

MOHAVE COUNTY SUPERIOR COURT POLICY AND PROCEDURE

TITLE: 7.7 WORKERS' COMPENSATION (WC)

EFFECTIVE DATE: 02/09/2017

REVISED DATE: 10/21/2019

The County is committed to providing appropriate workers' compensation benefits as required by state law. Workers' compensation benefits are provided to employees for injury, illness or death arising out of employment and occurring in the course and scope of employment.

7.71 Injury Reporting Requirements

Every injury or illness sustained on-the-job, no matter how trivial, shall be reported as soon as practicable, on same or next business day when possible, to the employee's supervisor; it is not necessary to report the injury or illness to the supervisor in person. In this way, prompt first aid treatment can be provided, and immediate medical attention secured if necessary. Reporting the date and time of injury and names of witnesses is important when establishing a workers' compensation claim. Once an employee has reported an on-the-job injury or illness to their supervisor, the supervisor shall do the following:

- A. If the injury requires medical attention, the employee may be directed to report to a County-specified medical facility or physician at the County's expense. However, the County may allow the employee to seek treatment from their own healthcare provider. Should an employee be directed to a County specified facility or physician for the first visit, the employee may elect to continue treatment with the healthcare provider of their choice for subsequent medical treatment. Once an employee sees a healthcare provider the employee shall be required to continue all treatment with that provider for the duration of the claim unless the employee requests a change of physician through the Industrial Commission.
- B. If the injury is severe or one that requires immediate aid, arrange for transportation to the nearest emergency treatment center.
- C. Complete a "Supervisor's Report of Injury" and immediately fax to the Mohave County Risk Management Division. Retain a copy for the supervisor.

7.72 Use of Paid Time Off (PTO)

- A. PTO leave may be used to supplement Workers' Compensation (WC) payments up to 100% of an employee's regular bi-weekly base salary.
- B. Under no circumstances shall an employee be allowed to receive any combination of workers' compensation and PTO leave in an amount that is greater than their regular net salary.

7.73 Employee's Return to Work

After an absence due to an accepted industrial injury or illness, an employee shall return to their regularly assigned duties with a written release by the Workers' Compensation physician. The County may require the injured worker to see an independent physician for a determination of the employee's ability to return to date of injury work. Notification of an employee's intent to return

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to work shall be provided as soon as possible to the Department Head, Mohave County Risk Management Division, and Superior Court Human Resources Department.

- A. Return to Work Program. The return to work program is provided to allow employees who are not yet able to perform their regular assignments to be assigned modified duty, when it is possible for the County to do so, for a specified period of time.
- B. Assignment to Modified Duty
 1. When an employee is determined to be able to perform modified duty by the Workers' Compensation physician, the employee shall notify Superior Court Human Resources and the Risk Management in writing and provide a copy of the physician's authorization.
 2. Upon approval by the Workers' Compensation physician for specific types of modified duty, the Department Head shall determine what modified duty assignments, if any, exist, and notify Superior Court Human Resources and the Risk Management.
 - a. If there is a need for temporary services within the employee's work unit or another department work unit, the employee shall report daily to their assigned supervisor for such modified duty. Modified duty generally shall not exceed ninety (90) days.
 - b. If there are no modified duty assignments available in the employee's department, the supervisor shall work with Risk Management and Superior Court Human Resources to attempt to identify a temporary modified duty assignment in another department.
 - c. Grant funded employees shall only be assigned to a modified duty assignment that is supported by the grant from which they are paid.
 3. Mohave County Risk Management shall notify the workers' compensation insurer of the employee's work status.
 - a. Employees assigned to a department other than their own on a temporary modified duty assignment shall be paid by the department in which they are regularly employed.
 - b. Employees who are on modified duty assignments shall be paid at the regular rate of pay for the classification to which assigned.

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- C. Medical Examination Requirement. While on workers' compensation, medical examinations of the employee may be required periodically by the County, at the County's expense, to determine the medical status of the employee.
- D. Return to Regular Duty From Modified Duty Assignment. Upon full duty release from the Workers' Compensation physician, the employee shall return to their department for regular duty assignment.
- E. Discontinuance of Modified Duty Assignment. If, at any time during a modified duty assignment, it is found not to be in the best interest of the County to continue modified duty, the employee may be laid-off unless on FMLA leave status.
- F. Inability to Return to Regular Duty. If an employee is no longer on FMLA leave status and is unable to perform regular duties on or before the completion of the modified duty assignment, the Department Head and Risk Management shall consider temporary or complete reassignment to another County position in or out of the employee's current field. Such position, if available, may involve a change in job classification and pay. If no position is available for which the employee is qualified, the County shall separate the employee from County service through layoff.

7.74 Public Safety Supplemental Benefits (PSSB) Plan

The purpose of the Supplemental Benefits Plan is to describe benefits afforded to the Public Safety (PS) Employees under the Public Safety Officer; Duty-Related Injury; Supplemental Benefits Plan (ARS § 38-961).

- A. ARS § 38-961 describes, "Public Safety Employee" as an individual who is a member of the Public Safety Personnel Retirement System, the Corrections Officer Retirement Plan or a Probation Officer, a Surveillance Officer or a Juvenile Detention Officer employed by the state or political subdivision of the state.
- B. Supplemental Policy.
 - 1. PS Employees shall apply for the PSSB Plan and the County shall determine the PS employees' eligibility into the Plan. To be eligible for the PSSB Plan, the PS employee must meet the conditions set forth in the statute including:
 - a. The PS employee must be employed full-time. Volunteers or those employed part-time by the County or Superior Court, such as, search and rescue employees, posse employees, boating employees, and similar volunteers and part-time employees shall not be provided for by this PSSB Plan.

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- b. The PS employee must be on an off work status and receiving workers' compensation benefits for the industrial injury prior to applying for acceptance into the PSSB Plan.
 - c. The PS employee has been on an off-work status for a minimum of thirty (30) calendar days. On the thirtieth (30th) day the PSSB Plan begins and is retroactive to the first day the PS employee was placed on off-work status by a health care professional as a result of a work related injury.
 - d. The PS employee must remain on active employment status with the County or Superior Court. If the PS employee fails to remain on said active employment status this Plan is not applicable to their case.
 - e. The PS employee's injury must not be the result of a pre-existing physical or medical condition.
 - f. The PS employee's injury must not be the result of an unlawful act, a County or Superior Court policy violation, misconduct or self-exposure.
 - g. The PS employee's injury must be the direct and proximate result of acting in the line of duty, such as keeping the peace, law enforcement, protection of people and property and investigation of crimes; (Training and similar activities shall not be considered to be in the line of duty.)
 - h. The PS employee shall comply with all Mohave County Risk Management requirements including but not limited to evaluation for light or modified duty and rehabilitation programs, provide the Mohave County Risk Management Division with qualifying medical documentation of the injury for supplemental benefits and medical status of employee's ability to perform functions of their position throughout the recovery process. The goal is to assure the employee makes as quick a recovery as possible and returns to light duty or full duty as quickly as possible.
2. Provided PS employee is accepted into the Supplemental Benefits Plan and is receiving benefits under the Plan said benefits will terminate immediately upon PS employee failing to comply with Risk Management decisions, PS employee returns to or refuses to return to available light duty or returns to full work status.
 3. Provided the PS employee is accepted into the Supplemental Benefits Plan, the following shall occur:
 - a. The County shall continue to pay the PS employee's regular salary through the means by which it is regularly funded with no reduction except for other benefits being paid by the workers' compensation fund and the

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amount of taxes the PS employee was paying prior to the work-related injury. This includes continuation of the following:

- i. The PS employer's portion of enrolled health care benefits.
 - ii. The PS employee's and employer's contributions to the retirement system or Corrections Officer Retirement Plan, as applicable.
 - b. The PS employee shall accrue credit for service for the time enrolled in the Plan. Employee's PTO shall not be reduced while on an off-work status for the term of the PSSB Plan.
4. The PS employee shall:
 - a. Be responsible to pay for the portion of their health care benefit costs they were paying at the time of the injury, health related optional costs and/or optional life insurance costs.
 - b. Continue to accrue credited service in the applicable retirement system during the period of time enrolled in the PSSB Plan.
 - c. Not accrue any additional PTO leave while the employee is participating in the PSSB Plan.
 - d. Comply with all Mohave County Risk Management requirements including but not limited to, evaluation for light duty and rehabilitation programs, provide the Mohave County Risk Management Division with qualifying medical documentation of the injury for supplemental benefits and medical status of the PS employee's ability to perform functions of their position and medically directed rehabilitation throughout participation in the PSSB Plan.
5. The PSSB Plan is offered to the PS employee for an initial period of 180 calendar days, provided the PS employee is accepted into the plan. This section also provides that the County may determine if the PSSB Plan shall be extended an additional six (6) months (180 calendar days). Total calendar days for receiving benefits under this plan shall not exceed one (1) year or three hundred and sixty five (365) calendar days.
6. Supplemental plan benefits may cease for reasons including but not limited to the following:
 - a. The PS employee is released to regular duty or light duty (a temporary modified position) where the employee is making their regular pay.

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- b. The PS employee refuses to accept a light duty assignment.
 - c. The PS employee has received benefits for 180 calendar days from the first day he was placed on an off-work status.
 - d. The PS employee is no longer considered a PS employee of the County or Superior Court.
7. If the PS employee has been placed on an off-work status for more than 180 calendar days, they may submit a request for an extension of benefits in writing to Mohave County or Superior Court Human Resources and the Mohave County Risk Management Division. It is at the employer's discretion whether or not to extend benefits. If benefits are extended, they cannot exceed a maximum of an additional 180 calendar days.
8. The County may at any time require the PS employee to submit to a Fitness for Duty or Independent Medical Exam.
9. If the PS employee is not off-work for the entire initial 180 calendar days, any unused portion may be applied to a future off-work period for the same injury, provided the PS employee's workers' compensation claim remains open.
 - a. The unused portion of the initial 180 days shall not be applied if the PS employee's workers' compensation claim is closed and then reopened at a future date.
 - b. The unused portion of benefits extended for an additional 180 days shall not be applied to any future off-work period for the same injury or any reopening at a future date.
10. Once the Mohave County Risk Management Division receives information regarding an injury to a PS employee, they will establish a file:
 - a. If the claim is accepted and it is unclear the extent of the off-work status, the PS employee's department or supervisor will notify the Mohave County Risk Management Division when the PS employee has been off-work for more than thirty (30) days. The Mohave County Risk Management Division can then provide a Supplemental Benefits Application to the PS employee.
 - b. The Mohave County Risk Management Division will not accept the PS employee's application for benefits under the plan while the PS employee's workers' compensation claim is under investigation.

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Workers' compensation acceptance of the employee's claim will be sufficient for the Mohave County Risk Management Division to accept PS employee's application for benefits under the subject plan.

- c. All checks from Workers' Compensation for time off-work will be sent to the Mohave County Risk Management Division.
 - d. When the PS employee is released to light duty or regular duty the PS employee's department or supervisor will immediately notify the Mohave County Risk Management Division.
 - e. The Mohave County Risk Management Division can request a Fitness for Duty or Independent Medical Exam at any time during the period the PS employee is receiving supplemental benefits.
 - f. The County may provide rehabilitation or vocational assistance to the PS employee.
11. Light duty. The County will make every effort to accommodate the PS employee's needs in returning to light duty, including but not limited to the following:
- a. Payment of mileage if the light duty assignment is in a location other than the assigned work place.
 - b. Provide transportation via car pool or other means if the PS employee is unable to drive.
 - c. Provide light duty for a different work shift than previously assigned.
 - d. If the PS employee refuses to return to work in a light duty capacity – for any reason – the PS employee will be terminated from the PSSB Plan.
12. Workers' Compensation wage benefits will also be terminated if a PS employee refuses a light (modified) duty assignment that they are qualified for and have been released by a health care professional to perform.

C. Procedure.

- 1. PS Employees who are injured while performing required duties shall:
 - a. Immediately notify their supervisor or person in charge if the supervisor is not available, even if medical treatment is not necessary.

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- b. Seek medical attention through a County designated facility or physician arranged to provide medical care. PS Employees will utilize these designated physicians for their initial visit unless the injury is severe (e.g. broken bone, excessive bleeding, unconsciousness, amputation, etc.) at which time 911 should be called.
 - c. The PS employee must update Risk Management after each doctor visit who shall notify their Supervisor of the employee's work status, until full duty work status is obtained. The physician's report must include any work restrictions or physical limitations necessary for the PS employee's well-being.
2. The PS employee's supervisor or person in charge who is notified of an on-the-job injury shall:
- a. Notify the Mohave County Risk Management Division immediately and complete a Supervisor's Report of Industrial Injury (SRI) and forward it to the Mohave County Risk Management Division within twenty-four (24) hours and no later than seventy-two (72) hours after the accident. An SRI must be completed even if no medical treatment is needed.
 - b. Forward all physician "work status" reports and releases to the Mohave County Risk Management Division in a timely manner.
 - c. Cooperate with the Mohave County Risk Management Division in identifying light duty work assignments for employees who received an on-the-job injury in order to avoid a time-lost claim against the County/State of Arizona. The employee's original department will be responsible for any wages paid to this PS employee while working a light duty assignment in another department.
 - i. The light duty assignment will be established using a Temp Modified Work Agreement form.
 - ii. The PS employee's pay and classification status will remain the same while on a light duty assignment regardless of the actual duties being performed.
- D. Failure of the PS employee to comply in good faith with all of the aforesaid provisions may exclude the PS employee from coverage under the PSSB Plan.