

**MONTGOMERY COUNTY, TEXAS
EMPLOYEE POLICY MANUAL
4. BENEFITS AND LEAVE**

4.3 WORKERS' COMPENSATION

- APPLICABILITY** 4.3-1 All employees of Montgomery County are covered by the County's workers' compensation program while on duty for the County unless they have elected to retain their common law right of action.
- BENEFITS** 4.3-2 An employee who suffers a job-related illness or injury is eligible to have all medical expenses paid for such injury or illness and, if unable to work for more than seven calendar days, shall be eligible to receive partial salary continuation benefits which begin with the eighth day of disability; by law, certified peace officers receive full salary continuation.
- RESPONSIBILITY FOR REPORTING** 4.3-3 An employee who suffers an on-the-job illness or injury shall notify his supervisor as soon as is reasonably possible; he will fill out the appropriate reporting forms and forward them within 12 hours of notification by the employee to the Risk Management Department. Failure to report job-related illnesses or injuries in a timely manner may affect an employee's eligibility to receive workers' compensation benefits or may delay benefit payments. The supervisor is required to notify Risk Management and Human Resources when the injured worker returns to work.
- FMLA** 4.3-4 Time off work due to a job-related illness or injury will run concurrent with time to which the employee is otherwise entitled under the Family and Medical Leave Act.
- MAXIMUM LENGTH OF LEAVE** 4.3-5 No employee is guaranteed that his job will be held open for any period of time unless he is entitled to and files for leave under the Family and Medical Leave Act, in which case he will be entitled to up to 12 weeks (480 work hours) of leave, after which time the employee will be terminated if he is still unable to perform the essential functions of the position or any other available position, with or without reasonable accommodation. The employee must provide the paperwork required under Sections 4.7-8 and 4.7-9 of our Family Leave policy. Based on the circumstances and the needs of the department, up to 14 weeks of additional leave may be granted at the discretion of the elected official or department head, however the only guaranteed leave under this policy is the up to 12 weeks mentioned above if the need is properly supported by medical documentation which satisfies the County's workers' compensation administrator.
- ACCRUAL OF BENEFITS** 4.3-6 Employees do not accrue vacation or sick leave while on workers' compensation salary benefits unless they are certified peace officers and are on full salary continuation as required by law. They also are not paid by Montgomery County for any holidays falling during their period of absence.

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PROHIBITION 4.3-7 An employee may not perform any outside work or engage in any extra duty employment on the same calendar day(s) that he fails to report to work due to illness or injury.

**PHYSICIAN'S
RELEASE** 4.3-8 An employee who has been receiving workers' compensation salary benefits shall be required to provide a completed Workers' Compensation Status Report (TWCC-73) from the attending physician before being allowed to return to work. The release shall include whether or not the employee can return to full-time status with or without restrictions.