

Worker's Compensation Benefits  
and Alternate Duty

Human Resources

1400

1434

1-4

1/1/82

7/11/14

1.0 PURPOSE:

To describe the policies and procedures followed by the Human Resources Division and other City departments in regard to Worker's Compensation and Alternate Duty.

2.0 ORGANIZATIONS AND PERSONS AFFECTED:

This policy applies to all City of West Allis departments, boards, commissions, and employees.

3.0 POLICY:

An employee will be paid an established percentage of his/her earnings for absence due to a work-related injury or illness and may be assigned to alternate duty when he/she is able to return to work with temporary physical restrictions following a work-related injury or illness.

4.0 REFERENCES:

Wisconsin Statutes Chapter 102.

City of West Allis Revised Municipal Code Section 2.76(22).

Collective Bargaining Contracts (where applicable for protective service employees).

5.0 PROCEDURES:

5.1 GENERAL POLICIES- WORKER'S COMPENSATION

5.1.1 The Worker's Compensation Program for the City is administered by the Human Resources ~~Division~~ **Department**, in compliance with the Wisconsin Statutes, administrative rules, City ordinances and collective bargaining agreements where applicable.

5.1.2 Worker's Compensation benefits shall be paid to an employee who sustains an injury while performing work within the scope of their employment as determined in accordance with the provisions of Chapter 102 of the Wisconsin Statutes (Worker's Compensation Act).

1.) Non-protective service employees and protective service employees not covered by a collective bargaining agreement – Such employees who become eligible for Worker's Compensation shall receive a percentage of their average weekly earnings for a temporary total disability and a portion thereof for a temporary partial disability, said amounts to be determined in accordance with the provisions of the Worker's Compensation Act.

2.) Protective service employees covered by a collective bargaining agreement – Such employees who become eligible for Worker’s Compensation shall receive a certain percent of base salary as set forth in their collective bargaining agreement, as injury pay in lieu of Worker’s Compensation, for the period of time the employee may be temporarily, totally or partially disabled because of injury. For purposes of this paragraph, the term “base salary” means an employee’s base salary pay rate, as authorized by the applicable salary ordinance in effect during the pay period in which the employee claims injury pay.

5.1.3 In receiving Worker’s Compensation/injury pay, an employee acknowledges that the City will make a payroll adjustment to his/her biweekly pay check, deducting an amount in compliance with Section 5.1.2 above for that portion of the pay period he/she received Worker’s Compensation/injury pay and the employee will make no subsequent claim for this amount. The Finance ~~Division~~ **Department** is authorized to make adjustments to worker’s compensation cases to recoup pension contributions as the circumstances require. The payroll deduction will be administered so as not to reduce the employee’s pension benefits.

5.1.4 Questions and disputes involving eligibility for Worker’s Compensation/injury pay shall be determined under the Worker’s Compensation Act and the substantive and procedural rules of the Department of Workforce Development (DWD) relating to Worker’s Compensation.

5.1.5 When an employee who has received benefits under this Policy, the employee’s personal representative or other person entitled to make a claim or bring or maintain an action, as the result of injuries sustained by the employee, recovers damages against a third party on a claim or an action in tort arising out of the injury, the City shall be reimbursed for all payments made by it, or which the City may be obligated to make in the future, under this Policy, in accordance with the provisions of Section 102.29 Wis. Stats.

## 5.2 GENERAL POLICIES - ALTERNATE DUTY

5.2.1 An employee, who is able to return to work with temporary physical restrictions following a work-related injury or illness, may be assigned to alternate duty jobs in their regular position, in their division or department, or in another City department, based on the type and duration of their restrictions.

5.2.2 An employee temporarily placed on alternate duty will receive regular full rate compensation for the hours so worked.

## 5.3 GENERAL POLICIES – HEAD INJURY

Any injury that results in trauma to the scalp, skull, or brain can be classified as a Head Injury; a Head Injury can be either closed or open (penetrating). Specific problems after Head Injury can include, but are not limited to, skull fracture, lacerations to the scalp, bruising to the brain, a hematoma, hemorrhage, concussion, and in severe cases, coma or death; underlying medical conditions (such as use of blood thinners) may exacerbate said problems. Common symptoms of Head Injury include confusion, drowsiness, lightheadedness or dizziness, nausea, vomiting, problems with balance, and headache.

As head injuries can be life-threatening, even with apparently slight injuries, reasonable precautionary measures to insure the safety and well-being of employees are to be adhered to.

5.3.1 An employee is responsible to report a Head Injury, no matter how minor it may seem, to their supervisor and/or the Safety and Training Coordinator upon its occurrence.

5.3.2 The employee shall be counseled by their supervisor and/or Safety and Training Coordinator about head injuries and when appropriate, recommend the employee seek medical treatment; if it is determined that a medical emergency exists, emergency medical procedures are to be followed.

## 5.4 RESPONSIBILITIES

### 5.4.1 Safety and Training Coordinator:

- 1) Encourage employees to return to work as soon as medically possible following an injury or illness.
- 2) Ensure that an employee furnishes the requisite written physician's statements indicating return-to-work dates and work restrictions, if any, immediately following their medical appointments and/or prior to the commencement of the next workday.
- 3) Work in cooperation with the Human Resources ~~Division~~ Department and the involved Department Head to make temporary job assignments in keeping with the employee's restrictions. Prior to the employee's commencement of alternate duty work, meet with the employee and his/her supervisor to review and assure compliance with the restrictions.
- 4) Contact the employee's physician, as necessary, to determine the physical restrictions of the employee and to explain the City's willingness to assign temporary alternate work duties.
- 5) If the physician places restrictions on an employee, ascertain the duration of said restrictions and establish a review date at which time the restrictions will be reconsidered (i.e. determine if restrictions are to continue and/or when the employee will be able to return to unrestricted activity).
- 6) Monitor scheduling of medical appointments to ensure the employee's compliance with section ~~5.3.3~~ 5.4.3 5) below. At the request of the employee's supervisor, reschedule workday appointments to comply with said provisions.

### 5.4.2 Human Resources ~~Division~~ Department and Department/Division Head:

- 1) In consultation with the Safety and Training Coordinator, assign a temporarily disabled employee to alternate duty jobs in keeping with the restrictions imposed by the physician.
- 2) Refer all questions on work restrictions to the Safety and Training Coordinator for discussion and resolution.
- 3) Ensure that a supervisor only allows an employee to work within their assigned restrictions and that the period of alternate duty does not exceed that required by the physician.

### 5.4.3 Employee:

- 1) Comply with all the requirements of the Human Resources ~~Division~~ Department with respect to reporting requirements and physician visits.
- 2) Submit all physician statements, return-to-work forms and any other necessary documentation requested by the City to make the Worker's Compensation and/or alternate duty determinations.
- 3) Comply with the physician's restrictions, advice and orders.
- 4) Refrain from performing outside/secondary employment and/or activities that are inconsistent with the physician's restrictions, for the period of time the employee is receiving temporary total or temporary partial disability benefits.
- 5) Schedule Worker's Compensation medical appointments during non-work hours when possible, however, if an appointment must be scheduled during work hours it shall be scheduled as close to either the start or the end of the employee's workday as possible. See ~~5.3.1~~ 5.4.1 6) above.

- 6) An employee's failure to comply with the provisions of this Policy may result in disciplinary action, up to and including termination of employment.