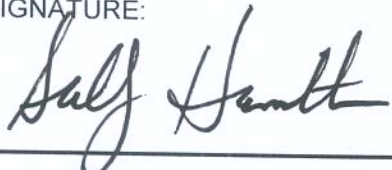


Chief Administrative Office	DATE OF ISSUE	Expiration Date	No.
POLICY MEMORANDUM	August 28, 2015	NA	53
TO: ALL Divisions and Departments		Subject:	
SIGNATURE: 		Disability Leave, Workers' Compensation Claims, and Coordination with Family Medical Leave	

Sec. 21-39. - Disability Leave.

(a) Any classified civil service employee who suffers injury or illness as a result of service-connected accident or illness shall be granted, upon proper investigation and authentication, leave equal to full pay as computed under sections 21-25 and 21-31 for a period up to twelve (12) months for each incident. At the end of the first thirty (30) days and again following each thirty-day period thereafter, the director may require the employee to be examined by competent medical authority to determine the employee's entitlement to full disability leave.

(b) As soon as possible after a service-related injury or illness, but no later than ninety-six (96) hours after the occurrence, the employee, through his supervisor, shall submit the disability leave request and light-duty/substitute work form to the director. Failure to submit the appropriate paperwork will void an employee's eligibility for disability leave except in unusual or exceptional circumstances where an injury or illness is not immediately apparent, but one is subsequently substantiated by appropriate medical authority and documentation submitted to the director within one (1) calendar month of the work-related incident. An employee's immediate supervisor or a supervisor designated by the division director shall submit the paperwork in the event that the employee is incapacitated. The employee may be placed on accumulated sick leave or vacation leave until a determination is made by the director that the injury or illness is service-connected and a determination of disability is made by competent medical authority. Once such determinations are made, sick days and vacation days shall be restored and the employee placed on workers' compensation and disability leave. If the employee has insufficient sick leave or vacation leave accumulated, he may be placed on workers' compensation and disability leave immediately upon injury or illness. Time spent on workers' compensation or disability leave status over ninety (90) consecutive calendar days shall not be included in computing months of service under sections 21-33 and 21-34, and neither sick leave nor vacation leave may be accumulated during absence from duty in excess of ninety (90) consecutive calendar days.

(c) The disability leave payable under the foregoing sections shall be supplementary to any workers' compensation income benefits to which the employee is eligible. In the event that any supplemental payment is made under the foregoing sections and a subsequent workers' compensation income benefit is paid to the employee for the period for which payment under this chapter has

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been made, the employee shall refund to the urban county government an amount equal to any workers' compensation income benefits received for a period for which the salary of the subject employee has been paid by the urban county government under the foregoing provisions. In no case shall payments under this section exceed the difference between the employee's workers' compensation benefits and his average weekly earnings as, defined in KRS 342.140.

(d) Upon a determination of permanent disability by competent medical authority, the employee will be instructed to apply to the appropriate pension fund for disability retirement benefits. Failure to so apply or commencement of disability retirement benefits will terminate disability leave short of the twelve (12) months. Disability leave shall also be terminated early if such medical authority determines that the employee is able to return to duty and perform the same or substitute work at the same salary.

(e) Disability leave shall terminate at the end of the twelve-month period. If the employee is not then, in the opinion of competent medical authority, able to return to duty, he shall receive a lump sum payment for accrued vacation leave as provided by section 21-33. An employee placed on disability retirement may elect to supplement his disability retirement as provided in section 21-36, but in no case shall the total weekly income from the pension and sick leave exceed his average weekly wage as defined in KRS 342.140. On the recommendation of the chief administrative officer, with approval of the urban county council, an employee who fails to qualify for disability retirement at the end of twelve (12) months may be continued on disability leave; but no payment for accrued vacation leave or sick days shall be made until termination of disability leave benefits.

Frequently Asked Questions: This is not an official LFUCG legal document, only our best effort to answer questions.

Q: What happens if I get injured on the job?

A: Your division will complete an Incident Report and send to LFUCG's Third Party Administrator (TPA) and to LFUCG's Division of Claims. Your Division should give you a Workers' Compensation medical card and prescription card, and your related absences will be counted as Workers' Compensation (WCOMP) on your timecard.

Q: What does the TPA (claims adjuster) do?

A: The TPA will set up the claim and send the injured employee a packet of information and forms within 24 hours of reception of the loss. They will be the liaison between you, your supervisor or insurance coordinator, and medical provider. After investigating the claim for coverage of injury or illness under the Workers' Compensation Act and determining if the claim is a Medical Only loss or a Lost Time claim, the TPA then works with medical provider to determine nature and duration of treatment, cost of medical bills, and time away from work that will result in lost wages due to a job related injury or illness; and, arranges to

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make payments for medical and wage benefits of the Work Comp Act.

Q: Does Family Medical Leave (FML) run concurrent with Workers' Compensation/Disability leave?

A: The application for FML is at the discretion of the employee. When you are injured on the job, your division will notify the Division of Human Resources. Human Resources will send you your FML paperwork that will need to be completed by your medical provider and sent to the Division of Human Resources for review of eligibility and approval/denial. Payroll coordinators should always mark the work related injury lost time as Work Comp on the payroll timesheet.

Q: What happens if I need to be absent for more than 12 weeks/90 days?

A: If your injury requires you to be absent from work for more than 12 weeks, your absences will not be covered under Family Medical Leave during that calendar year, but you may still be eligible for Workers' Compensation and Disability Leave. You will not accumulate sick time or vacation time after you are absent for more than 90 days.

Q: What is the Disability Leave Request Form?

A: If you are medically required to be absent from job duties and cannot perform substitute work or modified duty as a result of a service – connected injury or illness, you should complete a Disability Leave Request Form. Your Division will submit the Disability Leave Request Form to the Division of Claims which will verify lost time with the TPA, approve lost time, and send your average weekly wage to payroll.

Q: What happens if I am not able to return to work after 12 months?

A: If there is no basis for an extension beyond the 12 months of disability leave provided for in the Collective Bargaining Agreement, then full Disability Leave pay ceases. However, you may continue to receive any applicable workers' compensation benefits. You may also apply for disability retirement and/or alternative work. **See the Collective Bargaining Agreements to determine if extensions of Disability Leave are possible.**

Q: How are the 12 months calculated?

A: It is calculated from the date of injury regardless of the number of hours or days you actually use.

Q: Can I have another job and still receive disability leave benefits?

A: Yes. Contact the claims adjuster to obtain your benefits available.

Q: Will you notify me of my options before I reach the twelfth month?

A: Yes. The Division management will work with the employee and notify Human Resources Division if the employee will be unable to return to his or her job at full duty. The employee will receive an options letter after being on disability leave for eleven (11) months (or sooner if your medical provider determines that you have reached MMI (maximum medical improvement) and can't return to work at full duty. The letter will outline your obligations and options in case you are not able to return within 12 months after the date of injury or illness or sooner in the case of MMI. The options will be:

1. Apply and compete for a job that you can perform within your restrictions;

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2. Apply for disability leave retirement; or,
3. Resign from your position.

Q: How is Holiday Pay accounted for while on Disability Leave?

A: Holidays are to be counted as Holiday pay, even if the employee is off work due to a workers' compensation injury on Disability Leave. The Holiday is paid by the employer and will not be coded as WCOMP, as this would constitute a duplicate payment.

Q: How is my Disability Leave pay determined?

A: The Disability Leave payable shall be supplementary to any workers' compensation income (temporary total disability) benefits, but will not exceed the difference between your workers' compensation benefits for temporary total disability (lost time) and the average weekly wage as defined by KRS 342.140.

Q: What if I am able to perform modified duty?

A: If you are medically able to perform modified duty, the employee may be asked to return to work on modified duty status, unless you are on FML status.

Q: What if I have further questions after I've been injured on the job?

A: You should contact the claims adjuster for questions about WC benefits (medical bills, WC payment, etc.). The contact information for your claims adjuster will be in the packet you receive from them. If you have questions about employee benefits, insurance, leave, payroll, etc., you should check with your payroll coordinator and/or payroll manager in accounting. Any questions on FML or Options letter, please contact your HR representative.