

**CITY OF FRISCO PERSONNEL POLICIES**  
**SECTION: WORKERS' COMPENSATION**

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**Subject:** Public Safety WORKERS' COMPENSATION POLICY **Effective Date:** 11/21/2023

**Approved By:** ORD 2023-11-54

**Revision Date:**

**Revision Approved by:**

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**I. STATEMENT OF PURPOSE:**

The City of Frisco complies with the Texas Workers' Compensation Act (the "Act"). The Act requires the City to provide lost wages and medical benefits to Police Officers, Firefighters, and Emergency Medical Services employees who sustain an injury or develops an occupational illness or disease within the course and scope of employment. In addition, this policy complies with Chapter 177A of the Texas Local Government Code (TLGC).

The purpose of this policy is to outline the City's job protection and supplemental wage benefits provided to employees who experience a work-related injury or occupational illness.

The policy provides job protection benefits for periods of continuous leave, reduced hours, and modified duty working arrangements along with a supplemental wage benefit. The Workers' Compensation policy coordinates with the City's Family and Medical Leave (FMLA), City Leave of Absence (LOA), Return to Work, and Americans with Disabilities Act (ADA) policies.

**II. ELIGIBILITY:**

Employees eligible to receive job protection and supplemental wage benefits must:

- Have sustained an injury or illness while functioning in their work capacity;
- Have reported the injury timely - within 24 hours, or for injuries that may not be known timely (i.e. poison ivy), reported immediately upon discovery. Employees who do not report timely may not be eligible for the supplemental wage benefit;
- Provide documentation from a workers' compensation network approved physician that supports the employee's inability to perform work in any capacity or in any alternate position;
- Receive notice from the City's workers' compensation administrator that the injury is deemed to be work-related and compensable.

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### III. **DEFINITIONS:**

- a. **Work Related Injury** – any injury that happened while an employee is doing something on behalf of the City or in the course of employment.
- b. **Occupational Illness** - any abnormal condition or disorder, other than one resulting from an occupational injury, caused by exposure to factors associated with employment.
- c. **Catastrophic Injury** – an extreme, incapacitating injury and/or illness usually considered life-threatening, or which may result in serious residual disability which affects the employee's physical and/or mental health requiring immediate medical attention by a health care provider.
- d. **Police Officers** – means a paid employee who is full-time, holds an officer license issued under Chapter 1701, Occupations Code, and regularly serves in a professional law enforcement capacity in the police department. This term includes the chief of the department.
- e. **Firefighter** – means a firefighter who is a permanent, paid employee of the fire department of a political subdivision. The term includes the chief of the department. The term does not include a volunteer firefighter.
- f. **Emergency medical services personnel** - means an emergency care attendant, emergency medical technicians, advanced emergency medical technicians, emergency medical technicians--paramedic; or licensed paramedic person, as described by Section 773.003 of the Health and Safety Code, who is a paid employee of a political subdivision.
- g. **Light Duty** – includes Reduced Hours and Modified Duty as defined below.

### IV. **BENEFITS:**

The City of Frisco workers' compensation insurance provider is responsible for compensability determinations, recording and transmitting all information related to claims, serving as a liaison between injured employees and the City, departments, medical providers, and workers' compensation health care network; authorizing rehabilitation or other actions related to an injured employee's claims; and facilitating resolution of cases.

Job protection benefits include:

- a. **Continuous leave** – when an employee is unable to perform work in any capacity or alternate position. Continuous leave will be administered according to

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Chapter 177A TLGC and the City's FMLA, LOA, and/or ADA policies, as applicable.

b. **Reduced hours** – leave that reduces an employee's usual number of working hours per work week, or hours per workday; a change in a schedule for a period of time (i.e. full-time to part-time). Reduced hours will be administered in accordance with Chapter 177A and the City's FMLA, Return to Work, and/or ADA policies, as applicable, and to the extent an employee is eligible.

c. **Modified duty** – a temporary accommodation assigned to an employee with limitations in a current or alternate position. Modified duty will be administered in accordance with Chapter 177A, the City's Return to Work and/or ADA policies, as applicable, and to the extent an employee is eligible.

An employee may utilize any combination of the above job protection benefits for which he/she is eligible until Maximum Medical Improvement (MMI) has been reached.

V. **JOB PROTECTION BENEFIT RUNS CONCURRENT WITH OTHER LEAVES:**

If the employee is approved for workers' compensation benefits, the employee's absence from work is automatically approved for FMLA, provided he/she has met the FMLA's eligibility requirements. This means that workers' compensation continuous leave and reduced hours will run concurrently with FMLA leave. In determining the amount of family medical leave available to an employee, the City will use a 'rolling calendar' by considering any family medical leave taken in the twelve (12) months prior to the date the workers' compensation leave is to begin and continuous with each additional day leave is taken. See Family and Medical Leave policy.

If the employee is approved for workers' compensation, the employee's absence from work may be approved for City Leave of Absence (LOA) once all FMLA leave is exhausted, or if the employee is not eligible for FMLA leave. This means that workers' compensation continuous leave and reduced hours will run concurrently with LOA leave. In determining the amount of LOA available to an employee, the City will use a 'rolling calendar' by considering any LOA taken in the twelve (12) months prior to the date LOA leave is to begin and continuous with each additional day leave is taken. See Leave of Absence policy.

VI. **SUPPLEMENTAL WAGE BENEFIT:**

The City provides Supplemental Wage Benefits (SWB) in accordance with Chapter 177A LGC to Police, Fire and Emergency Medical Services employees who have a

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work-related injury or illness that is covered by Workers' Compensation. This provides employees with approximately their regular take home pay while they are unable to work due to a compensable on-the-job injury or illness, minimizing a loss of earnings while off work.

In no event will Supplemental Wage Benefits be continued:

- A. After a workers' compensation agreed judgement has been reached;
- B. After MMI has been reached; or
- C. After an impairment rating has been assigned.

An employee that is a police officer, firefighter, or qualifies as an emergency medical services personnel, may be entitled to a leave of absence for an illness or injury related to the person's line of duty. The leave is with full pay for a period commensurate with the nature of the line of duty illness or injury according to Chapter 177A. If necessary, the leave shall continue for at least one year. At the end of the leave of absence under Chapter 177A, the leave of absence may be extended on a case-by-case basis.

## **VII. FORFEITURE OF SUPPLEMENTAL WAGE BENEFIT:**

An employee will forfeit all rights to Supplemental Wage Benefits if the employee:

- A. Fails or refuses to comply with the instructions or advice of the treating physician or another physician performing an independent medical examination for the City regarding treatment of the injured condition. This would also include failure to keep medical appointments and failure to forward DWC-73 or changes to work status to Human Resources.
- B. Refuses to submit to any independent medical examination or treatment required by the City in accordance with workers' compensation laws.
- C. Refuses to return to regular duty after being released for regular duty by a treating physician or another physician performing an independent medical examination for the City.
- D. Falsifies or misrepresents a physical condition or capacity.
- E. Fails to report as agreed upon with the employee's Supervisor.
- F. Is injured as a result of any of the following:
  - 1. The employee's failure to observe safety policies, procedures, or instructions, as determined by employee's department director or City Manager or designee;
  - 2. The employee's violation of any Federal, State or local law, ordinance, General Orders, operating procedures, or statute; or
  - 3. Gross negligence of the employee.

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- G. Is found to be working while receiving Supplemental Wage Benefits, in any capacity without written City approval which would be inconsistent with the injury sustained or not deemed consistent with the recovery or rehabilitation, as a volunteer or otherwise, for or on behalf of himself/herself or any other person, firm, corporation, or any other employer.
  - H. Terminates employment or is involuntarily terminated from employment while receiving Supplemental Wage Benefits.
  - I. Has their workers' compensation claim denied.
  - J. Fails to act in a manner consistent with being off work convalescing.

VIII. **RETURN TO DUTY:**

If the employee is not able to return to his/her position and perform the essential functions of the position, with or without reasonable accommodation, after one (1) year from the date of injury the employee may seek a Leave of Absence or a Light Duty assignment. A Leave of Absence may be compensated by Temporary Income Benefits (TIB's) and employee paid time off, to the extent the employee is eligible. This job protection Extension will continue until the employee returns to their position or reaches MMI, whichever comes first. After recovery from a temporary disability, the firefighter, police officer, or emergency medical services personnel can be reinstated at the same rank and with the same seniority the person had before going on temporary leave provided they can perform the essential functions of the job with or without reasonable accommodation.

If an employee with a **catastrophic injury** is not able to return to their position after MMI is determined, the employee may be allowed to use their leave balances until they reach maximum pay out limits if extended by City Manager with consultation from department director. All decisions regarding reasonable accommodations will be made in accordance with the City's ADA policy.

IX. **OTHER EMPLOYMENT DURING LEAVE PROHIBITED:**

Under no circumstances may an employee on FMLA leave, sick leave, disability leave, or workers' compensation leave engage in outside employment during the period of leave unless expressly authorized in writing in advance by the Department Director and Human Resources Director.

X. **FRAUD**

An employee who fraudulently obtains leave is not protected by the FMLA's job

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restoration or maintenance of health benefits provisions. Furthermore, an employee who commits fraud will be subject to disciplinary action up to, and including, termination from City employment.