

CITY OF BRANSON, MISSOURI  
ADMINISTRATIVE RULES

RULE NUMBER 25 REFERENCING ARTICLE 16 AND ARTICLE 17 OF THE HUMAN  
RESOURCES MANUAL

A RULE PERTAINING TO WORKERS' COMPENSATION FOR ON-THE-JOB INJURIES OR  
ILLNESSES AND RETURNING TO WORK

**Section 1. Purpose**

As mentioned in Article 17, Section 4 of this Human Resources Manual, the City of Branson has insurance or pooled coverage through a carrier for Workers' Compensation as required by Missouri law. Missouri's Workers' Compensation law provides benefits for employees – paid doctors' bills, paid time off, etc. – when conditions meet specific legal requirements. These benefits also include such things as travel to and from health care providers, and compensation for temporary or permanent disabilities.

The purpose of Workers' Compensation is to help the employee return to work as quickly as possible and to aid the employee in dealing with medical or financial needs associated with the work-related illness or injury.

**Section 2. Policy**

The City of Branson will consistently work to provide a place of employment that is free from recognized hazards that cause or are likely to cause physical harm to employees or the public. However, when physical harm does occur to employees, the City is committed to providing quality care and managing those costs associated with that care through Workers' Compensation coverages in accordance with Missouri law. Moreover, the City is committed to the effective return to work of injured employees while working with them to ensure their healthy, professionally directed recoveries.

**Section 3. Procedure**

A. When an Injury/Illness Occurs

1. When an employee incurs a work-related illness or injury that can be classified as "emergency" (i.e., life, limb or eyesight threatening), the employee or anyone else (coworkers, supervisor, etc.) should call 9-1-1 emergency services immediately. Otherwise, if not an emergency, the employee needs to report such illness/injury to the supervisor on duty immediately even if the injury is minor and requires no medical treatment. Work-related injuries/illnesses must be reported no later than 72 hours after they occur.

2. When medical treatment is necessary, the supervisor must call the nurse/triage telephone number or ensure that the employee has called the nurse/triage number immediately. Either the supervisor may call or the employee may call, but when medical treatment is obviously needed, the call must be placed as soon as possible.
  - a. When medical treatment is clearly not necessary, the supervisor need not contact the nurse/triage provider. However, all remaining elements of the *Follow-up to Injury or Illness* process remain in place to ensure the employee does not experience any latent effects from the injury that could become more serious.
  - b. Employees must follow the recommendation of the nurse/triage advisor as soon as reasonably possible.
  - c. Supervisors must be available to transport the injured/sick employee for medical care as soon as reasonably possible. As an alternative, the supervisor may make accommodations for transporting the injured/ill employee for medical treatment. Only in a situation where the employee works alone, or where waiting for help is not advisable, is the injured/ill employee allowed to transport him/herself for medical care.
    - i. For minor injuries between the hours of 8:30 a.m. and 4:30 p.m., the injured/ill employee are recommended to be taken to the City's Occupational Medicine provider in Branson.
    - ii. For minor injuries after Occupational Medicine hours of operation, the injured/ill employee are recommended to be taken to the Urgent Care provider in Branson.
    - iii. For minor injuries/illnesses (or all serious injuries/illnesses at any time) outside of the hours listed above, the injured/ill employee are recommended to be taken to the Emergency Room in Branson.
  - d. The supervisor, or the person accompanying the injured/sick employee for medical care, should stay with the injured/sick employee until released from care or advised to leave (i.e., the injured employee was admitted for further care or the medical care provider sends the supervisor home) by the medical care provider. Time for non-exempt employees accompanying an injured employee while they are seen or treated by a medical professional is compensable and overtime eligible.
3. The supervisor must contact the Human Resources Risk Manager or the Human Resources Department immediately following contacting the nurse triage care line. At no point should the supervisor wait more than one hour. Any delays by the supervisor could cause the employee to incur out-of-pocket expenses in the care of his or her

work-related injury or illness. Human Resources will provide all departments with after hours telephone access to the Risk Manager.

4. Missouri law allows employers to direct the medical care of employees injured or who become ill in the course and scope of employment. Any medical care sought or utilized outside the direction of the City may be at the employee's expense.

#### B. Follow-up to an Injury or Illness

1. As soon as reasonably possible, Human Resources will follow up with the Workers' Compensation carrier to ensure the nurse/triage provider has filed the claim appropriately.
  - a. If no medical treatment is necessary, Human Resources may close the file on this incident at any time.
  - b. If medical treatment is necessary, Human Resources will follow up after the claim is filed with the Workers' Compensation carrier to update the employee of the status of the claim.
  - c. Initial instruction from the Workers' Compensation carrier will go through Human Resources; subsequent instructions may go directly to the employee.
2. Completion of the Employee/Supervisor Incident Report form is required within 24 hours of the time of the injury or illness.
  - a. Employees are responsible for completing the Employee section.
  - b. Supervisors must complete the supervisor section to ensure a reasonable evaluation of the incident has been made and a clear description of how the incident could have been avoided.
  - c. The Department Head is required to sign off on all sections of the incident reports before submission to Human Resources.
  - d. The Employee/Supervisor Incident Report form must be submitted to and approved by Human Resources to be considered complete.
3. Employees must follow the recommendations of the medical care provider in coordination with the Workers' Compensation carrier as directed. Employees must cooperate with Supervision and Human Resources on relaying overall return to work status information.
  - a. Failure to follow directions could be grounds for denial of the Workers' Compensation claim by the carrier, and the employee could then be

responsible for any related medical costs.

- b. Failure to cooperate with Human Resources while working with the Workers' Compensation carrier in the mitigation of the injury/returning to work could also affect the outcome of the claim.
4. Supervisors are to check on the employee's status at least weekly and report to Human Resources of the employee's condition and road to recovery.
  - a. Employees on leave through Workers' Compensation are required to cooperate with the Supervisor and Human Resources regarding the level of readiness to return to work.
  - b. Employees on leave through Workers' Compensation are not required to share prognosis or overall protected health information with Supervisors or with Human Resources.
5. Employees are required to notify their supervisors as soon as reasonably possible – preferably on the same workday – of any status changes in their conditions or related work restrictions/conditions as determined by a health care professional while recuperating from work-related illnesses or injuries.

#### C. Light Duty Following a Work-related or Non-work-related Injury or Illness

1. Human Resources will work with the Supervisor or the injured/ill employee's department to find suitable "light duty" or transitional duty until such time the medical care provider has released the employee to resume full duties. This will follow the guidelines as established in Rule 15, of this Human Resources Manual.

When such duties are available, eligible employees, may be required to return to work in a transitional duty position meeting their medical restrictions as stated by their physician or their designated City treating physician in Workers' Compensation situations or other treating physician in non-Workers' Compensation situations.

If a transitional duty position that meets the medical restrictions determined (as applicable) by the designated City (or other treating physician is determined by the City) to exist, the City will temporarily place the employee in the position. Such a temporary position assignment may be outside the employee's regular duties, and may also include work donated to charitable organizations.

- a. Whenever possible, Fire Department personnel on the 2,912 hours annual work schedule should remain on their same shifts regardless of level of light duty prescribed by the medical care provider. This will prevent employees on light duty from a non-work-related injury in having to use accrued time off to fill out their normal work schedule for a standard paycheck. All other

employees on the 2,080 hours annual work schedule may be moved to various eight-hour shifts as needed for light duty.

- b. All positions and job duties designated by the City to be in the City's transitional duty program are temporary in nature, and may be changed or terminated at any time at the City's discretion. In addition, such positions are not necessarily accommodations required by the Americans with Disabilities Act.
  - c. An employee who refuses to return to a transitional duty position under this section will not be entitled to any reimbursement for lost wages under Workers' Compensation. Additionally, employees are required to return to work at whatever level of duties the medical care provider indicates it is safe to do so. Failure to return to work as directed could jeopardize the employee's employment with the City.
2. Costs charged for Family Medical Leave (FMLA) updates for employers for work-related illnesses or injuries will be borne by the Workers' Compensation carrier or the employer; updates for non-work-related FMLA illnesses or injuries will be borne by the employee.

#### D. Time Lost to Injury or Illness

1. Employees who are away from work because of a job-related injury or illness will earn their regular pay for that initial day/shift of injury as though they had completed the entire scheduled work shift.
2. Workers' Compensation law requires a waiting period of three regularly scheduled work shifts where an employee is off work before any benefits go into effect. The City, as mentioned in Article 16, will pay the employee his or her normal wages for up to the first three days off work without charging against any leave accruals for a qualifying illness or injury and when directed by the Workers' Compensation medical care provider.
3. Under the Family Medical Leave Act, employees off work for a work-related injury or illness have certain job protections for up to 12 weeks. The Workers' Compensation carrier will pay the employee a state-prescribed benefit for any time required off work from the fourth regularly scheduled work day through the completion of that 12-week period (and possibly beyond). During that timeframe, employee's leave accruals will not be charged; however, the employee's available Family Medical Leave will be charged for every hour or day absent from work.
  - a. Human Resources will initiate a Family Medical Leave of absence paperwork for the employee from the day of the injury/illness.

- b. Under Workers' Compensation, employees receive approximately 67% of their normal gross pay up to a maximum amount prescribed by the state. This generally represents pay net of Federal and State taxes. Although this money is for each employee's personal use, and is normally not taxable at the Federal or State levels, an employee receiving benefits may want to consult with his or her personal tax advisor to understand the tax implications, if any, of these benefits.
  - i. Workers' Compensation payments for work-related illnesses or injuries are limited to 350 weeks if the employee is partially disabled.
  - ii. Workers' Compensation payments for work-related illnesses or injuries are limited to 400 weeks if the employee is not disabled.
  - iii. Workers' Compensation payments for work-related illnesses or injuries may continue indefinitely if deemed "catastrophic."
- c. Employees off work or not working a normal schedule who are receiving Workers' Compensation benefits for job-related injuries or illnesses, at their option, may use accrued leave to supplement the Workers' Compensation benefit up to, but not to exceed, their regular rate of pay without overtime.
  - i. As mentioned in Article 16, Section 3, employees with dependent insurance coverages not subsidized by the City are encouraged to choose this option to help defray costs of payments for their respective coverages. Employees without dependent coverages may also choose this option.
  - ii. Employees with dependent insurance coverages subsidized by the City who do not have, or choose to not use, leave accruals may have to reimburse the City for dependent coverages from their separate personal funds. This is relevant for each month where the employee's payroll earning/accrual amounts are insufficient to meet his or her elected costs of insurance coverage. Such reimbursement for dependent insurance coverage will be due from the employee to the City before the fourth workday following the month of coverage. As mentioned in Article 16, Section 3, employee insurance coverages under Workers' Compensation will continue for one year following the date of the beginning of lost time worked.
  - iii. Employees will accrue sick leave and vacation at their normal rates as though they were working a normal schedule.

- d. As mentioned in Article 16, the City requires employees to participate in LAGERS retirement. If an employee is on leave for Worker's Compensation (or Military Leave or Educational Leave) for at least one day out of the month, wages and contributions are not reported for that month. The employee will not owe his/her contributions for that time. However, appropriate service credit will be given for that time where no wages were reported to LAGERS.
- e. In the event a work-related injury or illness requires the employee to be off work more than 12 weeks, the City may, at its discretion, extend that time for up to an additional 12 weeks to hold open the employee's job allowing the employee to recuperate under the Americans with Disabilities Act (ADA). However, after that point, the position may be posted to be filled and the employment with the City for that person may end.

As a note: the employee may continue to exhaust accruals for paid leave to pay for City subsidized insurance after the end of the 12 weeks of Family Medical Leave or the additional 12 weeks of leave under the Americans with Disabilities Act. After FMLA and ADA timeframes have passed, and after leave accruals are exhausted, the employee will have to obtain medical/dental insurance coverage under the Consolidated Omnibus Budget Reconciliation Act (COBRA) or from another source.

#### **Section 4. Responsibilities**

##### **A. The Employer (the City of Branson)**

- Provide Workers' Compensation insurance in accordance of Missouri State law.
- Provide resources and support to supervisors in the return to work program.
- Assist in employee placement decisions.
- Encourage proper and ethical practices.

##### **B. Supervisors**

- Notify the City's Human Resources Risk Manager within one hour of any injury.
- Complete Supervisor portion of Incident report in the event of an injury; ensure Department Head signature and forward to Human Resources within 24 hours of incident.
- Ensure nurse/triage is contacted as soon as possible following an employee injury and assist employee in following instructions provided by nurse/triage provider.
- Pre-determine alternate duty options for the positions under their control.

##### **C. Employees**

- Employees are responsible for promptly reporting any injuries to their supervisors and calling nurse/triage as soon as possible following an injury even if treatment may not be warranted.
- Carry out instructions provided by nurse/triage based on whether treatment is warranted.
- Fill out the Employee portion of the Employee/Supervisor Incident Report form and submit to supervisor.
- When treatment is warranted, plan on returning directly back to work unless ordered off work by treating physician.
- Follow healthcare provider's orders, including the use of medications, therapies, exercises, keeping follow-up appointments, and adherence to functional restrictions on and off the job.
- Follow all safety rules, including the use of safety devices. Workers' Compensation laws allow for the reduction of benefits in cases where an employee willfully fails to follow established safety rules.
- Follow the City's requirements set forth in Rule 10, Substance Abuse Policy. Workers' Compensation laws allow for the reduction of benefits if alcohol or the misuse of drugs are related to the workplace illness or injury.
- Cooperate fully with the Workers' Compensation carrier and Human Resources.

#### D. Human Resources

- Administer the City of Branson's Workers' Compensation and Return to Work Programs.
- Assist in the management of all Workers' Compensation claims.
- Coordinate between Human Resources, Departments and Supervisors in the placement of employees into transitional work assignments when needed following an employee injury.
- Annually compile trends and statistical reports for tracking results of the City of Branson's Worker's Compensation and Return to Work programs and provide them to the City Administrator for review.
- Assist supervisors in returning employees back to work.
- Communicate to supervisors and employees on Workers' Compensation claim statuses.

### **Section 5. Enforcement**

The City will be consistent in administering this policy. Violations of such rule will be subject to the standard disciplinary actions of the City, as described in Administration Rule # 4 of this Human Resources Manual.

Adopted January 23, 2018

*The above Administrative Rule is hereby established and adopted in accordance with the Human Resources Manual of the City of Branson, Missouri.*

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*Stanley E. Dobbins, City Administrator*

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*Date*