



Cochise County Board of Supervisors

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Policy Title: Workers' Compensation

Policy Number: 2214

Effective: February 1, 2017

Supersedes:

Last Reviewed/Updated:

Scope/Coverage: All employees and registered volunteers

Policy Contact:

Purpose: To establish policy and procedures to be followed when an employee sustains an on-the-job injury or illness.

Scope: All employees and registered volunteers (hereafter referred to as "employees") are covered under the Arizona Workers' Compensation Law ([ARS Title 23, Chapter 6](#)), which provides compensation for loss of salary during periods of absence from work and medical coverage for injuries and/or illnesses arising out of and in the scope of employment. Employees who do not wish to obtain the exclusive remedy of the Workers' Compensation Act, and who wish to retain the right to sue their employer, may reject the Act. An election to reject must be in writing ([ARS §23-906](#)) and be submitted to Human Resources before the employee incurs a qualifying injury or illness.

Policy:

- A. Work time missed for a Workers' Compensation illness or injury is subject to the provisions of the Family and Medical Leave Act (FMLA) as described in the current County FMLA policy. Any applicable FMLA benefits will run concurrently.
- B. If the injury/illness claim is accepted by the County's Claims Administrator, the injured employee will receive 66 2/3% of his/her base monthly wage as of the date of injury, not to exceed the maximum wage set by the Arizona Legislature. Compensation begins on the 8th calendar day of the injury. If the injured employee is medically off-work for 14 calendar days, compensation shall be made retroactive to the first day following the date of injury.
- C. If the employee cashes the Workers' Compensation check or if all available leave time is depleted, the employee will be placed on inactive employment status. Employees on inactive status do not accrue leave time or retirement contributions and must arrange payment of voluntary deductions with Human Resources.

The employee may elect to use their accrued leave to supplement the Workers' Compensation wages and remain on active employment status. With this option, the employee endorses the Workers' Compensation check to the County, and it is credited to the employee's appropriate



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leave account on a pro-rata basis. The employee's paycheck will continue to include all required and voluntary deductions and leave time and retirement contributions will continue to accrue.

- D. Public Safety employees may qualify for a Supplemental Benefits Plan, pursuant to ARS 38-961, hereafter referred to as the "Plan."

For purposes of this section, "Public Safety Employee" means an employee who is a member of the Public Safety Personnel Retirement System or the Correctional Officer Retirement Plan.

1. Public Safety employees may qualify for the Plan if the following criteria are met:
 - a. The employee is a full-time public safety employee. Volunteers or part-time employees are not eligible for the plan.
 - b. The Workers' Compensation claim is accepted by the County's Claims Administrator.
 - c. The employee is on off-work status for more than 30 calendar days.
 - d. The employee remains in an "active" employment status, considered an employee of the County.
 - e. The off-work status is not due to an unrelated or pre-existing condition that barring same, the employee would be working regular duty.
 - f. Medical documentation is supplied that adequately verifies the medical necessity for the off-work status.
 - g. The injury was not incurred because of gross negligence or violation of policy or law on the part of the employee.
 - h. The injury was sustained during performance of active primary law enforcement activities, as determined by the Human Resources Department.
2. During the time that a Public Safety Employee is approved and enrolled in the Plan, the County will:
 - a. Continue to pay the employee's full base pay.
 - b. Continue to pay the employer portion of enrolled health care benefits.
 - c. Pay both the employer and the employee's contribution to the appropriate retirement system or plan as applicable.
 - d. Not reduce the employee's paid leave balances.
3. ARS §38-961 allows for an employee to receive benefits for a period of 180 calendar days.
 - a. The plan begins and/or becomes retroactive to the first day the employee is placed on an off-work status by a health professional because of a work-related injury.
 - b. The 6-month period cannot be combined or run concurrent with any prior or subsequent injury.
 - c. Family and Medical Leave (FMLA) leave will run concurrently while the employee is enrolled in the Plan.



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- d. If the employee is not off work for the entire 180 calendar days, any unused portion can be applied to a future off work period, if the employee's Workers' Compensation claim remains open and off-work time is related to the initial injury.
 - e. The unused portion cannot be applied if the employee's Workers' Compensation claim is closed and then re-opened at a future date.
4. Plan benefits cease upon any of the following:
- a. The employee is released to regular duty or temporary modified duty.
 - b. The employee refuses to accept a modified duty assignment.
 - c. The employee has received benefits for 180 calendar days from the first day placed on an off-work status.
 - d. The employee is no longer considered an employee of the County.
5. The County may at any time require any employee to submit to a Fitness for Duty or Independent Medical Evaluation.
6. Upon receiving information regarding an injury to a public safety employee, the County will establish a file:
- a. If the injury claim is accepted by the County's Claims Administrator and time off work is expected, the County will notify the employee of the potential benefit. The County will also provide a Supplemental Benefits Application at or before the date when the employee has been off work for more than 30 calendar days.
 - b. All checks for total temporary disability will be sent to the County directly.
 - c. When the employee is released to modified or regular duty, the County's Claims Administrator will immediately notify the County.
 - d. The County's Claims Administrator may provide rehabilitation or vocational assistance to facilitate the employee's return to County work.
7. The County will make reasonable efforts to provide the employee with modified duty. Public Safety Employees will be terminated from Plan participation if they refuse to return to work in a modified capacity which they are qualified and medically released to perform. Worker's Compensation benefits may continue.

Procedures:

- A. An employee or volunteer injured while performing required duties shall:
1. Immediately notify their supervisor, even if medical treatment is not necessary.
 2. Seek medical attention for the initial visit through an urgent care or occupation medicine facility or a primary care physician. Emergency room care shall be sought only for severe or life-threatening injuries.



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3. The employee must present to his/her supervisor a work status report after each doctor visit until a full duty work release is obtained. The work status report must include any work restrictions or physical limitations, and an estimated date of return to full duty.
- B. The Appointing Authority or immediate supervisor who is notified of an on-the-job injury or illness shall:
1. Complete a Supervisor's Report of Industrial Injury (SRI) and forward it to Risk Management within 24 hours of the incident. An SRI must be completed even if medical treatment is not needed.
 2. Forward all physician work status reports and releases to Human Resources as they are received.
 3. Initiate identification of modified duty work assignments compliant with medical work restrictions for injured employees. If modified work is not available in the employee's department, Human Resources will attempt to find modified duty in another department to avoid a time-lost claim against the County.
 - a. The employee's original department will be charged for wages paid to this employee while working a modified duty assignment in another department.
 - b. The modified duty assignment will be established using a Temporary Modified Work Agreement form.
 - c. The employee's pay and classification status will remain the same while on a modified duty assignment regardless of the actual duties being performed.
 - d. The County will make reasonable efforts to provide the employee with modified duty. Workers' Compensation wage benefits will be eliminated if an employee refuses a modified duty assignment for which they are qualified and have been medically released to perform.
 - e. The County may at any time require any employee to submit to a Fitness for Duty or Independent Medical Evaluation.