



Subject/Title

Employee Injury/Illness Reporting and Managed Return to Work

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City Manager

Human Resources

Responsible Key Business

Objective: The City of Charlotte seeks to ensure the health and safety of employees and the public by ensuring that procedures for notification and investigation of accidents/incidents are established and that a procedure is in place for managing an injured employee's return to work.

The City requires managed return to work or modified duty for employees who suffer work related injuries or illness. The managed return to work modified duty serves to:

- Support employees in their recovery from a work-related injury or illness by providing modified work assignments;
- Minimize the amount of absence and resulting impact on both the employees and the organization due to work-related injuries or illnesses;
- Return the employee to his or her regular job assignment as soon as possible when released by the designated healthcare provider;
- Help restore the employee to the highest level of physical and mental health possible by providing temporary and transitional work positions that are consistent with the physical restrictions imposed by the designated healthcare provider.

This policy establishes the procedures for notification and investigation of accidents/incidents resulting in an employee injury and the procedures for managed return to work. The policy directs how employees and staff initially respond to and report accidents, receive appropriate medical care, and safely return to work. The procedures established herein are to be adhered to by employees in all Key Business Units (KBU).

Policy: The City of Charlotte participates in a workers' compensation program at no cost to employees. If an employee is accidentally injured or contracts an occupational disease, as defined by the North Carolina Workers' Compensation Act, in the course of their employment with the City, the employee's authorized medical expenses related to the injury or disease will be paid through the program.

The Risk Management Division handles all City workers' compensation claims. All claims are managed in accordance with the North Carolina Workers' Compensation Statutes and the North Carolina Industrial Commission. Benefits are determined by law, as provided in the General Statutes of North Carolina, Chapter 97.

To facilitate this process, each KBU will respond to any on the job accident/incident involving an employee. The KBU will gather information as outlined in this policy and forward to Risk Management. All KBU's will comply with the Employee Injury Reporting Procedures and the Managed Return to Work Procedures outlined within this document.

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Definitions:

1. Designated Healthcare Provider – A healthcare provider identified by Risk Management for treatment and care of injured employees.
2. Designated Employee – A City employee for the KBU investigating the accident who has been given the responsibility of collecting information for an accident/incident. The designated employee should be trained in the requirements of this policy. The KBU may designate as many employees as necessary to satisfy operational needs.
3. Employee - full-time, part-time or temporarily employed in the City’s service and on the City of Charlotte payroll.
4. Healthcare Provider – For non-workers’ compensation injuries: a doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the State in which the doctor practices; any other person determined by the Secretary of Labor to be capable of providing healthcare services.
5. Injury/Illness – Injury and personal injury shall mean only injury by accident arising out of and in the course of employment, and shall not include a disease in any form, except where it results naturally and unavoidably from the accident.
6. Maximum Medical Improvement – A point at which the employee’s condition is unlikely to improve further and/or has reached his or her pre-incident condition.
7. Modified Duty – Duties or work assignments for an injured employee on a temporary basis, and that is medically approved by the designated healthcare provider.
8. Serious Injury – Injuries that result in fatality, possible fatality, or are of an incapacitating nature such as broken bones, head injuries, unconsciousness, or paralysis.

General Responsibilities

Employees:

- Employees are responsible for immediately reporting to their supervisor any accident or injury that occurs at work or on the job, in accordance with Employee Injury Reporting Procedures. Failure to report a work-related injury or illness could result in denial of the employee’s workers’ compensation claim.
- Employees are responsible for cooperating with Risk Management, KBU and Human Resources staff in coordination of treatment, recovery and return to work phases of the workers’ compensation process.

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- Employees cannot seek medical treatment for work related injuries from healthcare providers other than those designated by Risk Management. Violation of this procedure may result in denial of workers' compensation benefits.
- The employee must immediately provide any written documentation, including work restrictions, to his or her supervisor. Any subsequent change in his or her restrictions or work status must be reported to the supervisor immediately.
- If the designated healthcare provider instructs the employee to remain out of work for any length of time, the employee must forward written documentation to his or her supervisor immediately (in person, by fax or email).
- The employee must follow the physical restrictions imposed by the designated healthcare provider.
- All employees should understand their benefits and responsibilities under the workers' compensation system.

KBU:

- Each KBU is responsible for ensuring that employees are aware of this policy and that personnel responsible for responding to any accident/injury scene are properly trained to meet the requirements as outlined. The KBU is responsible for providing Risk Management with accident investigation information.
- The KBU is responsible for providing Risk Management with injury information and submitting an On the Job Injury Report as soon as practical, but within 24 hours after the injury was reported to a supervisor.
- The KBU is responsible for providing employees with appropriate safety training and personal protective equipment to safely perform job duties.
- The KBU is responsible for maintaining safety training records.
- The KBU is responsible for maintaining an open line of communication with the employee, Risk Management and Human Resources to include informing Risk Management about the status and progress of employees assigned to modified duty.
- The KBU is responsible for collaborating with Human Resources and Risk Management in identifying appropriate modified duty assignments for employees who have been returned to work with restrictions.
- Each KBU will identify a contact person within the organization to serve as a KBU Workers' Compensation Liaison with Risk Management.

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- a. The KBU Liaison will notify Risk Management as soon as possible of worker restrictions and/or modified duty arrangements.
 - b. The KBU Liaison will keep Risk Management advised of any changes in the employee's modified duty status and the dates of the employee's return to regular duty.
- The KBU is responsible for ensuring that an employee does not, under any circumstance, return to work until the employee has been cleared to work by the designated healthcare provider. KBUs must also ensure that any restrictions, as prescribed by the designated healthcare provider, are not violated.

Risk Management:

- Risk Management is responsible for contacting NC OSHA for any event resulting in a fatality or the hospitalization of three or more employees.
- Risk Management is responsible for selecting designated healthcare providers and directing medical care for injured employees in workers' compensation cases.
- Risk Management is responsible for facilitating appropriate safety training and providing safety resources to the KBUs.
- Risk Management is responsible for investigating the compensability of a claim and will contact the employee, supervisor, witness or KBU Liaison as necessary.
- Risk Management is responsible for maintaining an open line of communication with the employee, KBU and Human Resources to include informing the KBU about the status and progress of employees assigned to modified duty.
- Risk Management is responsible for making employees and supervisors aware of the policy and to provide training to staff as needed.

Human Resources:

- Human Resources is responsible for maintaining an open line of communication with the employee, Risk Management and KBU to include informing appropriate parties about the status and progress of employees assigned to modified duty.
- Human Resources is responsible for making employees and supervisors aware of the policy and to provide training to staff as needed.
- Human Resources is responsible for facilitating the managed return to duty process to assist KBUs in finding reasonable accommodations, including tasks within the KBU that

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may be different than the employee's regular job, or reassignment to a different job of equal or lesser value.

- If a suitable modified duty position cannot be found within the employee's KBU, Human Resources will work to find and facilitate a suitable modified duty position within another KBU.

Employee Injury Reporting Procedures

1. Employees are required to immediately report to their supervisor any injury that occurs at work or on the job.
2. The supervisor should verify that any hazard has been eliminated or that access to the area where the injury occurred has been restricted to prevent additional employees from being injured.
3. The supervisor is responsible for assisting the employee with the Risk Management On the Job Injury Report. The report must be completed on-line as soon as practical, but within 24 hours after the injury was reported to a supervisor. The report is located at <http://riskmgmtonline.ci.charlotte.nc.us> or <https://claims.ci.charlotte.nc.us>.
4. Supervisors, or a designee, should transport an employee needing medical attention for a minor injury to the nearest Presbyterian Urgent Care facility, or hospital, if after business hours. A copy of the Treatment Referral Form must be completed and provided to the urgent care facility. The Treatment Referral Form and maps for facility locations can be found at the Risk Management reporting website <http://riskmgmtonline.ci.charlotte.nc.us/helper/helperOTJIR.html> . A new Treatment Referral Form must be completed for each medical visit, with the exception of scheduled therapy. After hours treatment at a hospital requires the employee be seen the next business day at a Presbyterian Urgent Care facility, unless otherwise approved by Risk Management.
5. Supervisors should follow the City of Charlotte Maintenance of a Drug and Alcohol-Free Workplace Policy (HR 4) procedures for post accident drug and alcohol testing:

Post Accident Test (Drug and Alcohol Tests) Employees involved in a non-vehicular or a vehicular accident may be required to take a drug and alcohol test. All accidents should be documented using the Post Accident Testing Checklist. Refer to HR 4 Maintenance of a Drug and Alcohol-free Workplace for more information.

A drug and alcohol test is required when the following conditions exist:

- The accident involves a fatality, or
- The driver receives moving traffic violation arising from the accident, or any involved vehicle requires towing from the scene, or
- Any person involved requires medical treatment away from the scene of the accident, or

- The City cannot completely discount the employee's conduct as a contributing factor to the accident (non-vehicular or vehicular).
6. Additional procedures are necessary when an employee sustains a serious injury:
- Immediately contact emergency medical services (EMS) for transport to the nearest emergency care facility.
 - In the event of any fatality or life threatening injury or where the injury occurred in suspicious circumstances, immediately contact local law enforcement.
 - Keep others away from any potential hazards.
 - Immediately contact Risk Management after EMS arrives. Provide Risk Management with all available information concerning the injury.
 - Risk Management will notify OSHA (when required).
 - Prevent entry into the area where the injury occurred. Do not remove any equipment or make any changes to the area where the injury occurred without direction from Police, Risk Management or the City Attorney's Office.
 - Collect names and contact information of any witnesses. Interviews and recorded statements are the responsibility of Risk Management and the City Attorney's Office.
7. The KBU Liaison is to work with the Risk Management workers' compensation adjuster to provide information concerning the employee's injury and treatment.
8. Risk Management Risk Control staff will work with the KBU to determine if controls should be put in place, procedures modified or training provided to prevent additional injuries of similar nature.

Workers' Compensation Procedures

1. The Risk Management Division handles all City of Charlotte workers' compensation claims. All claims are managed in accordance with the North Carolina Workers' Compensation Statutes and North Carolina Industrial Commission. Benefits are determined by law, as provided in General Statutes of North Carolina, Chapter 97. Under North Carolina workers' compensation law, the City has the right to direct medical care for employees who suffer work related injuries or illness. Employees may not seek medical treatment for work related injuries or illnesses from healthcare providers other than those designated by the City.

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2. The employee injury or illness will be reported using the employee injury reporting procedures previously described in this document.
3. If emergency treatment is necessary outside of the normal work hours of the designated healthcare provider, the employee should go to any Presbyterian Hospital Emergency Room. Medic will determine the appropriate hospital in the event of any life threatening injury. After hours treatment at a hospital requires the employee be seen the next business day at the designated healthcare provider facility, unless otherwise approved by Risk Management.
4. If follow-up care is scheduled, and Risk Management has accepted the claim, the employee's supervisor or KBU Liaison must give the employee another Medical Treatment Referral Form and allow the employee to go to the designated healthcare provider for his or her scheduled appointment.
5. If follow-up care is not scheduled or if Risk Management has not accepted the claim and the employee requests additional care, the KBU Liaison shall call Risk Management for instructions prior to authorizing any additional treatment.
6. When directed to a medical facility for treatment of an accepted work related injury, the City has historically allowed the employee to seek medical treatment during work hours and receive regular wages. Though a privilege allowed by the City, there is no statute or regulation that provides that an employer must pay an employee while he/she is receiving medical treatment for a work related injury.
7. If an employee is found to abuse the privilege of being paid while receiving treatment, he or she will have to use accrued benefit time in order to be paid for the time while away from the regular work schedule.
8. It is recommended that the employee schedule any authorized medical treatment outside the work hours or at the end of the shift in an effort to reduce the amount of time away from the work schedule.
9. At any time, a supervisor or workers' compensation representative can request that the employee make medical treatment appointments outside the work schedule.
10. At any time, a supervisor or workers' compensation representative can request a copy of the scheduled appointments to verify that time away from the work schedule is to be for authorized medical treatment visits.
11. If the injured employee has not been authorized to seek medical treatment, he or she will have to use accrued benefit time to attend medical visits.
12. If the Key Business Unit has determined that the injured employee cannot be paid regular wages while attending authorized medical visits, Risk Management will request a copy of

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the schedule and will determine if the employee is due any compensation for the time missed from work.

- a. In order for this time to be paid under workers' compensation, the medical treatment must be authorized by Risk Management and the employee will only be paid for the time he or she has attended the visits at a rate of 66.67%, and/or up to the maximum rate established by the North Carolina Industrial Commission, or the difference of their average weekly wage and the time actually paid.
 - b. Any compensation considered is subject to the statutory seven calendar day waiting period. An employee is not eligible for any compensation until the waiting period has been exhausted.
13. After treatment by the designated healthcare provider, the employee will return the completed Treatment Referral/Authorization forms to their supervisor by end of the next business day.
14. If the employee is unable to return to work as documented by the designated healthcare provider, the employee may opt to use accrued sick (or vacation if sick leave is unavailable) leave for the first seven calendar days of injury. From the eighth day of injury, the employee is allowed to supplement workers' compensation payment with accrued sick/vacation leave for 1/3 of pay.

Managed Return to Work Procedures

The City requires managed return to work or modified duty for all employees who suffer work related injuries or illness. To facilitate the managed return to work process all KBUs and employees will follow the procedures outlined below:

1. If the designated healthcare provider determines that the injured employee cannot return to his or her job without restrictions, a modified work assignment of the regular job or reassignment to a different job will be made. Every attempt should be made to modify the employee's current job assignment to meet the stated restrictions.
2. Any modified duty or job reassignment must comply with the recommended job restrictions indicated by the designated healthcare provider.
3. In all cases, managers and supervisors are expected to work with the employee to identify modified duty opportunities. The primary focus is returning the employee to his or her regular job. In some cases, the KBU will make reasonable accommodations to return the employee to his or her regular job. Modified duties may include a temporary modified work schedule, or temporary reduction of work hours. As with any change to a job assignment, the employee's PRD should reflect any modified duty assignments made that may be different from regular performance objectives.
4. If a suitable modified duty position cannot be found, Human Resources should be contacted to assist in finding reasonable accommodations, including tasks within the

KBU that may be different than the employee's regular job or reassignment to a different job of equal or lesser value.

5. If a suitable modified duty position cannot be found within the employee's KBU, Human Resources will work to find a suitable modified duty position within another KBU. Salaries, wages and benefits will be charged to the cost center of the employee's original work assignment.
6. Employees are responsible for providing their supervisors with written notice of the designated healthcare provider's change in restrictions.
7. The modified duty assignment will end when any of the following occur:
 - The employee is released to pre-injury job status by the designated healthcare provider.
 - The workers' compensation claim is closed.
 - The employee has accepted an alternate position.
 - The employee reaches maximum medical improvement.
8. Employees participating in a modified duty assignment may be assigned a new supervisor if moved to a different work unit. The employee will be subject to the same work rules and regulations as any other employee in that work unit, and will be required to perform work within the limitations established by the designated healthcare provider. In no circumstances will the employee be required to perform work outside the limitations established by the designated healthcare provider. All parties involved will be given written instructions on the designated healthcare providers' limitations for the employee.
9. If the employee reaches maximum medical improvement but cannot return to the original job, Human Resources will work directly with the employee regarding other available options.
10. If the employee declines a modified duty assignment that meets all restrictions set forth by the designated healthcare provider, the workers' compensation lost wage benefit will cease and in some cases, the employee may be terminated consistent with applicable law. If the employee is also on Family and Medical Leave (FMLA leave) while on workers' compensation then per FMLA regulations, section 825.207 (e), "If the healthcare provider treating the employee for the workers' compensation injury certifies the employee is able to return to a "light duty job" but is unable to return to the same or equivalent job, the employee may decline the employer's offer of a "light duty job." As a result the employee may lose workers' compensation payments, but is entitled to remain on unpaid FMLA leave until the employee's FMLA leave entitlement is exhausted.

Managed Return to Work for Non-Workers' Compensation Injury/Illness

KBUs may establish modified duty policies and assignments for employees with non-work related injury or illness who desire to return to work and are temporarily unable to perform their

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regular work assignments, but are capable of performing alternative work assignments, if appropriate work is available within the KBU.

It is the employee's responsibility to request and provide documentation by a healthcare provider that indicates the temporary need and ability to perform a modified duty assignment. The employee's healthcare provider must provide clear, written restrictions and indicate the duration of those restrictions.

All non-work related modified duty assignments are temporary and must not exceed 90 days without re-evaluation.

To the extent possible, employees will be given a temporary assignment when available. KBUs may assign employees to positions outside of the employee's regular assignment as long as the assignment is within written restrictions of the employee's healthcare provider.

Salaries, wages and benefits will be charged to the cost center of the employee's original work assignment. Employees participating in this program will receive their normal rate of pay.

Employees participating in a modified duty assignment may be assigned a new supervisor if moved to a different work unit. The employee will be subject to the same work rules and regulations as any other employee in that work unit, and will be required to perform work within the limitations established by the treating physician or medical expert. Under no circumstances will the employee be required to perform work outside the limitations established by the employee's healthcare provider. All parties involved will be given written instructions on the healthcare provider's limitations for the employee.

Termination of Non-Workers' Compensation Modified Duty Assignment

The modified duty assignment for non-work related injury or illness is temporary and may be discontinued when any of the following occur:

- The healthcare provider returns the employee to full duty with no restrictions.
- The healthcare provider prohibits the employee from participating in a modified duty assignment.
- There is no longer an appropriate modified duty assignment that would accommodate the employee's restrictions.
- The healthcare provider indicates the employee has reached maximum medical improvement and will not be able to return to his or her regular position.
- An employee has been on non-work related modified duty for a period of ninety (90) days. All non-work related modified duty assignments will receive a thorough re-evaluation at this point. After 90 days, continuation of the non-work related modified duty is at the discretion of the KBU.
- An employee's performance in the modified duty assignment is documented as substandard and does not meet performance expectations.
- An employee refuses or fails to cooperate with this policy.

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- An employee elects to use other forms of benefit leave.

Disputes

Employees who dispute the workers' compensation findings or recommendations of the City's designated healthcare provider must address those concerns with the Risk Management Workers' Compensation Division. Key Business Units must adhere to the findings of the designated healthcare provider and workers' compensation staff. Employees released by the designated healthcare provider to return to work must do so on the next business day or must request vacation leave or leave without pay or may face termination.

Responsibilities:

The Finance and Human Resources Business Units shall be responsible for the coordination of this policy.

Key Business Executives and/or their designees are responsible for ensuring that supervisors and employees comply with the policy.