



# Cochise County Board of Supervisors

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**Policy Title:** Workers' Compensation

**Policy Number:** 1502

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**Effective:** January 1, 2020  
**Supersedes:** *Human Resources Policy Manual, Worker Compensation Policy and Procedures (Policy 2214), Feb. 01, 2017, pages 50-53.*  
**Scope/Coverage:** All County employees and registered [volunteers](#)  
**Policy Contact:** Risk Management Department

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## I. Eligibility

- A. All employees and [volunteers](#) are covered under the Workers' Compensation Law, [ARS §23, Chapter 6, Articles 1 - 12](#), which provides compensation for loss of salary during periods of absence from work and medical coverage for injuries and/or diseases arising out of and in the scope of employment.
- B. [Public safety employees](#) may have [supplemental benefits](#) in compliance with [ARS §38-961](#).

## II. Appointing Authority Responsibilities

- A. The [Appointing Authority or designee](#) shall ensure that work-related injuries are reported immediately to Risk Management.
- B. The Appointing Authority or designee shall complete a *Supervisor's Report of Industrial Injury (SRI)* and forward it to Risk Management within 24 hours of the incident. An SRI shall be completed even if medical treatment is not needed.
- C. The Appointing Authority or designee shall, as soon as practical, effectively control and/or eliminate any hazards identified by an injury investigation or safety inspection.
- D. The Appointing Authority or designee shall grant work release time for an employee whose follow-up care requires medical appointments during a regularly scheduled work day.

## III. Injured Employee Responsibilities

- A. Arizona Workers' Compensation law requires all employees to report all injuries, regardless of the degree of injury, to their employer immediately.
- B. Employees shall present a medical work status report to Risk Management within one working day after each doctor visit until a full duty work release is obtained. The report must include any work restrictions or physical limitations, and an estimated date of return to full or modified duty.



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- C. Risk Management may at any time require an employee on Workers' Compensation to submit to a Fitness for Duty or Independent Medical Evaluation to determine medical work status.

## IV. Risk Management Duties

- A. Risk Management shall investigate an injury incident to determine if any procedures or conditions need to be changed to improve the safety of the workplace.
- B. Risk Management shall provide rehabilitation and/or vocational assistance to facilitate the employee's return to County work.
- C. Risk Management shall provide employees with prevention and loss training to mitigate workplace accidents.
- D. Risk Management shall make reasonable efforts to provide the employee with modified duty.
  - 1. Risk Management shall initiate identification of modified duty assignments compliant with medical work restrictions for injured employees. If modified duty is not available in the employee's department, Risk Management shall attempt to find modified duty in another department.
  - 2. Workers' Compensation wage benefits shall be eliminated if an employee refuses a modified duty assignment for which he/she is qualified and is medically released to perform.
  - 3. The modified duty assignment shall be established using a *Temporary Modified Duty Agreement* form.
  - 4. The employee's pay and classification status shall remain the same while on a modified duty assignment regardless of the actual duties being performed.
  - 5. The employee's original department/office shall be charged for wages paid to the employee while working a modified duty assignment in another department/office.

## V. Compensation Terms

- A. The injured employee's department/office shall pay his/her full pay for the day of the injury, regardless of the time of the incident or whether medical treatment was sought.
- B. If the injury/illness claim is accepted by the County's Claims Administrator, the injured employee shall receive sixty-six and two-thirds percent (66.67%) of his/her average monthly wage as of the date of injury, not to exceed the maximum wage set by [ARS §23-1041](#).



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- C. Worker Compensation wage compensation begins on the 8th calendar day after 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.
- D. All Workers' Compensation wage benefit checks shall be sent directly to the employee.
- E. The employee shall remain on active status when the employee elects to use accrued leave to supplement the Workers' Compensation wages. Employees on active status shall continue all required and voluntary deductions on paychecks. Leave time and retirement contributions shall continue to accrue.
- F. Approved [Family and Medical Leave Act \(FMLA\)](#) leave shall run concurrently while the employee is off work for Workers' Compensation purposes.
- G. An employee shall be placed on [Leave Without Pay](#) status when available leave time is depleted.
- H. Employees on Leave Without Pay status shall not accrue leave time or retirement contributions and must arrange payment of voluntary deductions with Human Resources.

## **VI. Public Safety Employees Supplemental Benefits**

- A. Pursuant to [ARS 38-961](#), Public Safety employees may qualify for a Supplemental Benefits Plan, hereafter referred to as the "Plan," if each of the following conditions are met:
  - 1. The employee is a full-time public safety employee. Volunteer or part-time employees are not eligible for the Plan.
  - 2. The Workers' Compensation claim is accepted by the County's Claims Administrator.
  - 3. The employee is in off-work status for more than 30 calendar days due to a work-related injury.
  - 4. The employee remains in "active" employment status and is considered an employee of the County.
  - 5. The off-work status is not due to an unrelated or pre-existing condition that barring same, the employee would be working regular duty.
  - 6. Medical documentation is supplied that adequately verifies the medical necessity for the off-work status.
  - 7. The injury was not incurred because of gross negligence or violation of policy or law on the part of the employee.



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8. The injury was sustained during performance of active primary law enforcement activities, as determined by the Risk Management Department.

## B. Payroll Actions

1. During the time that a Public Safety Employee is approved and enrolled in the Plan, the County Finance/Payroll Department shall:
  - 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. Prevent the accrual or reduction of personal sick leave balances in an employee's account.

## C. Risk Management Department Actions

1. If time off work is expected for a Public Safety Employee, Risk Management shall:
  - a. Notify the employee of the potential benefit and provide the employee with a Supplemental Benefits Application at or before that date when the employee has been off work for more than 30 calendar days.
  - b. Assist the employee's department/office in identifying available modified duty.
  - c. Terminate a public safety employee from Plan participation if he/she refuses to return to work in a modified capacity for which he/she is qualified and medically released to perform. Workers' Compensation benefits may continue.