

The Interlocal will participate in workers compensation as required by current statute. The combined workers' compensation benefits and salary received under allowed paid leave, shall not exceed one full day's pay.

All employees of the Interlocal shall be covered by workers compensation. Workers compensation coverage is provided for all employees regardless of assignment, length of assignment, and/or hours worked per day. Benefits are for personal injury from accident or industrial diseases arising out of and in the course of employment in the Interlocal.

An injured employee must notify the employee's supervisor within 20 days of the injury or within 20 days of repetitive trauma in order to be eligible for benefits.

The workers compensation plan will provide coverage for medical expenses and wages to the extent required by statute to those employees who qualify; however, the amount of workers compensation benefits and paid leave benefits shall not exceed a regular daily rate of pay. An employee using paid leave in combination with workers compensation will be charged for one full or partial day of paid leave, as provided for in the applicable leave policy or the negotiated agreement, for each day of absence until the employee's paid leave is exhausted.

Any employee who is off work and receiving workers compensation benefits shall be required to provide the workers compensation documentation requested. In addition, should the employee be released to return to work by a medical provider and fail to do so, all benefits under paid leave shall terminate, and those benefits under workers compensation shall be restricted as provided by current statute.

Whenever an employee is absent from work and is receiving workers compensation benefits due to a work-related injury or is receiving Interlocal paid disability insurance, the employee may use available paid leave to supplement the workers compensation or Interlocal paid disability insurance payments. Workers compensation benefits and FMLA benefits provided in a board approved plan shall run concurrently if both are applicable.

In no event shall the employee be entitled to a combination of workers compensation benefits, Interlocal paid disability insurance, and salary in excess of his/her full salary. Available paid leave may be used for this purpose until 1) available paid leave benefits are exhausted; 2) the employee returns to work; or 3) the employee is released by the medical provider and a position is offered by the employer, but the employee declines to return to work; or 4) employment is terminated. Paid leave shall be calculated on a pro rata amount equal to the percentage of salary paid by the Interlocal.

Testing

The board, through its designated workers compensation coordinator, may require employees who claim or are involved in an accident in the course of employment to submit to a post-injury chemical test. This includes instances where the interlocal administration or workers compensation coordinator has actual knowledge of an accident whether the employee has or has not requested medical treatment. If an employee refuses to submit to an employer requested post-injury chemical test, the employee forfeits all related works compensation benefits as provided in **K.S.A. 44-501(b)(1)(E)**. Chemical test collection, labeling, and performance shall meet the requirements found in **K.S.A. 44-501(b)(3)**.

Choice of Physician

The board shall have the right to choose a designated health care provider to provide medical assistance to any employee who suffers an injury while performing their job. However if the injured employee chooses to go to a medical provider other than the designated provider, the recovery for such expenses shall be limited to \$500.00.

Return to Work Policy

All active employees who become temporarily unable to perform their regular job due to a compensable work-related or non-work-related injury or illness may be eligible for temporary work duties within the provisions of this program. The Interlocal administration will implement the Return to Work program policies and procedures. Employees will support, contribute, and participate in the Return to Work program when they sustain an occupational injury or illness or they may become ineligible for Workers' Compensation benefits.

If work is available which meets the limitations/restrictions set forth by the attending practitioner, the employee may be assigned transitional work for a period not to exceed 90 days. Transitional duty is a temporary program and an employee's eligibility in a temporary assignment will be based on medical documentation and continued recovery. An employee's limitation/restrictions are effective 24 hours per day. Any employee not following their restrictions may cause a delay in their healing or may further aggravate their condition. By not following the restrictions, an employee may be subject to disciplinary action, up to and including termination.

Transitional duty will be available to all employees on a fair and equitable basis, with temporary assignments being based on skill and abilities. Eligibility will be based upon completion of a Return to Work

Evaluation form by the employee's attending practitioner. An employee on modified duty will be considered part of the regular shift staffing, with recognition of the employee's limitations in the department. The Return to Work Evaluation form must be used to document restrictions/limitations for both work-related and non-work-related injuries or illnesses.

Transitional duty shall consist of the employee's normal work schedule; however, every effort will be made to coordinate a restricted work schedule with the employee's normal work schedule. Dependent upon the employee's limitations/restrictions, it may be necessary to design a temporary schedule to accommodate the restrictions.

If an employee on modified duty is unable to report to work, the employee may then be charged for up to eight (8) hours of sick leave. Employees performing modified duty on a restricted work week (during the first 90 days of a worker's compensation leave) will receive payment for hours worked from the cooperative and the hours not worked will be reimbursed according to state Worker's Compensation guidelines.

Non-work-related injury or illness: An employee performing transitional duty for their normal work schedule shall receive their regular hourly rate for all hours worked. Employees performing transitional duty on a restricted workweek, following a period of Short Term Disability, may receive a combination of regular pay and Partial Disability benefits. The combination will be worked out between the employee and Human Resources.

If an employee has a vacation, or there is a holiday, while on transitional duty, they shall be entitled to their regular vacation selection or holiday pay as if they normally would have had it. If an employee chooses not to participate in the Return to Work program due to a work-

related injury or illness, they may become ineligible for Worker's Compensation benefits.

Adopted: Interlocal Board #638, Butler County, KS – 9/26/2016; 6/19