
440.3 SUBJECT: WORKERS' COMPENSATION

:1 OBJECTIVE:

To provide a policy for employees who are injured on the job in order to assure them all benefits described by Florida Statute 440. In cases of conflict, Florida Law takes precedence.

:2 AUTHORITY:

This procedure amended by City Council, July 23, 2007, Item A-4.

:3 DIRECTION:

The Chief Financial Officer, as an appointed official, serves at the pleasure of, and receives direction from the Mayor or the Mayor's Designee.

:4 METHOD OF OPERATION:

A. Introduction

City government, as an institution, has multiple partners including citizens, taxpayers, businesses, visitors, employees, and other governments. As a major institutional, economic, and service force in the region, it is important that the City strengthen relationships with its partners by adopting clear and comprehensive financial policies.

Furthermore the financial integrity of the City of Orlando is of utmost importance, and adopting a set of financial policies is a key element to maintain this integrity. The purpose of this policy is to detail the responsibilities of the Chief Financial Officer to ensure employees injured on the job are provided the benefits to which they are entitled.

B. Definitions

1. Job Connected Disability - A medical condition, resulting from accident or illness arising out of and in the course and scope of employment which prevents an employee from performing job-related duties or any other alternate duties that might be assigned. Any condition which is self-inflicted or caused by another person for reasons personal to the employee or not because of employment shall not be considered as a disability under this provision.
2. Date of Disability - The day after the date of occurrence or the first day of disability approved by an authorized physician.
3. Managed Care Arrangement - the City's program designed to comply with Florida Statute 440.134. Primary components include procedures for quality assurance, grievance handling and a network of medical providers (Managed Care Network) who may be authorized by the City adjuster to provide care on a case-specific basis.

C. Policy

1. Treatment for On-The-Job Injury

- a) An employee who suffers an on-the-job injury or illness, which does not require immediate emergency medical treatment or ambulance transport, will be sent to one of the designated Florida Hospital Centra Care facilities during their normal operating hours. The Florida Hospital Centra Care medical staff may prescribe or provide therapy or treatment at their election. When necessary and as authorized by the Risk Management adjuster, referrals to outside medical providers who are within the Managed Care Network will be made by the Florida Hospital Centra Care physicians. The Florida Hospital Centra Care Referral Specialist or Risk Management adjuster will schedule appointments. Should an employee be on duty when initially reporting to Florida Hospital Centra Care, the employee will be paid the normal rate of pay for the time spent at the facility during the employee's regular working hours. All authorized physical and occupational therapy sessions will be scheduled by the employee during the employee's non-duty time, if the employee is otherwise able to work.
 - b) Some collective bargaining agreements may have different provisions for therapy and should be referred to for guidance. All Florida Hospital Centra Care/Risk Management authorized visits to referral physicians shall be compensated at the employee's regular rate of pay if the visit must be scheduled during the employee's regular working hours on days the employee is working.
2. Workers' Compensation
 - a) Employees are immediately eligible for statutory Workers' Compensation benefits after suffering a compensable illness or injury. However, indemnity (wage loss) benefits are not paid until after the first seven (7) calendar days of a job-connected disability. If the disability prevents the employee from returning to work for the City for more than seven calendar days, then beginning the eighth (8th) calendar day of disability, the employee receives an amount equivalent to 66-2/3% of the average gross weekly salary, with a cap set according to Florida law.
 3. Accrued Leave Usage and Workers' Compensation Payment
 - a) If the employee is medically unable to return to work on the date of occurrence, the employee shall be paid as if the employee were present on the job for the full working day. Otherwise, the employee shall report to their supervisor for light or full duty assignment.
 - b) During the first seven days of disability the employee may elect to use accrued leave in accordance with the leave usage policy to provide a source of continued income. Also, after the first seven (7) calendar days of the disability, the employee may elect to use accrued leave to supplement Workers' Compensation benefits provided that when such leave is added to Workers' Compensation, the total will not exceed 100% of the gross pay the employee would have received if present for a normal work week. Accrued leave will not automatically be applied. In order to initiate this election it is the responsibility of the employee's Office/Department designee to contact the employee prior to the end of

the first seven days of disability and verify if the employee has elected to take advantage of this provision. If so, the designee must immediately notify Risk Management by phone and confirm it with written documentation of the election. The written documentation can be sent by facsimile to 407-246-2028 or routed through interdepartmental mail.

- c) If the injury or illness results in disability of the employee for more than twenty-one (21) cumulative calendar days, the waiting period (first seven (7) calendar days of disability) will be paid to the employee at the appropriate Statutory rate and any corresponding amounts of leave previously used by the employee will be restored subject to the following procedure. In order to restore the accrued leave the employee will be required to repay to the City an amount equal to the statutory compensation pay received for used leave. The employee will receive a compensation check equal to the amount required by law and made payable to both the employee and the city of Orlando. If the employee chooses to have the accrued leave restored, the employee will endorse the check and return it to the employee's Office/Department payroll administration staff. The office/Department staff will forward a copy of the endorsed check to the Risk Management staff, with written payroll documentation, showing that accrued leave has been used and the employee is requesting restoration of the accrued leave. The Office/Department payroll section will deposit the check to the appropriate payroll Fund and reinstate the accrued leave.
- d) The employee may elect not to endorse the check and use accrued leave as the employee's sole source of income for the seven-day waiting period. If this option is selected the employee has chosen to receive salary in lieu of Workers' Compensation. Additionally, they must write void in bold letters on the face of the check, initial and date the check on the back, and then return it to the Risk Management Section.
- e) If a recognized City holiday falls on a day when the employee is in a no work status or could not be accommodated with light duty (modified) work, they are only entitled to statutory lost wage benefits and not holiday pay. The employee can still choose to supplement the statutory lost time benefit by using accrued leave.

4. Reporting Requirements

- a) Ordinarily, the employee and supervisor must report any and all job connected injuries immediately and in all cases at least within twenty-four (24) hours of their occurrence by completing State Form DWC-1 (First Report of Injury/Illness).
- b) If seeking medical care, the employee must report to and be treated by a designated Florida Hospital Centra Care facility. In order to expedite the care, the supervisor or designee should report the accident by calling the Florida Hospital Business Health service (BHS) Call Center Telereporting line at 407-691-5490 or toll free at 1-888-807-1020 and follow the prompts for reporting an injury or exposure. The call should: be made while the employee is en route, provide basic information about the

employee accident and injury, and approve the initial care. The Telereporting service will electronically create a First Report of Injury/Illness (DWC-1) during that call and provide a copy of the DWC-1 form to the Florida Hospital Centra Care location the employee is being transported to. The employee will be provided a copy of the form while at the facility. Another medical facility may be deemed necessary by a supervisor/Risk Management in emergency situations. Use the closest hospital if the injury or illness could be life threatening, otherwise use Florida Hospital if the emergency is after regular Florida Hospital Centra Care hours. If requested by Risk Management, the employee and supervisor may be required to document the reasonableness of having elected treatment at other than Florida Hospital Centra Care. When the employee is released from another treating facility, the employee must report the injury to Florida Hospital BHS Telereporting no later than the following business day after initial emergency treatment.

5. First Report of Injury/Illness Form (DWC-1)
 - a) Employees who have reported to a Florida Hospital Centra Care location for initial treatment will be required to forward by interoffice mail or facsimile, a signed copy of the DWC-1 they received at the facility to Risk Management within two business days of the care. If the employee is not seeking medical care or seeks initial medical care at another facility other than a Florida Hospital Centra Care location, the employee, supervisor or a designated person from employee's office/department completes the First Report of Injury - State Form DWC-1, distributing copies as follows: Risk Management/Original, Yellow, & Goldenrod; Employee/Pink.
 - b) If Risk Management does not receive original/copies of the First Report of Injury within two (2) working days, office/department will be contacted and reminded of the requirement to comply. Office Heads and Department Directors may be provided a quarterly report of the compliance data.
 - c) There may be a penalty for late filing of form DWC-1. If a fine is assessed by the State, the Department that filed the late form will be responsible for paying the fine.
6. Florida Hospital Centra Care
 - a) If a medical condition requires No Time Lost (NTL), the employee is to return work. [Note: The date of injury/occurrence shall be paid as if the employee were present on the job for the full working day.]
 - b) The authorized physician will determine the medical restrictions, if any, to be placed on the employee and provide written details on the Work Status Report for distribution. [Refer to Policy 808.50, Job Injury Response Program.]
 - c) When an employee is medically released to duty by a non-Florida Hospital Centra Care Physician, the employee must report to the Florida Hospital Centra Care before reporting to the work site. The employee will receive

- a Work Status Report form from the Florida Hospital Centra Care Physician.
 - d) Florida Hospital Centra Care will give the employee the original Work Status Report form and will forward a copy to Risk Management.
7. Payroll Clerk Duties
- a) After an employee has lost one (1) calendar day because of an on-the-job medical condition, the employee's payroll clerk (or designated person) is to prepare a DWC- 1a, Wage Statement. The form is then forwarded to Risk Management.
 - b) Payroll clerk enters Workers' Compensation information starting the eighth (8th) calendar day of absence as follows:
 - c) The time sheet and/or the automated time keeping entries should reflect the number of hours on Workers' Compensation equal to 66-2/3 percent of the hours normally worked by the employee and code it FMLWC in the appropriate block on the time report. The remaining percentage of time (33-1/3) should be recorded as what was actually used, i.e., FMLSK, FMLVA, FLOA, etc. Workers' Compensation is a paid leave status and will be reported and counted toward Family and Medical Leave entitlement. The employee, according to State of Florida Workers' Compensation law, will receive 66-2/3% of average weekly pay not to exceed a specified cap.
8. The following is a list of approved facilities. The Risk Manager is responsible for maintaining a list of approved facilities and shall ensure that any changes to this list are published and communicated to employees.
- a) Lee Road Centra Care, 2540 Lee Rd., Winter Park, Fl. 32789, 407-629-9281, Mon-Fri: 7 am –11 pm, Sat & Sun: 8 am – 5 pm
 - b) Vineland Road Centra Care, 6001 Vineland Rd., Suite 108, Orlando, FL 32819, 407-351-6682, Mon – Fri: 7 am – 7 pm, Sat & Sun: 8 am – 6 pm
 - c) Azalea Park Centra Care, 509 South Semoran Blvd., Orlando, FL 32807, 407-277-0550, Mon – Fri: 7 am – 7 pm, Sat & Sun: 8 am – 6 pm
 - d) Sand Lake Road Centra Care, 2301 Sand Lake Road, Orlando, FL 32809, 407-851-6478, Mon – Fri: 8 am – 8 pm, Sat & Sun: 9 am – 5 pm
 - e) Airport Center Centra Care, 5810 South Semoran Blvd., Orlando, FL 32822, 407-207-0601, Mon – Fri: 8 am – 8 pm, Sat & Sun: 8 am – 1 pm
 - f) Waterford Lakes Centra Care, 12265 Lake Underhill Road, Waterford Lakes, FL 32823, Mon – Fri: 8 am – 8 pm, Sat & Sun: 8 am – 5 pm

:5 FORMS:

As referenced herein.

:6 COMMITTEE RESPONSIBILITIES:

None.

:7 REFERENCE:

This procedure adopted by City Council June 1, 1992, Item 2-P; amended by City Council August 9, 1993, Item OO; amended February 6, 1995, Item RR; amended December 18, 1995, Item B; amended March 11, 1996, Item KK; amended May 22, 2000; Item 8-ZZ; amended May 22, 200, Item 8 ZZ; amended October 14, 2002, Item B23; amended September 15, 2003; amended May 17, 2004, New Business #1; amended July 23, 2007, Item A-4.

:8 EFFECTIVE DATE:

This procedure effective July 23, 2007.