

7.4 WORKERS' COMPENSATION

All Austin County employees are covered by workers' compensation coverage while on duty for the County. Workers' compensation coverage pays for medical bills resulting from a covered injury or illness an employee incurs while carrying out the duties of their job. Workers' compensation also pays Temporary Income Benefits (TIBS) for time lost from work in excess of seven calendar days as the result of eligible work-related injuries or illnesses, with the exception of Law Enforcement employees who receive salary continuation and EMS up to one year.

Employees may use paid leave for all workers' compensation time off less than 8 days.

All employees who are placed on Worker's Compensation leave will fall under the Family Medical Leave Act. Austin County runs FMLA and Worker's Compensation concurrently.

Any employee who suffers a job-related illness or injury is required to notify their supervisor as soon as possible. Failure to promptly report job related injuries or illnesses may affect an employee's eligibility for benefits or delay benefit payments.

An employee who has been off work because of a work-related accident or illness is required to provide a release from the attending physician before being allowed to return to work.

An employee's worker's compensation benefits may be adversely affected if the employee is injured while under the influence of alcohol or drugs or while the engaged in horseplay.

Austin County will make every effort to bring the injured employee back to work as soon as reasonably possible. Austin County has a return-to-work policy in place and if a position is found that will meet these restrictions, the employee will be given a bona fide offer of employment. If the employee refuses to accept the offer, and family medical leave has been exhausted, worker's compensation benefits may be affected, and the employee may be terminated.

RETURN TO WORK

This policy covers employees who are on leave due to a work-related injury or illness. Because employees are our most valuable resource, Austin County attempts to help employees return to work as soon as possible.

An employee on leaves due to a work-related injury or illness may return to work only when Austin County received a medical release from the treating doctor. It is a violation of County policy for any employee receiving worker's compensation benefits of any kind to be employed with a third party on a full time or part time basis. Violation of this policy may result in termination.

Return to work options:

- Return to prior position at full duty with doctor release stating that the injured employee can perform the job functions without restrictions.
- Light Duty-for any employee who is not able to return to their prior position and perform the regular duties of that job but can return with certain restrictions, Austin County will try to accommodate light duty when possible but cannot guarantee the availability of light duty.

Employees on light duty are not guaranteed the rate of pay they received for the position they held at the time of injury or illness. The pay rate for light duty is based on the knowledge skills and abilities for that job, as well as general market conditions. Employees in a light duty position are not permitted to supplement their workers' compensation benefits by using their vacation, holiday, compensatory or sick leave.

Four Week Limit-Light duty assignments are temporary arrangements intended to complement and facilitate the healing process. Light duty may be initially offered for a period of four (4) weeks and then will be reviewed and evaluated by the supervisor based, in part, on the recommendation of the physician (unless FMLA time is still available).

Employee Refusal of Work-In the event an employee refuses to return to regular or light duty work in response to a written, bona fide offer of employment by Austin County, the employee may be separated from employment with Austin County subject to FMLA qualification and their position may be filled permanently. A written, bona fide offer of employment must clearly state:

- The position offered and the duties of position
- Austin County's agreement to meet the conditions set out by the treating doctor
- The job's wage, working hours and location.

Medical Information

All employee's medical information is held in strict confidence in accordance with the American with Disabilities Act Amendments Act (ADAAA). Medical inquiries are limited to those permitted under Texas Workers Compensation Statute and applicable federal law.

Coordination with FMLA

Nothing in this policy should be construed as denying employees their rights under the Family Medical Leave Act (FMLA) or any other federal or state law. It is Austin County's policy to designate an employee's leave due to a work-related injury or illness as FMLA, if eligible. Austin County counts the period of any employee's light duty assignment towards the employee's FMLA entitlement. Until employees have exhausted their twelve (12) week FMLA entitlement, they have the right to be reinstated to their original job or an equivalent job provided they are able to perform the essential functions of the job.