

ARTICLE 33

WORKER'S COMPENSATION

- A. An Employee covered by this Agreement who has sustained a personal injury arising out of and in the course of actual performance of duty in the service of Macomb County, which personal injury incapacitates him/her from performing his/her assigned duties, shall be granted disability compensation for the period of incapacity, subject to the following provisions:
1. The employee must be eligible for and receive Worker's Compensation on account of such bodily injury.
 2. The incapacity, as above set forth, must continue for the duration of the period of compensation.
 3. Any employee suffering an injury within the meaning and definition of this paragraph shall immediately notify his/her supervisor. If instructed by the supervisor, the injured employee shall report to a medical facility approved by the County.
 4. The employee, so incapacitated, shall be continued on the County payroll during the period of disability compensation hereinafter set forth.
 5. For the period during which the employee is disabled and receiving pay supplemental to his/her Worker's Compensation, the employee will accumulate seniority, Sick Leave and Annual Leave time.
 6. The County shall have the right to fill the position vacated by the employee receiving Worker's Compensation, through temporary appointment or hire, for the entire period in which the position is temporarily vacant, notwithstanding Article 11, Regular Employee Defined. A current employee filling the position on a temporary basis shall not accrue classification seniority. The position shall become a regular vacancy at the time the active employment relationship is terminated with the employee receiving Worker's Compensation.
 7.
 - a. An employee who has provided the required medical certification that he/she can return to duty and perform the essential functions of the job without restrictions, shall be returned to work in the same classification and department.
 - b. An employee who has provided the required medical certification that he/she can return to duty and perform the essential functions of the job with reasonable accommodation, shall be returned to work in the same classification and department, if possible; otherwise he/she shall be returned to work in compliance with the provisions of the Americans with Disabilities Act (ADA).
 8. Disability compensation shall be made to such County employee in the following manner and upon the following basis:
 - a. The compensation received by such employee under the Worker's Compensation Act shall be supplemented by payment from his/her accumulated Sick Leave Reserve (and the employee's Annual Leave Bank if the employee so chooses) of that amount of money necessary to equal his/her regular salary and the employee's Sick Leave Reserve (and Annual Leave Bank if the employee had so chosen) shall be charged only in the same proportion as his/her Sick Leave Reserve (and Annual

Leave Bank if the employee had so chosen) payment is to his/her regular wage or salary for the day, week, half-month, or other period. This supplement shall continue for 104 weeks or until the employee's Sick Leave Reserve (and Annual Leave Bank if the employee had so chosen) has been depleted, whichever occurs first.

- b. If the employee's Sick Leave Reserve (and Annual Leave Bank if the employee so chooses) has been depleted and the employee has been receiving Worker's Compensation payments for less than 104 weeks, the County of Macomb shall pay to such employee a sum money, in addition to Worker's Compensation payments, whereby the combination of Worker's Compensation payments and such County supplement shall equal two-thirds (2/3) of the employee's regular wage or salary. The County 2/3rds pay supplement shall be made for a period not to exceed twenty-six (26) weeks; however, in no case shall the combination of the supplement payments (8 (a) and 8 (b)) exceed 104 weeks.
 - c. Upon the expiration of the 104 weeks an employee unable to return to duty shall be terminated by the County. The County will have no further obligation to the former employee, unless the employee qualifies for and receives retirement benefits as provided in Article 19, Retirement System and the Macomb County Employees' Retirement Ordinance.
 - d. Any Sick or Annual Leave earned and accrued once the County 2/3rds pay supplement begins shall be paid to the former employee upon termination of the active employment relationship.
9. The foregoing provisions shall neither restrict nor enlarge upon the provisions and benefits accorded by the Macomb County Employees' Retirement Ordinance relative to total and permanent disability provided for therein.
- B. Field Personnel Of Public Works And 8 1/2 Mile Pump Station Of Public Works: Field personnel of Public Works and 8 1/2 Mile Pump Station shall receive Worker's Compensation according to the provisions of Appendix C (the Supplement attached to this Master Agreement).