

	<h1 style="margin: 0;">POLICY</h1> <h2 style="margin: 0;">WORKERS' COMPENSATION LEAVE OF ABSENCE FOR QUALIFYING EMPLOYEES</h2>		Policy File Number <div style="background-color: black; color: white; padding: 5px; display: inline-block;">TCP 107-H</div>	
	Approved By:	Approval Date:	Supersedes: <b>TCP 107</b>	Previous Date: <b>03/16/05</b>

**A. SUMMARY:**

Establishes policies for workers' compensation leaves of absence available to all Tulsa County employees who are determined by the treating physician to qualify for temporary total disability benefits as a result of job-related injuries or illnesses.

**NOTE:** Workers' compensation disability claims arising from workplace injuries are processed through the County Human Resources division, with assistance as requested from the office of the District Attorney. A leave of absence due to approved workers' compensation is contingent upon the employee's complying with notice, approval and other general requirements for using leave benefits. In addition to the provisions of this policy, also see TCP 107-A, "Administration of Leave Benefits and General Rules of Use" for important additional information.

**B. APPLICABLE TO:**

1. All Board of County Commissioners divisions.
2. Other County offices and agencies whose Elected Official or governing board chooses to adopt the leave policies of the County Commissioners and County Human Resources division.

**C. POLICIES:**

1. Tulsa County will grant leave for an employee's necessary absence from work which directly results from an on-the-job injury *which has been determined to be covered under the workers' compensation laws of the State of Oklahoma and which results in medical work restrictions which cannot be accommodated*, subject to the provisions of this policy.
2. Partial-day absences from work for medical or therapeutic appointments scheduled and approved in conjunction with workers' compensation cases will be permitted without deduction from the employee's pay or paid leave balances for the actual time necessary for the appointments, including allowance for travel time not to exceed one hour before and one hour after the appointment. Advance written notice of the appointment time and estimated return time is required unless waived by the supervisor.
3. Oklahoma's workers' compensation system requires an initial three-calendar-day waiting period prior to eligibility for temporary total disability (TTD) payments. (The actual day of injury is considered "day zero" and not counted as part of the three-calendar-day wait.) During the TTD waiting period, as well as in cases when the disability is three calendar days or less, the employee may use accrued leave to offset loss of wages.
4. After the initial three-calendar-day waiting period, the employee may be approved for weekly workers' compensation TTD payments, which are arranged through the County Human Resources division. The employee does not receive wages directly from the County while on workers' compensation leave, unless he or she is employed on a full-time regular basis and elects to use approved County leave benefits to supplement income from workers' compensation. Because workers' compensation payments are lower than employees' regular earnings, full-time regular employees' requests to use their available accrued leave to offset the reduction in income will generally be approved, provided that the combined total payments for (estimated) workers' compensation and use of County leave benefits shall not exceed the usual base salary that the employee would have received for working during the pay period.

# POLICY

## WORKERS' COMPENSATION LEAVE OF ABSENCE

Policy File Number

TCP 107-H

### C. POLICIES: (CONTINUED)

5. Approved workers' compensation leave:
  - a. Does not constitute a break in continuous service with Tulsa County.
  - b. Does not affect the employee's anniversary date of employment.
  - c. Does not reduce the full-time regular employee's existing accrued leave/vacation balances (unless the employee optionally uses those paid benefits to supplement workers' compensation temporary total disability pay).
  - d. Does not result in accrual of additional leave/vacation hours except to the extent the full-time regular employee uses previously accrued paid leave to supplement workers' compensation TTD pay.
  - e. Will run concurrently with FMLA leave if the employee qualifies for FMLA leave. (The County will provide timely notice as required by the FMLA.)
6. For full-time regular employees' retirement purposes, a period of absence for approved workers' compensation leave will be treated as continued service. However, no contributions to the Tulsa County Employees' Retirement System are made by the member or the County on the member's behalf for workers' compensation disability payments.
7. For full-time regular employees' group insurance benefit purposes, while on workers' compensation leave and for a period not to exceed twelve months:
  - a. The full-time regular employee's participation in County group insurance programs will continue on the same basis as if the employee were not on leave, *except that*, in any month in which the employee will not be receiving County wages sufficient to fund the employee's portion of applicable insurance premiums through payroll deduction, the employee is responsible for making acceptable, timely payment of the "employee portion" of the premiums.

**NOTE:** It is important to recognize that weekly workers' compensation TTD payments are not County wages. See C-4 for further information. Also see TCP 107-A, "Administration of Leave Benefits and General Rules of Use" for more information about employees' continued participation in insurance programs during use of leave.

- b. The County will continue to pay the "employer portion" of such premiums, when applicable, for full-time regular employees on approved workers' compensation leave (up to twelve months), so long as the "employee portion" of the premiums is also being paid in an acceptable, timely manner.

<b>POLICY</b>	Policy File Number
<b>WORKERS' COMPENSATION LEAVE OF ABSENCE</b>	<b>TCP 107-H</b>

*Recommendation and Request to Approve:  
Human Resources Department:*

  
KATHY BURROWS, DIRECTOR  
TULSA COUNTY HUMAN RESOURCES

*Reviewed and approved by the  
Office of the District Attorney:*

  
DISTRICT ATTORNEY OR DESIGNEE

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

**BOARD OF COUNTY COMMISSIONERS  
TULSA, OKLAHOMA**

\_\_\_\_\_  
KAREN KEITH, CHAIR  
COMMISSIONER, DISTRICT 2

\_\_\_\_\_  
RON PETERS, COMMISSIONER, DISTRICT 3

\_\_\_\_\_  
STAN SALLEE, COMMISSIONER, DISTRICT 1

ATTEST:

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MICHAEL WILLIS, COUNTY CLERK