



## County of Frederick

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TO: Human Resources Committee and Board of Supervisors  
FROM: Michael J. Marciano  
DATE: March 6, 2020  
SUBJECT: HR Committee Agenda

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The HR Committee will meet in the First Floor Executive Conference Room at 107 North Kent Street on **Friday, March 13, 2020** at 9:00 a.m.

The agenda for the meeting is as follows:

1. **Human Resource Policy – Suggested Informational Improvements**
  - a. Workers' Compensation Policy
2. **Employee of the Month Recognition**
  - a. Employee Nomination

The following is the email explanation Michael Marciano provided Chairman Dunn on why informational improvements are being suggested to the Workers' Compensation policy. This proposal will be considered at our March 13, 2020 HR Committee meeting.

**Explanation:**

In response to your email, we want to make sure that the policy reflects actual practice. If we do not do so, we run the risk of a department seeking to deviate from a current practice that has worked well for the organization, with the department's rationale for deviating being that the policy does not dictate the practice. We do not need that situation, not when existing practices have worked well.

It is also helpful to quickly recall the intent behind the suggested edits to Frederick County's Workers' Compensation policy. When we first started discussing this policy change in September 2019, one of the objectives was to clarify the protections afforded under the County's Workers' Compensation Policy. The language proposed in the attached PDF was developed in close consultation with the County's HR Manager, DeLois Blevins, because she handles the administration of the Workers' Compensation benefit. The overarching objective of the drafted policy is to provide additional information to all employees on how the process will play out once a person is injured on the job. Frequent questions that DeLois typically responds to led to the following enhancements:

- Explaining the time frame in which injuries should be reported in order for them to be considered timely.
- Clarifying where employees could seek medical treatment. Some employees think they can be seen by their regular family physician.
- Outlining to employees that the hotline established by the County (currently, The Company Nurse) takes the place of completing the First Report of Injury. The Company Nurse will also triage the injury, recommend appropriate care (even self-care) and refer as appropriate to the panel of physicians. This report is then sent to HR and the Workers' Compensation carrier.
- Clarifying County expectations of employees:
  - How employees who are off work are paid
  - When FMLA runs concurrently with workers compensation
  - What to do with documentation after a medical visit
  - How benefits are impacted
  - How to obtain drug and alcohol screening
  - When one can return to light duty work
  - When one can return to work
- Highlighting that the insurance policy has a death benefit (HR just learned of this benefit, so we're sure employee were not aware).

## ***Frederick County's Workers' Compensation Policy***

<b>Current Workers' Compensation Policy</b>	<b>Proposed Workers' Compensation Policy</b>
<p>The County may pay related medical expenses—at no cost to the employee—for an accident or qualifying illness that occurs as a result of work. Workers' compensation coverage is provided for full-time, part-time and temporary employees. In addition the employee may be entitled to compensation to help offset the loss of wages while unable to work. Employees do not share in the cost of workers' compensation; the County pays the entire cost.</p>	<p>The County provides a comprehensive Workers' Compensation insurance program at no cost to employees. Workers' Compensation coverage is provided for full-time, part-time and temporary employees. The program covers any injury, illness or accident sustained in the course of employment that requires medical, surgical, or hospital treatment. The insurance also provides a death benefit if an employee dies as a result of performing job-related responsibilities. Subject to applicable legal requirements, in addition to covering medical expenses, Workers' Compensation insurance may provide employees wage benefits equal to two-thirds (2/3) of an employee's pre-injury average weekly wage. Insurance wage replacement begins after the injured employee has been off work for seven calendar days. In addition, the employee will be entitled to certain compensation to help offset the loss of wages while unable to work.</p>
<p>Any work-related injury or illness must be immediately reported in to the employee's supervisor. The Report of Accident or Injury and the Panel of Physicians must be completed by the supervisor and employee and forwarded to Risk Management within two days of the accident. These forms are to be completed even if the employee does not receive medical treatment (record only). The County's Workers' Compensation carrier will investigate and review all claims submitted for eligibility and compensability.</p>	<p><b>Reporting a Workplace Injury and Insurance Provider Network Requirement</b>            Employees who are injured on the job, or who become ill as a result of their job performance, must report their condition to their supervisor immediately. Employees may not be covered by Workers' Compensation insurance if the injury, illness or accident is not properly reported.</p>
<p>State law allows the County to designate physicians that the employees must choose from for an examination verifying the extent of the injury or illness. If an employee chooses to be treated by a physician other than one on the County's panel of physicians, the employee may be responsible for medical expenses related to that treatment.</p>	<p>In order to be considered for Workers' Compensation benefits, the employee shall seek medical attention from a provider within the Panel of Physicians – i.e., a group of medical providers authorized by the insurer of the County's Workers' Compensation policy. This group of providers is listed on the Frederick County Employee Intranet. In most cases, except emergency cases or where otherwise approved, the employee may be responsible for the entire cost of the medical care if the employee receives treatment from a doctor outside the Panel of Physicians. For more information on the Panel of Physicians and how to find a participating medical professional or facility, employees should contact the Human Resources Department. In life-threatening situations, the employee or co-worker should call 911 and be transported to the nearest hospital. When the situation is not life threatening, supervisors are responsible for ensuring that the employee is transported to medical care when appropriate.</p>
	<p>The report of accident or injury must be made to the designated hotline established by the County – who assesses the injury and determines if treatment/evaluation is necessary. The hotline nurse will recommend self-care and/or will refer to a Panel Physician/treatment facility when further evaluation/care is necessary. The Company</p>

	<p>Nurse files the First Report of Injury with the Workers' Compensation carrier and with Frederick County Human Resources. This should be done within 48 hours to avoid any question as to if the injury/illness is work related. The County's Workers' Compensation carrier will investigate and review all claims submitted for eligibility and compensability. State law allows the County to designate physicians that the employees must choose from for an examination verifying the extent of the injury or illness.</p>
<p>During the first seven calendar days that an employee is absent from work because of job-related illness or injury, the employee must use accrued paid leave hours to receive full pay. After the first seven days, employees receive a percentage of their salary as set by state law. In order for the employee to receive full salary, the remaining percentage will be covered by use of the employee's paid leave. Should the employee not have enough paid leave to cover the difference between the wage replacement benefit and full salary amount, leave without pay will be used. Additionally, further paid leave benefits will not continue to accrue while the employee is out on workers' compensation. If the employee is absent more than 21 calendar days because of an approved job-related illness or injury, the County will reinstate the leave that was used.</p>	<p><b>Additional guidelines related to Workers' Compensation and job-related injuries are:</b></p> <ul style="list-style-type: none"> <li>• If eligible for Family Medical Leave Act (FMLA), the FMLA will run concurrent with leave for a Workers' Compensation injury. If the Workers' Compensation carrier notifies the County and states that the claim has been denied and is not Workers' Compensation compensable, the claim will be converted from Workers' Compensation to Paid Time Off (PTO), Individual Disability Account (IDA) leave, Leave Without Pay (LWOP), and/or short-term disability as applicable.</li> <li>• While on Workers' Compensation leave, injured or ill employees are required to keep all medical appointments and therapy appointments ordered by their physician and to provide supervisors all update reports by physicians regarding duration of leave or return to work in a light duty or unrestricted capacity.</li> <li>• All physician and medical treatment facility notes must be forwarded to the Department of Human Resources. This information will be sent to the Workers' Compensation claims adjuster and included in the employee's Workers' Compensation injury file.</li> <li>• <b>Employees on Workers' Compensation leave will not continue to accrue PTO leave.</b></li> <li>• The County shall continue the employer's share of Virginia Retirement System (VRS) Retirement/Life Insurance and health and dental premiums while the employee is receiving Workers' Compensation benefits provided the employee is still receiving pay (in the form of supplemental pay or personal leave) from the County. If the employee is receiving statutory Workers' Compensation benefits only, the employee will be reported to VRS</li> </ul>

as being on LWOP. While on LWOP, the County continues to pay for life insurance coverage, and the County shall continue the employer's share of health and dental coverage if the employee compensates the County for his/her premium costs.

- Employees who are off work due to on-the-job illness or injury (covered under the Workers' Compensation program), who falsify the extent or severity of injuries will be subjected to disciplinary action, to loss of benefits and to possible termination and prosecution.
- If a motor vehicle accident occurs while an employee is performing job-related tasks, a drug and alcohol screen will be required within 24 hours.
- The County believes that it is in the best interest of the County and the injured employee to return to work as early as possible. When possible, the County will provide light-duty assignments for a temporary and reasonable period of time. The County will pay regular wages for hours worked for light-duty temporary assignments and overtime will not be allowed. The employee will be paid for the hours that coincide with regular work hours by using a Workers' Compensation pay code on their timesheet.
- In most circumstances, employees released to return to work will return to their former position. In circumstances where business necessity does not permit a vacancy for a period of time required by an employee to recuperate from a job-related illness or injury, the position will be filled. When the injured employee is released to return to work, he/she will be welcome to apply for any position that is open and comparable with his/her skills and qualifications.

**Compensation While on Workers' Compensation Leave**

During the first seven calendar days that an employee is absent from work because of job-related illness or injury, the employee must use accrued leave hours to receive full pay. After the first seven days, an employee receives 2/3 of his/her salary will be provided by Workers' Compensation payment. In order for an employee to receive full salary, the remaining 1/3 of his/her salary will be covered by the use of the employee's paid time off. Should the employee not have enough paid leave to cover the difference between the wage replacement benefit and full salary amount, LWOP will be used. If

	the employee is absent more than 21 calendar day because of an approved job-related illness or injury, the County will reinstate the leave that was used.
When an employee receives wage replacement benefit payments from the workers' compensation carrier, the County is notified of the employee's payment. This benefit payment amount is then deducted from upcoming paychecks for the employee. These reductions to the paychecks continue until all benefit payments are recovered.	When an employee receives wage replacement benefit payments from the Workers' Compensation carrier, the County is notified of the employee's payment. This benefit payment amount is then deducted from upcoming paychecks for the employee. These reductions to the paychecks continue until all benefit payments are recovered.
Questions regarding workers' compensation may be directed to Risk Management.	Questions regarding Workers' Compensation may be directed to the Department of Human Resources at 540-665-5668.



# County of Frederick Employee of the Month Nomination Form

Received: (HR use)  
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## Do you know of an employee who

Exhibits **EXTRA** effort...

Goes **ABOVE AND BEYOND** the requirements of his or her position...

Provides **OUTSTANDING** service...

Makes a significant **contribution, accomplishment or achievement** to the County of Frederick and its residents.

Criteria for Employee Recognition: Please mark the appropriate contribution(s):

Critical Thinking and Problem Solving	Interpersonal Skills	Professionalism	Superior Accomplishment
Customer Service (Exceptional)	Leadership Qualities	Project	Other
Dependability	Monetary Savings Ideas	Quality	
Innovation/Creativity	Performance/Skill Level	Resourcefulness	
Integrity	Positive Attitude	Safe Work Practices	

Employee Name : \_\_\_\_\_ Department: \_\_\_\_\_

Nomination Submitted By: \_\_\_\_\_ Department: \_\_\_\_\_

Nominator's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Describe the employee's accomplishments/contributions that were **ABOVE AND BEYOND** the normal duties expected of the position. Describe how the employee provided exceptional service:

Specifically describe the actions that meet the criteria of this award. Describe the value added to the department, team or organization.