

## **SECTION 18: WORKERS' COMPENSATION**

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### **A. WORKERS' COMPENSATION COVERAGE:**

Tooele City operates under the Workers' Compensation provisions found in the Utah Code, and in particular Utah Code 35-1-45 which provides:

“Each employee mentioned in Section 35-1-43 who is injured and the dependents of each such employee who is killed, by accident arising out of and in the course of his employment, wherever such injury occurred, if the accident was not purposely self-inflicted, shall be paid compensation for loss sustained on account of the injury or death, and such amount for medical, nurse, and hospital services and medicines, and, in case of death, such amount of funeral expenses, as provided in this chapter. The responsibility for compensation and payment of medical, nursing, and hospital services and medicines, and funeral expenses provided under this chapter shall be on the employer and its insurance carrier and not on the employee.”

### **B. REPORTING OF INJURIES:**

Any employee sustaining an injury arising out of and in the course of employment shall notify the supervisor immediately. If the employee is unable to provide notification, the employee's next-of-kin or attorney may provide notification of the injury to the supervisor. The supervisor shall immediately report the injury to the City's designated officer.

### **C. EMPLOYER'S REPORTS:**

The City shall file a report of injury with the Industrial Commission of Utah within seven days after the occurrence of an injury after the City's first knowledge of the occurrence, or after the employee's notification of the same, on forms prescribed by the commission, of any work-related fatality or any work-related injury resulting in medical treatment, loss of consciousness, loss of work, restriction of work, or transfer to another job. The City shall file a subsequent report with the commission of any previously reported injury that later resulted in death. The subsequent report shall be filed with the commission within seven days following the death or the City's first knowledge or notification of the death. No report is required for minor injuries, such as cuts or scratches that require first-aid treatment only unless a treating physician files, or is required to file the Physician's Initial Report of Work Injury with the commission. The City shall provide the employee a copy of the reports submitted to the commission. Tooele City shall also provide the employee with a statement, as prepared by the commission, of the employee's rights and responsibilities related to the injury.

### **D. MAINTENANCE OF RECORDS:**

Tooele City shall maintain a record in a manner prescribed by the commission of all

## **SECTION 18: WORKERS' COMPENSATION (CONT.)**

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work-related fatalities or work-related injuries resulting medical treatment, loss of consciousness, loss of work, restriction of work, or transfer to another job.

### **E. LEAVE AND COMPENSATION:**

Each employee eligible to receive workers' compensation is subject to the following:

1. The first three days of absence shall be taken as sick leave, if available.
2. Beginning with the fourth day, the employee will be required to discontinue sick leave benefits and begin workers' compensation benefits. If a benefit check has not been received by the time the next pay day is reached, an advance will be authorized for the approximate benefit amount due. When the benefit check is received by the employee, the advance must be immediately repaid. Once workers' compensation benefits begin, the employee will be placed on leave without pay but will continue to receive all regular City benefits at the City's expense at the current rate of contribution. If an employee is terminated, City benefits shall cease.
3. Under no circumstances shall an employee be permitted to receive a City paycheck while being paid compensation under the workers' compensation provisions.

### **F. RETURN TO WORK:**

When an employee returns to work, the employee shall notify the mayor's designee who shall notify the commission to terminate the workers' compensation. An employee's right to return to City employment is governed by the following:

1. If an employee is on approved leave and returns to work within a one-year period, the employee shall be entitled to the previous position held or one with equivalent pay.
2. If the employee is on approved leave and desires to return to work later than one year after the injury, there is responsibility to find a position similar in pay to that previously held. The City may require medical evidence upon which to make a judgement.