



CHAPTER: Leave Benefits

SUBJECT: Injuries on the Job

POLICY NUMBER: 4.702

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**RELATED POLICIES:
4.604 4.605 4.711**

**ENABLING RESOLUTION:
114-1988 208-2011 210-2011**

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DEPARTMENT OF PRIMARY RESPONSIBILITY: HUMAN RESOURCES

SPECIAL NOTES: This Policy/Procedures Manual does not in any way constitute an employment contract. Sedgwick County reserves the right to amend this Manual at any time subject only to approval by the Board of County Commissioners and the Governing Body of Sedgwick County Fire District Number One. The Memorandum of Agreement should be consulted for those Fire District employees who are included in the bargaining unit.

Benefits granted under this Policy may offset the period of unpaid leave provided to eligible employees under the Family and Medical Leave Act of 1993, described in County Policy Number 4.711, "Family and Medical Leave".

I. Purpose

- A. The purpose of this Policy is to advise employees of the procedure when an employee suffers a disabling sickness or injury. The Memorandum of Agreement should be consulted for those Fire District employees who are included in the bargaining unit.

II. Policy

- A. Sedgwick County provides Workers' Compensation benefits for all employees, including part time and authorized volunteers, who are injured while performing assigned job tasks within the course and scope of their employment.
- B. A permanent full time or permanent part time employee totally and permanently disabled will be covered by KP&F or KPERS programs if the employee is eligible.

- C. Injuries and disabilities that are sustained off the job shall be covered by the employee's personal insurance, sick or vacation leave, or Family and Medical Leave if the employee is eligible to receive it.
- D. Injuries on the job shall be covered by sick or vacation leave, if available; injury leave (if approved and the employee is a Fire District employee covered under KP&F); and Family and Medical Leave if the employee is eligible.
 - 1. Sick or vacation pay shall be that amount necessary to maintain the employee at the employee's approximate regular net payment by supplementing the Workers' Compensation disability payments. When sick leave is exhausted, an employee shall use his/her accumulated vacation, even if the employee is on probation.
 - 2. Fire District employees covered under KP&F injured while performing certain assigned duties shall be eligible for injury leave, not to exceed three hundred sixty (360) working hours, per injury. Injury leave shall be used prior to use of any sick leave or vacation leave accumulations. After all injury leave is used, an employee shall use accumulated sick or vacation leave. Injury leave will apply only to those injuries specified in the Union Agreement.
 - a. Injury pay for injury leave shall be that amount necessary to maintain the employee at the employee's regular rate of pay by supplementing the Workers' Compensation disability payments.
 - b. Charges may be made against sick leave or vacation leave, if available, when Fire District contests that the injury occurred while performing assigned duties. If it is found that the injury did occur while performing assigned duties the hours charged to sick leave or vacation leave shall be restored to sick leave or vacation leave and charged to injury leave.
 - c. When an employee receives a full release to work from the treating physician and Fire District's physician for the employee's regular position in the Fire Department and such a position at the employee's regular shift and regular rate of pay is offered to the employee and is declined, injury leave and injury pay benefits shall be terminated. The employee shall forthwith provide a copy of the release to work by the treating physician to the employee's supervisor.
 - d. Any injury or illness incurred while on duty and not covered by injury leave, as described above, will be covered by the

employee's accumulated sick leave, vacation leave and/or Workers' Compensation, whichever is applicable.

- E. Employees eligible for Family and Medical Leave shall have FML tracked and deducted from their FML entitlement while receiving Workers' Compensation.
- F. When Family and Medical Leave is used concurrently with worker's compensation, employees may supplement worker's compensation wages with sick leave, vacation or compensatory time, but are not required to do so. The employee is responsible for notifying Human Resources if they would like to supplement worker's compensation wages with sick leave, vacation, or compensatory time. The amount of sick or vacation pay used shall be the amount necessary to maintain the employee's approximate regular net payment.
- G. Upon an employee's return to work, the employee will be required to have a doctor's release. If medical restrictions are part of the release, the employee's department must agree to accommodate these restrictions. If the restrictions cannot be accommodated, the employee must be sent home and Risk Management notified immediately in writing of this non-accommodation.
- H. The County may require an employee to furnish proof of injury and/or submit to a medical examination, at Sedgwick County's expense.
- I. Employees who are off work because of injury for five (5) continuous months, in any twelve (12) month period, may be terminated at the discretion of the hiring authority. Special considerations, including reasonable accommodation, may be necessary before terminating, or taking any other disciplinary action in relation to an employee defined as an employee with a disability. For more extensive information pertaining to employees with disabilities or reasonable accommodation see Reasonable Accommodation Policy 4.311
 - 1. An employee who is injured and will be off for an extended period of time shall be placed on Injury Leave of Absence by the Division Director, Department Head or Elected Official after the employee's sick and vacation leaves have been exhausted.
 - a. Fire District employees covered under KP&F who are injured and will be off for an extended period of time shall be placed on Leave of Absence by the Fire Chief after the employee's injury, sick and vacation leaves have been exhausted.

- A. The Division Director, Department Head or Elected Official shall notify Human Resources of any KP&F or KPERS member employee who has been off work for forty-five (45) days.
 - 1. Human Resources shall file the proper KP&F or KPERS forms in case there is a possible disability claim.

- B. Sick leave, vacation leave or injury leave must be used, if available to the employee, for an injury sustained on the job and deemed compensable under the Kansas Workers' Compensation Act.
 - 1. An employee who is injured on the job to the point of missing work shall go on sick leave, vacation leave, or injury leave, if available to the employee. The length of time an employee is off work and the extent of his/her injury will determine how the injured employee will be paid.
 - a. Employees who are off work less than seven (7) calendar days shall be paid sick leave or vacation leave pay, if the time is accrued, or injury leave pay, at their full salary rate.
 - b. Employees off work more than seven (7) calendar days may be eligible to receive Workers' Compensation benefits. The Workers' Compensation benefit shall be supplemented by sick leave or vacation leave if accrued, not to exceed their approximate regular net payment (or injury leave for Fire District employees covered under KP&F). The Memorandum of Agreement should be consulted for Fire District employees included in the bargaining unit.

- C. Risk Management staff shall notify the Division of Human Resources of Workers' Compensation cases.

- D. Individuals returning to work under this Policy may be required to comply with the Policy, Procedures and Regulations set out in Policy Number 4.310, "Drug Testing/Substance Abuse".