



HR Advisory

Subject: Vacations and Illnesses while on Workers' Compensation

Issued: August 25, 2016

APPLICABILITY: This Advisory applies to both general employees and to civil service employees who have incurred an injury in the course and scope of employment and the injured employee's workers' compensation claim has been accepted as a compensable injury by the City's contracted workers' compensation third party administrator (TPA).

POLICY: Refer to the City's Personnel Rules and Regulations for General Employees, Chapter 10 "Occupational Injury Benefits Program", or to the PRRs for Civil Service Employees, Section titled "Occupational Injury Benefit (Workers' Compensation).

City employees whose injury has been determined by the TPA to be compensable (i.e. an accepted claim for workers' compensation benefits) and whose doctor states the injured employee is unable to work due to the injury are eligible to receive temporary income benefits (general employees) or line of duty injury leave of absence benefits (civil service employees) while off work. Neither State of Texas statutes, State regulatory administrative rules nor City PRRs address the following situations.

1. The injured employee desires to go on vacation
2. The injured employee must be off work due to an unrelated serious medical condition
3. The employee has been released by his/her doctor but needs to be off work for three days or less due to an temporary medical condition

NEW POLICY:

1. An employee who has been taken off work by his/her treating medical provider for a compensable injury or illness under workers' compensation but desires to go on vacation must notify his/her supervisor or manager that he/she intends to take the vacation. The employee shall provide to his/her supervisor/manager documentation from his/her doctor stating the employee is physically able to go on the vacation. The employee must use available accrued leave during the vacation period. If accrued leave is unavailable, the employee must go on unpaid leave of absence. The City will not pay temporary income benefits or line of duty injury leave of absence benefits during any vacation period.
2. An injured employee with a compensable injury who must be off work due to a serious medical condition that is unrelated to the compensable injury must notify his/her supervisor or manager that he/she must be off work due to the unrelated medical condition. The employee shall provide to his/her supervisor/manager documentation from his/her doctor stating the employee is unable to work due to the unrelated medical condition. The employee must follow City personnel Rules and Regulations related to sick time and the Family Medical Leave Act. The employee must use available accrued leave during the recuperation period. If accrued leave is unavailable, the employee must



go on unpaid leave of absence. The City will not pay temporary income benefits or line of duty injury leave of absence benefits during any recuperation period.

3. An injured employee who has been released by a doctor to return to work with restrictions to duty (i.e., restricted duty; limited duty; transitional duty) and the employee needs to be away from work due to an unrelated injury for a period of three days or less must notify his/her supervisor or manager that he/she must be off work due to the unrelated medical condition. The employee must follow City personnel Rules and Regulations related to sick time and the Family Medical Leave Act. The employee must use available accrued leave during the recuperation period. If accrued leave is unavailable, the employee must go on unpaid leave of absence. The City will not pay temporary income benefits or line of duty injury leave of absence benefits during any recuperation period.
4. This policy applies to injured employees who are receiving workers' compensation benefits for partial days of lost time from work as well as employees who are receiving workers' compensation benefits for full days of lost time from work.

PROCEDURES

Vacation Leave

1. An injured employee who has a compensable injury must notify his/her immediate supervisor or manager at the earliest possible date that she/he intends to take a vacation and that the employee is off work due to the compensable injury.
2. The injured employee shall obtain from his/her treating doctor documentation stating the injured employee is unable to work due to the unrelated medical condition. The documentation should be provided by the employee to his/her supervisor/ manager a minimum of three (3) work days prior to the commencement of the off work period, or as soon as practical.
3. The supervisor/manager shall forward the medical documentation to the department's medical records custodian (MRC).
4. The MRC shall prepare a DWC-6 "Supplemental Report of Injury" indicating the employee has returned to work effective the day injured employee is scheduled to begin leave due to the unrelated medical condition, and shall submit the DWC-6 to the TPA via the online reporting process.
5. Upon recuperation and release by a doctor from the unrelated medical condition, the injured employee shall notify his/her supervisor that the recuperation has ended and shall provide a written medical release from the doctor.
6. The supervisor/manager shall forward the medical documentation to the department's medical records custodian (MRC).
7. The MRC shall complete a second DWC-6 that takes the employee back off work for the compensable workers' compensation injury, effective the date of release of the unrelated medical condition.



Sick Leave for a Serious Medical Condition while on Workers' Compensation

1. An injured employee who has a compensable injury must notify his/her immediate supervisor or manager at the earliest possible date that she/he has a serious medical condition that necessitates the employee being off work and that the serious medical condition is unrelated to the compensable workers' compensation injury.
2. In accordance with the PRRs, the employee shall obtain from his/her treating doctor documentation stating the employee must be off work due to the serious medical condition. The employee shall follow the PRRs relating to the Family and Medical Leave Act, short-term sick leave, and/or major medical leave. The documentation must be provided by the employee to his/her supervisor/ manager a minimum of three (3) work days prior to the commencement of the leave period.
3. The supervisor/manager shall forward the medical documentation to the department's medical records custodian (MRC).
4. The MRC shall prepare a DWC-6 "Supplemental Report of Injury" indicating the employee has returned to work effective the day injured employee is scheduled to begin vacation, and shall submit the DWC-6 to the TPA via the online reporting process.
5. Upon recuperation and release by the doctor from the serious medical condition, the employee shall provide a medical release from the doctor and shall provide the document to his/her supervisor.
6. The supervisor shall forward the medical release to the department's MRC within 24 hours of receipt of the document, or at the beginning of the next shift.
7. The MRC shall complete a second DWC-6 that takes the employee back off work for the compensable injury, effective the day following the injured employee's medical release from the serious medical condition.

Sick Leave of Less Than Three Days while on Workers' Compensation Limited Duty

1. If an injured employee who has a compensable injury must be off work due to a temporary medical condition that is unrelated to the compensable workers' compensation injury, the employee must must notify his/her immediate supervisor or manager at the earliest possible time that the medical condition is temporary but unrelated to the compensable workers' compensation injury.
2. The employee shall follow the PRRs relating to short-term sick leave.

Time and Attendance Reporting in PeopleSoft

1. The supervisor/manager shall inform the injured employee that available accrued personal leave shall be recorded on the employee's timesheet for the period of vacation time or sick time, and the supervisor/manager shall ensure the accrued leave is recorded on the employee's timesheet and in accordance with the PRRs.
2. If accrued leave is unavailable, the employee shall be placed on unpaid leave of absence.
3. The department's MRC shall follow HR Information Systems procedures for notification of time and attendance changes for workers' compensation employees and shall notify HRIS that the employee's time during the vacation period shall be recorded as accrued leave as appropriate.



For additional information, contact the HR Risk Management Division at (817) 392-7402.

Distribution:

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