

CITY OF WACO

INJURY AND ILLNESS POLICY

Policies and Procedures

AVL-7

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Revised 04/25/05

A. Statement of Purpose

To specify reporting requirements when City of Waco employees sustain injuries or illnesses and to address the necessity for medical treatment. The policy specifies when an employee who is returning to work from an illness or injury must meet with a City of Waco Employee Health Services (EHS) Occupational Health Nurse (Nurse), provide a physician's statement, and/or report the use of medications. The policy also informs employees about fraudulent reporting penalties.

B. General Policy

1. Injuries on City property; injuries sustained while using City equipment; or illnesses which develop as a result of the employee's work must be reported to the employee's supervisor and to EHS.
2. If an injury is traumatic, life threatening, or EHS is not available, an employee will be provided with immediate emergency care.
3. If an injury is a non-emergency, an employee will report to EHS for examination.
4. Department Directors shall make a copy of Policy AVL-7 available to all City employees within their department.
5. Questions regarding this policy may be directed to the Human Resources Department, Risk Management Division.

C. Reporting Injury or Illness Procedures

1. Each City of Waco employee is required to report injuries or illnesses to their supervisor as soon as possible. In the event that their immediate supervisor is not available, the employee will report the injury or illness to a departmental supervisor or their department director. The employee must complete the Employee Incident Report and the supervisor must complete the Supervisor Incident Report. Both forms are to be sent to the Safety Coordinator within 24 hours.
2. The following injuries or illnesses must be reported:
 - a. an on-the-job injury;
 - b. an injury on City of Waco property;
 - c. an injury sustained while using City equipment;
 - d. an illness or condition, which develops and is related to the employee's work; or

- e. an off the job illness or injury that may affect the ability of the employee to perform the essential functions of their position.
3. In the event of a traumatic or life-threatening medical emergency, treatment is to be obtained immediately and without regard to these reporting requirements.
4. Delay in reporting may result in an employee being charged directly by health care providers for medical bills that are related to an on-the-job injury.
5. Health care providers and pharmacies may refuse care and medicines to employees that fail to report work-related injuries as required by this policy.
6. An employee may be subject to disciplinary action for failure to comply with the reporting requirements of this policy.

D. Medical Treatment Procedures

1. After reporting an injury or illness, an employee will be referred to EHS for examination.
2. If there is any question about the severity of an injury or illness, the employee must be referred to EHS as soon as possible. Either the employee or supervisor may request the referral.
3. If an injury is traumatic, life threatening, or EHS is not available, an employee will be provided with immediate emergency care.
4. A supervisor shall assist the injured or ill employee in obtaining initial medical treatment including arranging transportation as needed.

E. Fraudulent Reporting Of Injury Or Illness

1. It is a violation of this policy and a criminal offense if a person knowingly or intentionally makes a false or misleading statement, misrepresents or conceals a material fact, or fabricates, alters, conceals or destroys documents with the intent of obtaining or denying payments of Workers' Compensation benefits.
2. Persons who knowingly receive Workers' Compensation benefits for which they are not entitled commit a criminal offense and violate this policy.

3. An employee may be subject to disciplinary action up to and including discharge for making a fraudulent report.

F. Procedures Prior To The Employee's Return to Work

1. Employees may be required to meet with an EHS Nurse prior to returning to work whenever work time is lost due to either a job-related or non-job-related injury or illness.
2. Employees are required to meet with an EHS Nurse and also provide a physician's statement prior to returning to work if:
 - a. JOB-RELATED – the injury or illness was job-related and medical treatment from a medical care provider was received; or
 - b. NOT JOB-RELATED – the injury or illness was NOT job-related; the employee was absent all or part of three (3) or more consecutive work days (not counting days off); and the EHS Nurse was not consulted by the employee concerning treatment for the injury or illness; or
 - c. NOT JOB-RELATED – the injury or illness was NOT job-related and the employee received prescription medications, or
 - d. LEAVE OF ABSENCE – the employee is returning to work from a medical or disability leave of absence; or
 - e. RESTRICTED DUTIES – a physician places restrictions on the employee that affects the employee's ability to perform the essential functions of their position.
3. If the EHS Clinic is closed at the time an employee is returning to work and is required to contact an EHS Nurse, the employee will notify a Nurse during the next day the clinic is open.
4. Employees will be required to present a physician's statement verifying the employee's absence was due to illness or injury if:
 - a. a supervisor reasonably suspects sick leave abuse, or
 - b. as deemed necessary by an EHS Nurse.

5. Failure to provide a physician's statement may result in the time off being charged to vacation or leave without pay, or other administrative/disciplinary action.
6. If a question arises whether or not a Police Officer or Firefighter is physically or mentally fit to continue to perform the job duties, a determination of physical or mental fitness shall be made in accordance with Section 143.081 of the Local Government Code.
7. The 143.081 "Fitness for Duty" provision does not apply to a temporary leave of absence due to disability from an injury or illness which is covered by Section 143.073 of the Code.

G. Reasonable Accommodation/Work Restrictions

1. If an employee's physician imposes work restrictions or the employee is temporarily disabled, the City will consider reasonable accommodation/work restrictions as required or allowed by law.
2. An EHS Nurse will discuss work restrictions with the employee, list them in writing and notify the employee's supervisor of the work restrictions.
3. If an employee is placed on restricted duty, the Supervisor is responsible for determining if restricted work is available and shall comply with the restrictions in making work assignments.
4. An EHS Nurse shall be consulted if an employee's ability to perform a specific task is in question.
5. Failure to comply with or disregard of restrictions could result in disciplinary action against the supervisor and/or employee.

H. Use of Medications

1. If an employee is using a legally obtained prescription or over-the-counter medication which could potentially affect safety in the workplace, the employee must follow the following procedures:
 - a. The employee shall report the use of the medication to an EHS Nurse prior to reporting to the work site.

- b. However, if an EHS Nurse is not available or the employee has reported to work and it then becomes necessary to use such a medication, the employee should promptly advise the supervisor.
 - c. The supervisor will then refer the employee to the an EHS Nurse as soon as possible or send the employee home if a Nurse is not available. If necessary, the EHS nurse will refer the employee to his/her treating physician along with a copy of the employee's job description. The physician will make a recommendation as to whether or not the employee can perform his/her job while on medication.
 - d. The supervisor shall have authority to make arrangements for transportation if deemed necessary.
 - e. The EHS Nurse and employee shall review and acknowledge any potential effects of the medication(s).
2. The EHS Nurse, based upon information obtained from the treating physician or clinic, shall determine whether the employee will be:
- a. allowed to continue with normal work duties
 - b. considered for altered or restricted job duties; or
 - c. required to, be off work until the medication(s) is no longer medically necessary.
3. If the EHS Nurse is unable to determine whether the employee could safely and effectively perform assigned duties or if the employee disagrees with the Nurse's decision, the employee will be required to obtain a written statement from the employee's physician recommending the appropriate action.
4. The EHS Nurse will notify the supervisor of the employee's work status in writing.

I. Provisions of the Texas Workers' Compensation Act Prevail

In the event of a conflict between this policy and the provisions of the Texas Workers' Compensation Act (TWCA), the provisions of the TWCA shall prevail.

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