

## **ADMINISTRATIVE ORDER NUMBER 2-22**

### **SUBJECT: Salaries and Workers' Compensation Benefits While Absent Due to Work-Related Injury or Illness**

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**Responsible Department: Personnel Services**

**Date Issued: 12-01-1998**

**Date Revised: 8-12-2020**

**Approved: *(Signature on File)***

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### **Purpose**

To clearly express the City's policy and procedures regarding salaries and benefits when a City employee is absent from work due to a work-related injury or illness.

### **Policy & Procedures**

1. Upon learning that an employee has an alleged or sustained work-related injury or illness which requires medical treatment and/or time away from work, the employee's department shall email the following claim forms to Risico at [docmail@risico.com](mailto:docmail@risico.com) and to Risk Management at [COFSafety@fresno.gov](mailto:COFSafety@fresno.gov):
  - a. The "Insurer/Administrative Agency Copy" of the completed Employee's Claim for Workers' Compensation Benefits (form DWC-1); and
  - b. The completed Employer's Report of Industrial Injury or Illness (form 5020).

A workers' compensation claim may be accepted, denied or delayed based on the facts. Delays may last up to ninety days from the date the claim form is submitted. Where an employee's absence results from an accepted workers' compensation claim, the employee's department shall place the employee on Injury Pay status in accordance with the provisions of Fresno Municipal Code Section 3-118.

2. Should the employee miss work due to the alleged work-related injury or illness while the claim is pending, the employee shall use accrued available sick leave, vacation leave, holiday leave, management leave, compensating time off (CTO) or leave without pay as appropriate. If the workers' compensation claim is ultimately accepted, the employee shall retroactively receive the percentage of wages specified by the provisions of Fresno Municipal Code Section 3-118 and the employee's leave hours previously used will be retroactively refunded to the employee's leave banks. If repayment to the City is required, it will be undertaken through a payback agreement with the employee.
3. Absences from duty because of worker's compensation injury or illness require medical verification before the employee receives such benefits for the absences. Verification shall specify the injury or illness, include the date of medical

examination, identify any functional limitations and restrictions, including the inability to work at all, if applicable, and the anticipated duration of the limitations and restrictions. Only dates specified by the medical provider will be excused for purposes of workers' compensation and paid in accordance with Fresno Municipal Code 3-118.

4. Partial days of absence necessitated by the employee's attendance at medical appointments in connection with an accepted workers' compensation claim shall require verification from the medical provider specifying the injury or illness outlining the date of the service provided. Such partial days of absence, including the day of injury or illness, shall be at full pay and shall not be credited to the three-day waiting period mandated by law; however, this time shall be recorded as on-the-job injury (OJI) absence.
5. Any absence due to a workers' compensation injury or illness, whether for a full day or a partial day, where acceptable medical verification is not presented, will not be considered an excused absence for purposes of workers' compensation, and will not be compensable under Fresno Municipal Code Section 3-118.
6. Employees may not use paid leave time to supplement the percentage of salary continuation authorized by Fresno Municipal Code Section 3-118, or similar salary continuation under another statute.
7. Retirement benefit changes in contribution by the City and employee shall be in accordance with applicable retirement code section.
8. Wages shall be taxed in accordance with applicable compensation statutes.