

## **607 Injury Leave**

### **607.1**

Any temporary, seasonal or probationary employee will be eligible only for worker's compensation benefits as provided by law and is not eligible to receive injury leave from the City of Amarillo. All full-time, regular employees (excluding Chapter 143 Fire Fighters and Police Officers) who have completed at least 5 years of continuous and uninterrupted service with the City shall be entitled to injury leave with full pay for periods of time commensurate with the nature of injury sustained while in the course and scope of their City employment. Injury leave benefits shall accrue at the rate of 1 month of benefits for each year of continuous active service. In no event shall any employee accrue more than 1 year of injury leave benefits. Injury leave benefits for Chapter 143 Fire Fighters and Police Officers shall be governed by the provisions of Chapter 143 of the Local Government Code.

### **607.2**

To calculate the benefits to be paid, the total amount of worker's compensation benefits paid to an injured employee shall be deducted from the employee's ordinary salary so that in no event shall an injured employee receive a greater income while on injury leave than he/she would while performing regular duties.

### **607.3**

The following conditions must be met before an employee will be eligible for injury leave:

The injury must be reported on the proper accident form to the appropriate supervisor or Department Head, by the employee, no later than 48 hours after the occurrence of the accident.

All employees on injury leave may be requested to submit to an examination, at City expense, by the City Physician or such other physician or medical provider as may be selected by the City. Failure to submit to such an examination or to diagnostic tests or other medical or surgical procedures as specified by the City Physician will be grounds for discontinuation of injury leave. Repeated failure to keep medical appointments with the City Physician will be deemed a refusal, by which the employee will forfeit all rights to any future injury leave. In the event the City Physician determines, that reasonable and necessary medical treatment should be received by the employee and the employee refuses to make himself/herself available for each treatment, the employee will forfeit all rights to any future injury leave. Injury leave will have no effect on the employee's worker's compensation benefits.

The City will be subrogated to the rights of an injured employee or his/her beneficiary, against a third party, to the extent of the injury benefits paid such employee under this provision. Employees are required to notify the City and cooperate with the City in subrogation claims. Injury leave benefits may be forfeited for failure to notify and cooperate with the City in protecting subrogation rights.

All employees will forfeit all rights to any future injury leave benefits that would otherwise have been provided due to his/her physical injury if any of the following conditions exists:

The employee is found to be working, either part or full-time, for pay or as a volunteer on behalf of himself/herself or any other employer while the employee is on injury leave;

The employee resigns for any reason while receiving injury benefits;

The employee is discharged or suspended for any reason other than inability to perform his/her duties due to the injury while receiving injury leave benefits;

The employee consistently fails or refuses to comply with or consistently disregards or violates the treating physician's instructions regarding treatment of the employee's injuries;

The employee retires or dies while receiving injury leave benefits;

The employee refuses to perform light, partial, modified or part-time duty when offered by the Department Head and authorized by the treating physician and/or City Physician.