

**RESOLUTION NO. 20140213-014**

**WHEREAS**, the Director of Personnel recommended the following amendments of the Personnel Policies, and

**WHEREAS**, the City Manager approves and recommends adoption of these amendments, **NOW, THEREFORE**,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

That the City of Austin Personnel Policies, Chapter A, be, and the same are hereby, amended as set forth below:

**PART 1.** Chapter A, Section III, B.1.a. (9) *Serious Injury Supplement*, (a) *Serious Injury Supplement Rules*, and (b) *Eligibility Requirements for Serious Injury Supplement* are amended as follows:

**(9) Serious Injury Supplement**

~~The serious injury supplement will be effective May 1, 1998 for compensable injuries or illnesses occurring on or after that date.~~

Approval of payment is not a guarantee of continued employment, and does not delay the start of the return to work process.

Any regular or probationary employee who sustains a compensable work related injury or illness on the job and remains unable to return to work in any capacity for a period of ~~16~~ nine continuous work weeks may be eligible to receive the serious injury supplement.

The serious injury supplement is in addition to, but separate from, worker's compensation payments.

The serious injury supplement is contingent on the employee complying with the eligibility and program rules outlined below.

**(a) Serious Injury Supplement Rules:**

- (1) Employees may receive the serious injury supplement only for such time as a physician, either selected by the Director of Human Resources, or selected by the employee and approved by the Director of Human Resources, certifies that the employee is not able to return to regular, limited, partial or part-time duty, with or without restrictions and has not reached maximum medical improvement.
- (2) The employee must submit a written request for the serious injury supplement to his/her department director.
- (3) Payments will begin after wage continuation benefits are exhausted and the employee has met all the serious injury supplement eligibility requirements.
- (4) Serious injury supplement payments may commence the following Monday after an employee has experienced ~~16~~ nine weeks of continuous loss of work time due to a compensable injury or illness.
- (5) An injured employee will receive 8 hours of pay per week from the City as the serious injury supplement, which is in addition to workers' compensation Temporary Income Benefits. These 8 hours of pay will not be charged against sick or vacation leave time.
- (6) While off work and receiving the serious injury supplement, an employee shall continue to accrue vacation and sick leave. No accrued sick or vacation leave may be used during any week in which an employee is receiving the serious injury supplement.
- (7) Serious injury supplement payments will end at the earliest of the following: termination of employment, return to work in any capacity, 52 weeks from the date of injury, or upon reaching maximum medical improvement. Once serious injury supplement payments for a particular injury end, payments for that injury will not resume.

**(b) Eligibility Requirements for Serious Injury Supplement**

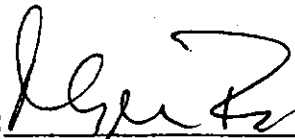
An injured employee must:

- (1) have sustained a compensable injury or illness as defined by the Workers' Compensation provision of the Labor Code, Sec. 401.011;
- (2) not have violated any written safety standards, rules or procedures;
- (3) have been qualified for and exhausted the allowable wage continuation benefits;
- (4) be receiving workers' compensation Temporary Income Benefits;
- (5) have experienced ~~16~~ nine weeks of continuous loss of work time due to the injury;
- (6) agree to case management; and
- (7) be participating in or have participated in the City's return to work program.

**PART 2.** That the amendments described in Part 1 become effective for compensable injuries or illnesses occurring on or after adoption of this resolution.

**ADOPTED:** February 13, 2014

**ATTEST:**

 **JN**

Jannette S. Goodall  
City Clerk

**CITY OF AUSTIN PERSONNEL POLICIES**  
**CHAPTER A: NON-CIVIL SERVICE EMPLOYEES**  
**III. COMPENSATION**  
**B. Benefits**

**(9) Serious Injury Supplement**

The serious injury supplement will be effective May 1, 1998 for compensable injuries or illnesses occurring on or after that date.

Approval of payment is not a guarantee of continued employment, and does not delay the start of the return to work process.

Any regular or probationary employee who sustains a compensable work-related injury or illness on the job and remains unable to return to work in any capacity for a period of 9 continuous work weeks may be eligible to receive the serious injury supplement.

The serious injury supplement is in addition to, but separate from, worker's compensation payments.

The serious injury supplement is contingent on the employee complying with the eligibility and program rules outlined below.

**(a) Serious Injury Supplement Rules:**

(1). Employees may receive the serious injury supplement only for such time as a physician, either selected by the Director of Human Resources, or selected by the employee and approved by the Director of Human Resources, certifies that the employee is not able to return to regular, limited, partial, or part-time duty, with or without restrictions, and has not reached maximum medical improvement.

(2) The employee must submit a written request for the serious injury supplement to the department director.

(3) Payments will begin after wage continuation benefits are exhausted and the employee has met all the serious injury supplement eligibility requirements.

(4) Serious injury supplement payments may commence the following Monday after an employee has experienced 9 weeks of continuous loss of work time due to a compensable injury or illness.

(5) An injured employee will receive 8 hours of pay per week from the City as the serious injury supplement that is in addition to workers' compensation Temporary Income Benefits. This eight hours of pay will not be charged against sick or vacation leave time.

(6) While off work and receiving the serious injury supplement, an employee shall continue to accrue vacation and sick leave. No accrued sick or vacation leave may be used during any week in which an employee is receiving the serious injury supplement.

(7) Serious injury supplement payments will end at the earliest of the following: termination of employment, return to work in any capacity, 52 weeks from the date of injury, or upon reaching maximum medical improvement. Once serious injury supplement payments for a particular injury end, payments for that injury will not resume.

**(b) Eligibility Requirements for Serious Injury Supplement**

An injured employee must:

- (1) have sustained a compensable injury or illness as defined by the Workers' Compensation provision of the Labor Code, Sec. 401.011;

- (2) not have violated any City or department written safety standards, rules or procedures;
  - (3) have been qualified for and exhausted the allowable wage continuation benefits;
  - (4) be receiving workers' compensation Temporary Income Benefits;
  - (5) have experienced 9 weeks of continuous loss of work time due to the injury;
  - (6) agree to case management; and
  - (7) be participating in or have participated in the City's return to work program.
- (c) An employee who is injured after giving notice of retirement or of resignation or after receiving notice of lay off or discharged, shall not receive and shall not be eligible for the serious injury supplement beyond the effective date of retirement, discharge, resignation or layoff. A probationary employee shall not receive the serious injury supplement nor be eligible for such payments beyond the end of the probationary period unless confirmed as a regular employee based on performance prior to the injury.
- (d) The Director of Human Resources and/or designee may require an injured employee to submit to examination by a physician or other healthcare providers chosen or approved by the Director of Human Resources as a condition of receiving or continuing to receive the serious injury supplement.
- (e) An employee shall forfeit all rights to any future serious injury supplement that the employee would otherwise have been eligible for due to physical injury if the employee:
- (1) Is found to be working for pay at any job; or
  - (2) Resigns for any reason while receiving the serious injury supplement; or
  - (3) Is discharged for any reason while receiving this serious injury supplement; or
  - (4) Fails or refuses to comply with or follow or disregards or violates the treating physician's instructions regarding treatment of the injury. Failure to keep medical, therapy, or other healthcare appointments shall be deemed a refusal to submit to examination and treatments; or
  - (5) Retires or dies while receiving the serious injury supplement; or
  - (6) Is deemed able to return to work in any capacity by the treating physician, and refuses to accept the City's offer of a limited, partial or part-time position; or
  - (7) Falsifies or misrepresents physical condition or capacity or disability as worse than it in fact is while receiving the serious injury supplement.
- (f) In addition to its rights of subrogation granted by law or contract for other benefits, including workers' compensation, the City shall also be subrogated to the rights of an injured employee or beneficiary as against a third party to the extent of the serious injury supplement paid such employee under this provision.

The Director of Human Resources is hereby authorized and directed to promulgate necessary rules and regulations for the efficient administration of this program. Payment of benefits under this program shall be upon authorization by the Director of Human Resources only and shall at all times remain subject to his/her approval.