

### **Sec. 70-3. Workers' compensation.**

(a) The provisions of this section shall apply to all employees of the county.

(b) Definitions. The following words, terms and phrases, when used in this section shall have the meanings ascribed to them, except where the context indicates a different meaning:

*Classified employee* shall mean any individual employed by the county who is subject to the jurisdiction and receives benefits under provisions of the Clayton County Civil Service Act.

*Unclassified (full-time, permanent) employee* shall mean any individual employed in a full-time, permanent capacity by the county who is not subject to the jurisdiction but may receive certain benefits under the provisions of the Clayton County Civil Service Act.

*Other unclassified employee* shall mean any individual employed in a temporary, or part-time, or seasonal capacity by the county, or is currently in a probationary status (as defined by the Clayton County Civil Service Rules and Regulations) or otherwise is not subject to that jurisdiction of the Clayton County Civil Service Act.

*100 percent full salary* shall mean an amount equal to the payment required under provisions of the Workers' Compensation Act of the State of Georgia, and an additional amount contributed by the county which together shall equal 100 percent of the employee's salary at the time of the injury.

*On-the-job injury* shall mean an injury by accident arising out of and in the course of employment (as defined under provisions of the Workers' Compensation Act) which first gives rise to an employee's eligibility to receive 100 percent full salary under this section. Any subsequent injury in the same calendar year shall not constitute a "new" on-the-job injury.

(c) Any classified employee or unclassified (full-time, permanent) employee who suffers from a new on-the-job injury that is compensable under provisions of the Workers' Compensation Act may receive 100 percent full salary during the period such employee is unable to return to work as certified by a workers' compensation panel physician. Receipt of 100 [percent] full salary during such period shall be subject to the following conditions:

(1) The employee sustaining an injury shall notify his/her supervisor, elected official or department director within 48 hours of the injury. The report of the injury shall be promptly forwarded or otherwise reported by the supervisor, elected official or department director to the insurance/risk management office (or their designee) and shall be supplemented, if necessary, to completely describe the injury and all related circumstances.

(2) A physician selected by the county may be used to perform an independent medical examination to determine the extent of the employee's injury, the disability of the employee, the physical ability of the employee to continue to perform the duties of the employee's position, the physical condition of the employee to perform the duties of other positions, and the physical ability of the employee to return to his/her position (or another available position) after recovery from the injury. In the event the county requires the examination, the county shall be responsible for payments to the physician as required under provisions of the Workers' Compensation Act.

(3) Should the employee's physical condition (as determined by the medical evaluation described above or by the workers' compensation physician) warrant, such employee

may be assigned by his/her elected official or department director to the duties of another position during the period of recuperation from the injury. The employee may be assigned to duties in another office or department should an appropriate position be unavailable within the employee's office or department. Failure by the employee to accept an "alternative duty" position consistent with his/her limitations shall preclude the employee from receiving 100 percent full salary.

(d) An eligible employee shall receive 100 percent full salary benefits so long as the employee is unable to return to work and continues to be eligible for benefits under provisions of the Workers' Compensation Act, provided, however, receipt of 100 percent of full salary for each on-the-job injury shall not exceed 512 hours maximum per injury, not to exceed 512 hours per calendar year for personnel who normally work 40 hours per week, and 696 hours maximum per injury not to exceed 696 hours per calendar year for personnel who normally work a shift of 24 hours.

(e) Should the employee be physically unable to work after exhausting his/her 100 percent full salary benefits, the employee may elect one of the following alternatives:

(1) Utilize all accrued sick leave benefits, and, if necessary, utilize all accrued annual leave benefits before benefits are received under provisions of the Workers' Compensation Act; and

(2) Receive benefits provided under provisions of the Workers' Compensation Act in lieu of utilizing sick and/or annual leave benefits.

(f) Should an employee sustain a new on-the-job injury in a subsequent calendar year, the employee shall be entitled to receive 100 percent full salary under the same terms and conditions.

(g) Any other unclassified civil service employee who is employed in a temporary, or part-time, or seasonal capacity, or is in a probationary status, and who is injured by accident arising out of and in the course of the employment (as defined under provisions of the Workers' Compensation Act) shall not receive 100 percent full salary but shall be paid in accordance with provisions of the Workers' Compensation Act.

(h) Effective date of amendment:

(1) This amendment shall apply to any employee covered under provisions of the Workers' Compensation Act who sustains a "new" on-the-job injury on or after the effective date of this amendment and have not already been paid the maximum calendar year benefit as outlined in (d).

(2) All employees receiving benefits under Rule 5.429 "Leave for injury in line of duty" at the time this amendment becomes effective shall be entitled to the payment of the remainder of their hours, if any, as specified in this section, until such time as the maximum number of hours are paid or the employee returns to work, whichever first occurs.

(i) In no event shall the provisions of this section affect or compromise the benefits required to be provided pursuant to provisions of the Workers' Compensation Act. This section is intended to enhance the benefits paid to an employee who is unable to work due to an injury by accident arising out of and in the course of the employment with the county.

(Code 1973, § 2-8-3; Ord. No. 01-72, § 2, 7-17-01)