

**RESOLUTION #18-1015-05**

**Approving Revised Injury Leave Policy**

**WHEREAS**, it is necessary to revise the Liberty Township Injury Leave Policy to reflect changes and to ensure consistent administration of the policy.

**NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF TRUSTEES OF LIBERTY TOWNSHIP, DELAWARE COUNTY, OHIO** to approve a revision to the Liberty Township Injury Leave Policy, Policy Statement, to state: "USW and all other employees may be granted up to four (4) months of Injury Leave."

Motion made by Leneghan and seconded by Gemperline

**Vote:** yes Mrs. Eichhorn yes Mr. Gemperline yes Mrs. Leneghan

This Resolution shall be in force and become effective immediately upon its execution.

10-15-18  
Date

Melanie Leneghan  
Melanie Leneghan, Trustee

CERTIFIED BY:

Nancy Denutte  
Nancy Denutte, Fiscal Officer

Mike Gemperline  
Mike Gemperline, Trustee

Shyra Eichhorn  
Shyra Eichhorn, Trustee

**LIBERTY TOWNSHIP  
DELAWARE COUNTY, OHIO**

**INJURY LEAVE POLICY**

**POLICY STATEMENT:**

Liberty Township Board of Trustees shall grant Injury Leave to employees who are unable to report for work as a result of a service related injury or illness and who have applied for and been approved for Worker's Compensation benefits. Injury Leave is granted in accordance with the respective contracts. Injury Leave is a paid leave which does not count against an employee's accrued leave balances. IAFF members may be granted up to 1,456 hours of Injury Leave. USW and all other employees may be granted up to four (4) months of Injury Leave. For those employees not covered by a bargaining unit contract, Injury Leave may be granted at the discretion of the Board of Trustees.

**Eligibility and Conditions**

All full-time Liberty Township employees are eligible for consideration of Injury Leave. An employee may only be granted Injury Leave for service connected injuries or illnesses. Service connected injuries or illnesses are defined as those injuries and illnesses which are received while acting within the scope of, and arising out of, the Employee's employment. To be eligible for Injury Leave under this policy, the employee must apply for worker's compensation benefits under the Ohio Bureau Worker's Compensation (BWC) program and the claim must be approved or allowed by the Ohio BWC. In the event an injury claim is disallowed by the Ohio BWC or the Industrial Commission of Ohio, the employee shall not be approved for Injury Leave and all time lost from work shall be charged against the employee's accumulated sick leave balance. In order to be eligible for Injury Leave all necessary forms must be completed, submitted to the appropriate party and approved as needed.

**Reporting Requirements**

Employees are required to notify their immediate supervisor and/or department head immediately of any service related injury or illness. Immediately shall mean by the end of the employee's shift or no later than seventy-two (72) consecutive hours after the incident occurs. The Township Administrator or HR Specialist shall be notified by the Department Head or supervisor of an employee's injury or illness as soon as practicable but not more than seventy-two (72) consecutive hours after such incident occurs.

A BWC First Report of Injury and an internal Liberty Township Work Related Injury/Illness Report must be completed prior to consideration for Injury Leave.

**Leave Designation**

Pending the decision by the Ohio Bureau of Workers' Compensation and/or the Industrial Commission, the injured or ill Employee shall use accrued sick leave in accordance with leave policies, which shall be restored to the Employee's credit upon approval of the claim by the Ohio BWC. If the employee has no sick leave accruals available, other available leave may be used. If the employee has no available leave time accruals, the employee shall be placed in an unpaid status until Injury Leave is either approved or denied. If the Employee was in an unpaid status during this waiting period, the Employee shall be credited with lost wages upon the approval of the claim by the Ohio BWC and/or the Industrial Commission. Circumstances out of the ordinary shall be dealt with on a case by case basis.

Within ten (10) days of the Township's receipt of notification by the Ohio BWC that the claim has been approved, and pending no appeals have been filed with the Ohio BWC or the Industrial Commission of Ohio, the Township Administrator, on behalf of the Board of Trustees, shall approve Injury Leave and direct the Fiscal Officer/Payroll to restore all leave accruals, and/or credit lost wages, used during this decision process.



Upon the Township's receipt of notification by the Ohio BWC or the Industrial Commission of Ohio that the claim has been denied, the employee shall be notified by the HR Specialist or Township Administrator that available leave accruals must continue to be used until the employee returns to work, exhausts all forms of leave or, upon appeal, receives claim approval by the Ohio BWC. All leave requested shall comply with any and all policies and procedures of the Township including, but not limited to applicable collective bargaining contracts and the Employee Handbook.

#### **Injury Leave Administration and Reporting**

An employee must immediately file an application for Ohio BWC benefits (i.e., First Report of Injury form, Attachment A), with the Ohio BWC for any service connected injury or illness. Additionally, a Liberty Township Work Related Injury/Illness Report (Attachment B) must be completed and signed by all necessary parties and submitted to the HR Specialist and/or the Township Administrator within seven (7) days of the date of the incident and before any consideration for Injury Leave may be given. Before any Employee is eligible to receive Injury Leave benefits under this policy, the Employee shall first make application for workers' compensation benefits.

If directed by the Township, such filing(s) shall include requests for any available compensatory program designated to compensate workers for lost wages. The Employee shall endorse over to the Township any benefits received therefrom which extend over the same time period for which the Employee was paid Injury Leave. In furtherance of these provisions and in compliance with the rules and regulations of the Ohio BWC, an Employee shall execute a written agreement reflecting the provisions of this section.

No employee shall be placed on Injury Leave without the approval of the Township Administrator and/or the Board of Trustees. The Board and/or the Township Administrator may, in their sole and absolute discretion, require the Employee to submit supporting documentation from the Employee's medical provider and/or to be examined by a physician appointed and paid for by the Township, in which case the Employee shall authorize release to the Board and its designee(s) of the results of each examination and all medical records arising out of each examination. The failure to authorize such release shall be grounds for denial of Injury Leave. If, at any time, the Board of Trustees, with justification from the Employee's medical provider or from a physician appointed and paid for by the Township, believes that the injury is such that the Employee is capable of performing regular or restricted duties during the period of convalescence, the Board shall so notify the Employee in writing and deny and/or cancel the Injury Leave. Any employee medically approved to participate in the Township's Transitional Work Program shall be ineligible to receive Injury Leave compensation.

The Township and the employee shall enter into a BWC "Continuation of Wages Agreement" (Form C-55) for every forty-five day period the employee remains in Injury Leave status.

In the event a work related injury or illness is disallowed by the Ohio Bureau of Workers' compensation or the Industrial Commission of Ohio, the Employee may use available leave accruals, beginning with sick leave, providing such requests are in accordance with all applicable contracts, codes and the Employee Handbook. Should all leave accruals be exhausted, the Employee may be placed in an unpaid leave status in accordance with applicable contracts, codes and Employee Handbook.

The Township reserves the right to pursue disciplinary action, up to and including termination, for any fraudulent claims, misuse of leave time, fraudulent medical information, and any and all other actions which result in the Township receiving fraudulent information regarding an Employee's claims for Injury Leave. In the case of fraudulent claims, the Employee shall repay all monies paid by the Township.

The Township reserves the right to take appropriate legal actions for removal of an Employee who has exhausted all leave balances, and/or who is not on approved Injury Leave status, approved Unpaid Leave



status, approved FMLA Leave, approved BWC Leave or any other Township recognized leave status which has been approved by the Township.

If the employee exhausts allowable Injury Leave, sick leave accruals shall be used, followed by all other forms of leave accruals, followed by unpaid leave status. Any leave requests for absences from work beyond the maximum time allowed for Injury Leave shall be subject to the policies of the respective contracts and/or Employee Handbook.

The Board, upon recommendation from the Township Administrator, Department Head or Fire Chief, may approve additional Injury Leave in no more than thirty (30) day increments. Additional Injury Leave shall be dependent upon the treatment/rehabilitation plan from the employee's Medical Provider and shall be at the sole discretion of the Board of Trustees.

The employee shall provide a Medical Providers recommendation for an anticipated return to work date. It is understood that a return to work date may change based on medical circumstances and physician recommendation. While on Injury Leave, the employee shall provide regular updates to their immediate supervisor, Battalion Chief, Fire Chief or Department Head on their leave status. If an employee is cleared to return to work earlier than originally anticipated, the employee as soon as practicable must notify their supervisor and the HR Specialist.

#### **Reoccurrence**

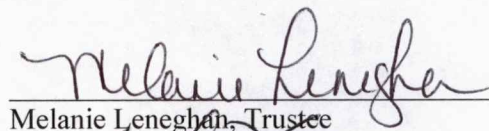
If there is a reoccurrence of a previously approved service connected injury or illness within one year from the date of the original injury or illness, the Employee may be granted Injury Leave not to exceed the prior unused balance of the maximum allowable hours of Injury Leave, provided that such reoccurrence is reported to the Employee's supervisor not more than seventy-two (72) consecutive hours after such reoccurrence occurs. Injury leave may only be continued or reinstated as a reoccurrence upon the approval of the Board of Trustees and with all proper medical documentation and approvals.

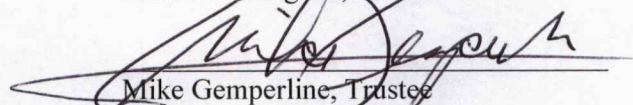
If an employee has returned to full-duty after injury leave for a period of not less than twelve (12) consecutive months without any reoccurrences of a previous service connected injury or illness for which the Employee was on an approved Injury Leave, the Employee shall be eligible to receive Injury Leave under all provisions of this policy and subject to all terms of this policy.

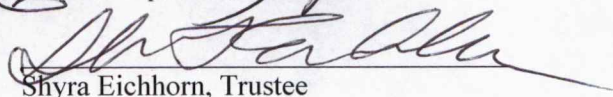
#### **Continuation of Employee Health Benefits**

Group health insurance coverage will be maintained while on Injury Leave on the same basis and on the same terms as if the employee were using leave balances.

Oct. 15, 2018  
Date

  
Melanie Leneghan, Trustee

  
Mike Gemperline, Trustee

  
Shyra Eichhorn, Trustee