

CITY OF HICKORY
Workers' Compensation Policy

I. General Statutes Statement

The City of Hickory (City) strives to provide a safe working environment for all employees by following the North Carolina Workers' Compensation Act, North Carolina General Statutes, Chapter 97. Procedures are set forth for clarification of responsibilities only and are not intended to contradict or take the place of the governing General Statutes, which shall take precedence. The Human Resources Division of the Administrative Services Department administers workers' compensation claims through a third party administrator. Additional information can be found at www.ic.nc.gov and www.ncga.state.nc.us.

Coverage: All full-time, part-time, and temporary employees occupying budgeted City positions shall be subject to this policy. Employees working on a contracted basis for the City shall not be covered, as defined by the North Carolina Workers' Compensation Act.

II. Notice of Injury

- A. Every injured employee or his/her representative must immediately, on the date of the accident or incident, notify his/her supervisor and complete an accident report, which provides written notice of the accident to the City. Failure to report an injury or illness immediately will be subject to disciplinary action up to and including dismissal.
- B. The employee will not be entitled to physician's fees or any compensation prior to giving notice of the accident/illness. No compensation shall be payable unless such written notice is given within 30 days after the occurrence of the accident unless the Industrial Commission rules otherwise.
- C. The City will complete a North Carolina Industrial Commission Form 19, "Employer's Report of Employee's Injury or Occupational Disease" which notifies the Industrial Commission of the accident.
- D. A North Carolina Industrial Commission Form 18 will be sent to each employee who has an injury. The employee is responsible for filing the Form 18, which is the "Employee's Notice of Accident", with the North Carolina Industrial Commission.

III. Medical Treatment

The City has the right to request and receive all medical records and reports related to the injury or illness for which the employee is seeking medical treatment or compensation. Under North Carolina Workers' Compensation law, the employer (the City) has the right to direct medical care for employees who suffer work related injuries or illnesses.

- A. For life-threatening or potentially life-threatening injuries, the employee will be taken to either the nearest hospital emergency room or emergency assistance will be immediately requested by calling 911. Human Resources must be contacted immediately after the coworker is assisted.
- B. For non-life threatening injuries, the City Nurse must be contacted through Human Resources. The City Nurse will assess the illness/injury and provide medical treatment as needed. The City Nurse may refer the injured employee to the authorized treating physician.
- C. **Hart Industrial Clinic** is the City's authorized treating physician and designated healthcare provider. Unless the injury/illness is a true emergency, unauthorized charges for treatment at any other healthcare facility or physician's office will not be paid by the City and will be the responsibility of the employee.
- D. If the injury or illness occurs outside of Hart Industrial Clinic hours, the designated provider is **Frye Care Urgent Care**.

- E. Use of the emergency room is strongly discouraged unless there is a true emergency (see III.A.) or the authorized City healthcare providers are closed (see III.C & D).
- F. If the authorized treating physician, employer, or insurance company declares the injury is not work related, only the initial approved visit will be approved for payment. Any visits other than the initial approved visit will be the financial responsibility of the coworker.
- G. All referrals to specialists or requests for further tests must be preapproved by the workers' compensation insurance carrier. The workers' compensation carrier pays for approved prescription medications for compensable injuries. Human Resources can provide a list of pharmacies who have agreed to bill the carrier for payment. In cases where the pharmacy will not bill the carrier, Human Resources will submit the receipts to the carrier for the employee.
- H. Employees will not be required to use accrued time for authorized follow-up visits to the approved treating physician.

IV. Compensation

To provide for the prompt payment of compensation within the time prescribed in General Statute 97, the employee or employee's representative must present a statement from the authorized treating physician, stating that the employee cannot return to work either on full or light duty. This statement must be sent immediately to Human Resources to be forwarded to the workers' compensation insurance carrier who will in turn notify the North Carolina Industrial Commission. Compensation will be paid after the claim is investigated and accepted as compensable.

- A. If the approved, treating physician states the employee is unable to work, the employee will be placed on Leave Without Pay Status.
- B. On the date/day of the injury, the employee will receive pay from the City for the remainder of his/her scheduled shift.
- C. Under the North Carolina Workers' Compensation Act there is no compensation entitlement for the first seven (7) calendar days the coworker is placed out of work. Employees may use accrued leave time during this seven (7) day waiting period.
- D. After the seven (7) day waiting period, the employee will receive wages of up to two-thirds (2/3) of his/her salary.
- E. No additional accrued or compensatory time may be used while the employee is receiving wages under the North Carolina Workers' Compensation Act.
- F. If the injury results in lost work time of more than twenty-one (21) days, compensation will be paid from the first (1st) day of lost time. The employee will not be required or allowed to reimburse the City for the seven (7) day waiting period to reinstate his/her accrued time.
- G. Salary Payments are made by the City's workers' compensation carrier after the claim has been accepted.
- H. Holidays are included in regular compensation paid by the workers' compensation carrier and no additional holiday pay will be paid by the City.
- I. After more than five (5) working days of workers' compensation leave, the employee ceases to earn accrued leave for that month. This is consistent with the City of Hickory Leave Policy.
- J. The City will continue to pay the health insurance premium for the employee while he/she is on approved workers' compensation leave and still employed with the City of Hickory.
- K. The employee is responsible for all deductions for elected insurance coverages, including but not limited to: Dependent medical, dental, AFLAC, etc.

V. Family and Medical Leave Act

Family and Medical Leave shall run concurrent with Workers' Compensation Leave beginning when the authorized, treating physician places the employee out of work.

VI. Return to Work

The employee must return to work once he/she is released following medical treatment unless the treating physician indicates otherwise. The employee must notify his/her supervisor immediately following medical treatment of the physician's determination of ability to return to work and must report any changes in work status to the supervisor. Failure to report for duty upon release from the authorized, treating physician shall be considered a resignation.

- A. Restricted Duty: If the physician indicates that the employee may return to work with some temporary restriction in duties, a modified work assignment meeting those restrictions will be provided when possible.
- B. Modified duty assignments are intended to complement and facilitate the healing process. The maximum modified duty assignment shall be twelve (12) weeks unless additional time is approved by Human Resources.
- C. If the approved treating physician indicated that the employee is unable to return to work on full duty status, an equivalent position will be held for a maximum of six (6) months (180 days) from the original date of injury. The six months (180 days) include the 90 days of FMLA leave, which is running concurrently. The City Manager or designee may grant an exception or extension provided there is support for the decision from the approved medical provider.
- D. Reasonable accommodations will be attempted by the City in order to be in compliance with the Americans with Disabilities Act. The City will try to reasonably accommodate to the point where it does not jeopardize the City's operations.
- E. Injuries requiring Emergency Room treatment shall be accompanied with appropriate discharge instructions for the employee. If no follow-up instructions are given, or if the instructions are unclear, the employee shall notify his/her supervisor so that proper follow up occurs before the employee returns to work. If it is deemed necessary that a follow-up is needed, an appointment shall be made at Hart Industrial Clinic through the Occupational Health Nurse or the Risk Manager.

VII. Right to Appeal

If the City or its workers' compensation insurance carrier decides to deny liability in a claim, the insurance carrier will send the employee a statement detailing the reasons for the denial. Should the employee wish to appeal the decision, he or she must send a "Request that Claim be Assigned for Hearing" Form 33 to the North Carolina Industrial Commission.

VIII. Personnel Ordinance and City Policies

The City's Personnel Ordinance continues to apply to the employee who is out on Workers' Compensation Leave. Other approved City polices may apply.

IX. Contact Information

For assistance with claims/appeals or general questions/concerns regarding workers' compensation, please contact the Human Resources Division at 828.323.7443.


Mick Berry, City Manager

9/29/14
Date