

Workers' Compensation

Objective:	To establish procedures for reporting on-the-job injuries and filing for Workers' Compensation.	Policy/Procedure Number:	04-08
Reference: (All applicable federal, state, and local laws)	New York State Workers' Compensation Law; General Municipal Law, Section 207-c (Sheriff's Department only)	Effective Date:	January 12, 1985
Legislative Policy Statement:		Responsible Department:	Human Resources
		Modified Date (s):	May 19, 1992; December 2, 2003; March 7, 2023
General Information:	In accordance with applicable law, the County maintains workers' compensation insurance for work-related injuries and illnesses. This Policy outlines the process and procedure for: (i) reporting work-related injuries/illnesses and seeking the appropriate medical attention for such injuries/illnesses; (ii) investigating and recording incidents of work-related injuries/illnesses; (iii) seeking and receiving workers' compensation benefits; and (iv) returning to work from a work-related injury/illness.	Resolution No.:	259; 2023-63
		Next Scheduled Review:	March 2028

I. Definitions: **Employee** - All persons filling paid positions of any rank within County government, including elected or appointed officials and staff.

Workers' Compensation - System that requires employers to provide partial medical care and income protection to employees who are injured or become ill from their job.

II. Policy:

- A.** After work-related injury or illness is sustained, the employee must seek medical attention and report the incident, as per Section III, parts A and B of this policy. Per the Workers' Compensation Law, an injured employee has the right to choose their own treating doctor should they require medical treatment for an injury sustained on-the-job. The employee may contact the Department of Human Resources, should they need information on how to proceed with obtaining medical treatment or following employee injury/illness reporting procedures.
- B.** The County shall comply with all legal mandates related to workers' compensation and to accomplish this at the least possible cost to the County.
- C.** The County shall assist injured employees in a fair, equitable, and expeditious resolution of workers' compensation claims and/or issues.
- D.** Employees shall be advised on how to report a work-related injury or illness at New Hire Orientation.

III. Procedure:

- A.** When an employee experiences a workplace injury or illness for which immediate medical attention is not required, they must complete a "*Workplace Employee Injury/Illness Report Form*" and submit to their Supervisor before leaving work that same day. The Supervisor must then review the form,

complete the Supervisor section, and forward it to their Department Head as soon as is practical – and no later than the following business day.

When an employee suffers a workplace injury or illness that requires immediate attention, then their Supervisor must complete a “*Workplace Employee Injury/Illness Report Form*” on the employee’s behalf and submit it to their Department Head before they leave work that day.

Department Heads must review each “*Workplace Employee Injury/Illness Report Form*”, adding any information they think pertinent, and forward it to County Administration and Human Resources within forty-eight (48) hours

- B.** Injured employees should seek immediate medical attention if they believe their injuries or illnesses warrant. The name, address, and telephone number of the County’s Workers Compensation carrier must be shared with their doctor for reporting and billing purposes. This information can be obtained from the Department of Human Resources and/or the Workplace Employee Injury/Illness Envelope .
- C.** The Human Resources Department will file all required documents with the County’s Workers’ Compensation carrier who is responsible for all communication with the New York State Workers’ Compensation Board.
- D.** An employee who is unable to work as a result of their illness or injury may choose from the following options:
 - Use paid disability for workdays missed. All requirements for paid disability must be followed. Please refer to the appropriate bargaining unit contract and/or *Policy 03-01* for disability requirements. The required waiting period must be charged to an accrued fringe if available.
 - Use other accrued fringe benefits (sick, vacation, personal, etc.). A portion of the fringes used may be restored when the Workers’ Compensation Board reaches a final determination of the reimbursement requested.
 - Elect to receive direct Workers’ Compensation payments in lieu of disability or other fringes. Direct Workers’ Compensation payments are approximately two-thirds of average weekly wages up to a maximum of \$400/week and are payable as follows:
 - Nothing for the first 5 workdays absent.
 - If absence is more than 5 work days but less than 10 work days, payment will be made for the sixth and subsequent days.
 - If absence is more than 10 work days, payment will be retroactive to the first day of absence.
- E.** Payment of salary, wages, medical and hospital expenses of any Sheriff, Undersheriff, Deputy Sheriff or Corrections Officer of the Sheriff’s Office of Tompkins County for injuries or illness incurred in the performance of duties shall be governed by Section 207-c of the General Municipal Law and the New York State Workers’ Compensation Law.
- F.** *Returning to Work from a Workplace Injury:*

1. An employee is allowed to return to work if a medical release to return without restrictions is received from the medical provider and approved by the Department of Human Resources and the employee's Department Head.
2. After providing medical documentation to the Department of Human Resources, employees are responsible for communicating their return-to-work status to their Supervisors.
3. The County will not provide or support workplace accommodations, nor will it accept restrictions on an employee's work activities, unless their nature and expected duration have been documented in a medical provider's note submitted to the Department of Human Resources.
4. When a provider does document one or more necessary accommodations and/or restrictions and the anticipated duration of each, the employee must not return to work until the Department of Human Resources has consulted with the Department Head and provided the employee with written confirmation that their needs can be accommodated.