

**CITY OF NEW ORLEANS
CHIEF ADMINISTRATIVE OFFICE**

Policy Memorandum No. 12 (R)

May 4, 2023

TO: All Departments, Boards, Agencies, and Commissions

FROM: Gilbert A. Montaña, Chief Administrative Officer 

SUBJECT: **WORKERS' COMPENSATION POLICY AND PROCEDURES**

I. PURPOSE

This memorandum reestablishes the policy and procedures for the City of New Orleans (City) related to workers' compensation benefits, use of leave time, the State Second Injury Fund, and the City's continuation of providing medical benefits to NOPD Reserve Officers injured on-the-job in the course of providing police services for the City. The memorandum is also revised to reflect the City's transition of its Workers' Compensation Third Party Claims Administrator (TPA) services from Corvel, Incorporated to Hammerman & Gainer International (HGI). The City's early return-to-work and transitional duty policy is also included.

II. CLAIMS MANAGEMENT

The City of New Orleans has contracted with Hammerman & Gainer, LLC (HGI) to act as its workers' compensation Third Party Administrator and Claims Management service provider. The responsibilities of the Third-Party Administrator (TPA) include but are not limited to: managing the City's claims reporting, case management, indemnity/medical payments, and ensuring timely processing of workers' compensation claim benefits to eligible City employees in accordance with Louisiana Workers' Compensation Law and the policies and procedures approved by the City of New Orleans. Generally, all City employees are covered under the City's workers' compensation program.

III. PROCEDURES

- A. The injured employee must notify his or her immediate supervisor immediately following any and all work-related injuries.
- B. The supervisor must then initiate a call to the HGI 24/7 Work Injury Nurse Line at 1(888) 767-4067. This will begin the triage process and determine the proper course of medical treatment for the employee.
- C. The Triage Nurse will determine whether first aid or a referral to an Occupational Medicine Provider is needed.
- D. The employee's departmental workers' compensation designee/liaison must complete the First Report of Injury or Illness form (State form LWC-WC IA-1), a copy of which is attached to this memorandum, within 24 hours of the incident/injury by any of the following four ways:

1. Online via <https://hgi.global> (Scroll to bottom of page and click "Workers Compensation FNOI" and complete form); or
2. Fax the completed LWC-WC IA-1 form to (504) 522-5532; or
3. Email the completed form to: Claims@hgi-global.com; or
4. Call the Nurse Hotline at 1(888)767-4067.

IV. THIRD PARTY CLAIMS ADMINISTRATOR (TPA)

HGI is responsible for determining if an employee is eligible for workers' compensation, payment of compensation benefits, and reimbursement for medical bills. HGI is authorized to use appropriate means to investigate claims, refer employees to physicians, and certify that employees can return to work when medically appropriate. Any information relating to on-the-job injuries, such as medical bills, medical reports, or other documents, shall be promptly forwarded to HGI.

The City authorizes HGI to make all physician referrals related to on-the-job injuries or illnesses. Departments shall contact HGI for the names of approved occupational medical providers, and referral of employees for emergency treatment. In no case shall a department refer an employee to a medical provider for any medical services other than emergency treatment. HGI has the authority to refer City employees to a medical specialist when necessary.

The City has the right to require an injured employee to be examined by a physician provided and paid for by the City, as soon after the accident as deemed appropriate, and as often as may be reasonably necessary thereafter. The City also has the right to require that an employee submit to drug and alcohol testing immediately following a job-related accident. If an employee refuses to submit to testing immediately following a job-related accident, it shall be presumed that the test result would have been positive. Workers' compensation benefits will not be paid when an employee tests positive after an accident, unless the employee proves that the substance identified by the test was not a contributing cause of the accident.

The employee may select one doctor of the employee's choice in each specialty field necessary for the job-related injury; however, the employee must receive prior approval from HGI for any services that cost more than a total of \$750 per provider. This limitation applies to doctors, hospital services, prescriptions, physical therapy, laboratory tests, and any other medical services.

HGI may require the employee to submit to an examination by a physician of the City Administrator's (HGI) choice. Failure to submit to any reasonable examination may cause compensation payments to be suspended until the employee complies with the examination. Whenever the employee submits to any type of medical examination at the request of HGI, and a medical report is received by the employer, the employee may make a written demand for a copy of the report from the employer. The employer shall, within 30 days of the written demand, provide the employee with a copy of the requested written report at no cost to the employee. The employee is also entitled to receive any medical information released to the City by a health care provider.

HGI is required to pay all approved reasonable and necessary expenses for medical treatment and the travel to obtain treatment. Any services over \$750 and any non-emergency hospitalization must be pre-approved by HGI. If an employee has paid any medical expenses, itemized receipts shall be sent to HGI for reimbursement.

HGI Contact Information:

- 24/7 Work Injury Nurse Line – (888) 767-4067
- Claim's Department Main Line – (504) 681-6147

V. PAYMENT OF BENEFITS

In accordance with the State of Louisiana Workers' Compensation Law, an injured employee is not entitled to weekly compensation benefits for the first week out of work. In cases where disability continues for two weeks or longer after the accident, compensation for the first week shall be paid after 14 days of disability. If an employee sustains a job-related injury for which he or she is entitled to workers' compensation, the employee may be able to receive a regular full paycheck if the employee has a sufficient amount of accumulated sick or annual leave.

The first week out of work shall be reflected on the payroll as a full charge to sick leave, annual leave, or leave without pay. After the first week, if the disability continues and HGI has determined that the employee is entitled to receive workers' compensation benefits and the employee has sufficient sick and annual leave, the difference between the compensation benefits due to the employee and his regular base pay can be charged to the sick or annual leave, if so desired by the employee.

If the employee elects to use sick or annual leave for the first week following a compensable work-related injury, HGI will reimburse the City (via check), for the aforementioned leave time (reimbursement will be at the workers' compensation rate at the time of the injury). The Accounts Payable Department will be responsible for crediting the leave time used back to the employee's accumulated leave bank.

VI. WORKERS' COMPENSATION LEAVE CHARGE

The percentage of leave charged to workers' compensation depends on the employee's salary at the time of the accident and the minimum and maximum compensation benefits under state law at the time of the accident. Under state law, the minimum and maximum compensation benefits are adjusted annually (typically effective September 1). Please contact the Risk Management Division should you have any questions regarding the minimum or maximum indemnity benefits. The departmental HR Representative(s) shall retain a record of the daily compensation benefit to which an employee is entitled in order to facilitate calculations of the hours charged to workers' compensation leave and the hours charged to sick, annual or leave without pay, if an employee's salary changes after the date of injury.

VII. EARLY RETURN TO WORK AND TRANSITIONAL DUTY

The City is committed to assisting an employee on workers' compensation in returning to work as soon as medically possible. The employee shall be assigned transitional duty in the original department whenever possible. Transitional duty, sometimes called modified duty, allows the injured employee to return to a suitable work environment, minimize the length of the disability period, and perform work within the limits of the employee's medical/physical restrictions.

While working in a transitional duty position, the employee will be required to complete a weekly time sheet and submit said time sheet to his or her original department HR Representative. The HR Representative shall be responsible for ensuring the time worked is entered and approved in the ADP online computer payroll system. In cases where the employee is required to use a time clock in tracking his or her work hours at their original department, the employee shall contact the HR Representative (original department), to assist in tracking their work hours.

Please refer to the Workers' Compensation Early Return-to-Work/Transitional Duty Program Instructions and Procedures attached to this document. Further details and specific instructions for the transitional duty program may be obtained from the Risk Management Division.

VIII. RESPONSIBILITY OF SUPERVISORS

It is the responsibility of all supervisors within City departments and agencies to enforce rules and regulations concerning employees under their supervision. It is the supervisor's responsibility to ensure that personal protective equipment issued to employees is worn, that unsafe acts/conditions or practices of employees are not tolerated, that a safe working environment is maintained, and that the work area is kept free of hazard. Supervisor reports of any job-related incident/injury must be completed timely and forwarded with the LWC-WC IA-1 Form (First Report of Injury or Illness) to HGI.

IX. SECOND INJURY FUND

The Louisiana Workers' Compensation Second Injury Fund, in which the City participates, will compensate the employer for part of the workers' compensation cost paid to an already partially disabled employee who is injured on the job. When a partially disabled employee is hired, the hiring department must complete the Second Injury Fund Medical Questionnaire. The hiring department shall retain the original medical questionnaire in the employees' personnel file. In the event a claim on behalf of the City is filed with the Second Injury Fund, a copy of the medical questionnaire shall be provided to HGI by the employees' hiring department.

X. NOPD RESERVE OFFICERS

The City will provide medical benefits to any NOPD Reserve Officer who is injured in the line of duty while performing law enforcement or protective services for the City of New

Orleans. NOPD Reserve Officers and their supervisors shall follow the procedures and policies established in this memorandum regarding job-related injuries.

Pursuant to the Louisiana Workers' Compensation Law, the City shall not provide indemnity benefits to NOPD Reserve Officers, nor shall the City be liable for benefits for injuries occurring within the course of, or arising out of, the Reserve Officer's other employment. Further, the City will not provide medical benefits to an NOPD Reserve Officer in circumstances where the injured officer is acting outside the course and scope of his or her duties as an NOPD Reserve Officer or if the injury is caused by the grossly negligent or reckless conduct of the officer.

XI. BULLETIN BOARD POSTERS

Louisiana Revised Statute 23:1302 provides that a bulletin board notice with instructions as to what an employee shall do when injured at work shall be posted at some convenient and conspicuous point in the place of business. This information is contained within the Federal Wage & Labor Law (State of Louisiana) Poster.

XII. INQUIRIES

Questions regarding this memorandum should be directed to the Office of Risk Management at (504) 658-8600.

Attachments:

- Workers' Compensation- First Report of Injury or Illness Form (Form LWC-WC IA-1)
- Workers' Compensation Early Return-to-Work/Transitional Duty Program Instructions and Procedures