rainbow Blvd., G110 Delp Kansas City, KS 66160 Phone: 913.588.2715 Monday-Friday: 7:30 a.m. – 4:30 p.m.	