

Reference:	Title:
<u>Supersedes Administrative Regulation 15 (December 1995)</u> <u>Supersedes HRPB 2023-7 (June 2023)</u> <u>Nebraska Workers' Compensation Act, Neb. Rev. Stat. § 48-101 et seq.</u> <u>Nebraska Workers' Compensation Court Rules</u> <u>City of Lincoln Municipal Code § 2.76.390</u>	Workers' Compensation Policy

I. PURPOSE

The City is committed to maintaining a safe workplace while supporting employees who experience an approved compensable work-related injury. This policy establishes consistent practices for injury reporting, medical documentation, injury leave pay administration, temporary modified work, recovery time, return to work processes and benefit coordination.

II. DEFINITIONS

- A. Injury Leave Pay:** A City paid leave benefit, issued as a bank of hours, to supplement weekly temporary disability benefits under the Nebraska Workers' Compensation Act, up to the employee's gross wages for regularly scheduled work hours. The injury leave bank of hours is equal to six months of the eligible employee's regularly scheduled work hours. The standard bank is 1,040 hours. 56-hour employees receive 1,456 hours. Injury leave pay is available when recovering and taking time off from work to heal pursuant to a physician's opinion restricting the employee's ability to work because of a compensable work-related injury. Injury leave pay is deemed payment of all statutorily imposed benefits under the Nebraska Workers' Compensation Act. Injury leave pay is not available when a physician opines the employee can work in a modified duty capacity and such work is available.
- B. Recovery Period:** An employee who sustains an approved compensable work-related injury may receive injury leave pay during a recovery period beginning on the initial date of injury. The recovery period shall not exceed twelve (12) months from the initial date of injury. Injury leave pay and recovery period shall not exceed six (6) months total, whether consecutive or cumulative, and shall end when the employee reaches six (6) months of recovery time or the twelve-month recovery period expires, whichever occurs first.

The six-month injury leave pay entitlement is available only once during the twelve-month recovery period. A subsequent compensable work-related injury during the same recovery period does not create a new or additional injury leave pay entitlement or recovery period.

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- C. Workers' Compensation:** Benefits provided under Nebraska Workers' Compensation Act for injury by accident or occupational disease arising out of and in the course of employment.

III. ELIGIBILITY

Nebraska Workers' Compensation benefits are available to all employees including full-time, part-time, and temporary employees as provided under the Nebraska Worker's Compensation Act.

Injury leave pay and recovery time eligibility is limited to probationary and regular employees and governed by Lincoln Municipal Code, collective bargaining agreement requirements, and this policy. Temporary employees, volunteers, unpaid interns, and independent contractors are not eligible.

IV. PROVISIONS

A. Medical Documentation Requirements:

1. Medical documentation is required to support Workers' Compensation benefits, injury leave pay, work restrictions, and continued absence from work. Medical documentation must be provided to Risk Management or the City's designated third-party administrator (TPA) after each medical visit when the employee is off work or placed on restricted duty.
2. Documentation must clearly identify work restrictions or the need for absence from work. Risk Management or the TPA may contact the medical provider to clarify restrictions or determine the employee's ability to return to work. A medical records release may be required.

B. Injury Leave Pay Administration:

1. All work time missed due to an approved compensable injury must be recorded using the designated Injury Leave absence code in the City's timekeeping system. Injury leave pay is intended to supplement benefits payable under the Nebraska Workers' Compensation Act and does not duplicate statutory temporary disability benefits.
2. Workers' compensation benefit portions of injury leave pay are not subject to taxes or payroll deductions.

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3. Injury leave pay applies only to the specific compensable injury and does not carry over to future injuries within the rolling twelve-month period from date of injury. Injury leave balances are not paid out at separation.
4. If injury leave pay is exhausted or the employee is not eligible, Workers' Compensation benefits will continue as required under Nebraska law.

C. Injury Leave Pay Exhaustion or Ineligibility:

1. When injury leave pay is exhausted or not applicable, time missed from work must be recorded as Leave Without Pay, unless other accrued leave is used.
2. Employees may continue to receive temporary total disability or temporary partial disability benefits under Nebraska law after the injury leave supplement benefit expires or when they are not eligible for injury leave pay.
3. Accrued leave may supplement Nebraska Workers Compensation statutory benefits when permitted by Lincoln Municipal Code or collective bargaining agreements.

D. Temporary Modified Work Assignment:

1. Temporary modified work assignments may be considered for Workers' Compensation cases and are administered in accordance with the Americans with Disabilities Act Reasonable Accommodation Policy.

E. Maximum Recovery Period:

1. The maximum recovery period is twelve (12) months from the date of injury. Within that period, total lost work time due to the injury may not exceed six (6) months, whether consecutive or cumulative.
2. When recovery time ends, the employee may be separated from employment if the employee has been absent for six (6) consecutive months due to the injury or has reached six (6) months of cumulative lost work time within the twelve-month recovery period.

F. Holiday and Overtime Pay:

1. Hours paid through injury leave or Workers' Compensation benefits do not count as hours worked for purposes of calculating overtime.
2. Holiday pay is governed by Municipal Code and bargaining agreements.

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G. Employee Benefit Payment Responsibilities:

1. Employees receiving injury leave pay or statutory disability benefits must continue to pay the employee portion of health insurance premiums and any other elected deductions.
2. When the employee's pay is insufficient to cover these deductions, payments must be made directly to City Payroll in the Finance Department by the employee.

H. FMLA Coordination:

1. Leave taken for a work-related injury may qualify under the Family and Medical Leave Act (FMLA). When applicable, FMLA leave is unpaid and will run concurrently with injury leave, temporary total disability, temporary partial disability, and other types of paid leave when applicable.

V. PROCEDURES

A. Injury Reporting:

1. Employees must report any work-related injury or occupational disease immediately to their supervisor or designated department contact.
2. Employees are required to submit a First Report of Injury and Form 50 Doctor designation to City's Human Resources Department.
3. If the employee is unable to complete the form, the supervisor may complete it with assistance from the employee, and the employee should review and sign it when able.
4. The City reserves the right to investigate any reported injury to determine compensability and ensure workplace safety.

B. Return-to-work:

1. Employees may return to work only after providing written medical documentation from the treating provider releasing the employee to full duty or identifying approved work restrictions.
2. The City may require clarification from the treating provider or require a fitness for duty evaluation when necessary to confirm the employee's ability to safely perform job functions. Any such evaluation will be job-related and conducted in compliance with applicable law.

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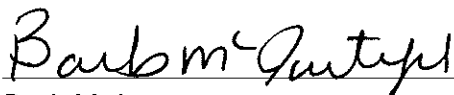
C. Medical Separation:

1. Prior to any separation due to the employee's inability to return to full duty without restrictions, Human Resources will review the case to ensure compliance with Workers' Compensation, the Family and Medical Leave Act, the Lincoln Municipal Code, applicable collective bargaining agreements, and the City's ADA Policy.
2. If an employee is unable to return to work, with or without reasonable accommodation as determined under the ADA Policy, by the end of the maximum recovery period, the employee may be separated from employment.
3. Unless a separation letter says otherwise, medical separation from employment does not constitute disciplinary action.

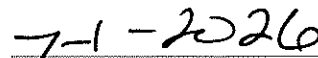
D. Acknowledgment of Policy:

1. Employees are required to complete a training module that includes this policy and acknowledge their understanding through the designated electronic system.

The City reserves the right to interpret, enforce, or modify this policy.



Barb McIntyre
Human Resources Director



Date



Leirion Gaylor Baird
Mayor



Date