

# Welcome to the Occupational Medical Services (OMS) Disability Leave (DL) 2021 Update !



- The host has muted audio at this time.



# Disability Leave 2021 Update Departmental Risk Coordinator

---

Occupational Medical Services Unit  
June 2021

# Facilitators



## Host

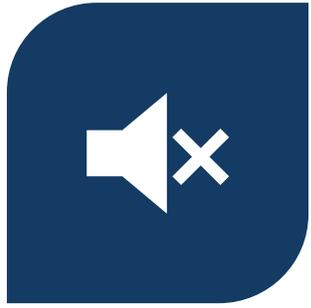
Shawn Y. Stokes  
OHRM Director



## Presenter

Shalisha Hines Ivy, Esquire  
Risk Management Specialist

# Ground Rules



## **MUTE YOUR MICROPHONE**

*Cut down on audio interference when you're not talking*



## **CHAT TO STAY ENGAGED**

*Stay engaged by sharing thoughts in chat box to ensure a productive conversation*



## **SUBMIT QUESTIONS TO Q&A**

*We will stop to answer questions throughout the session.*



## **ADDITIONAL GUIDANCE**

*Any unanswered questions will be addressed and posted online*

# Objectives

**At the end of this training, you will be able to:**

- Understand the purpose of Disability Leave (DL)
- Identify the key stakeholders in the DL request and review processes
- Understand the roles and responsibilities of the key stakeholders
- Access specific resources available related to DL requests

# Agenda



**The Pillars of  
DL**



**DL  
Eligibility**



**DL  
Process**



**DL Resources**

# The Pillars of DL



# Important Abbreviations

| Abbreviation | Term                                    |
|--------------|---|
| APN          | Attending Physician Notification        |
| Clinic       | County Onsite Medical Clinic            |
| DL           | Disability Leave                        |
| DRC          | Departmental Risk Coordinator           |
| OMS          | OHRM Occupational Medical Services Unit |

# Disability Leave

- **Disability Leave (DL)** provides a full salary benefit that is not charged against an employee's annual or sick leave pursuant to County Personnel Law Section 16-224 and Personnel Procedure 284. This County benefit is provided to an eligible employee who timely reported an injury/illness that was sustained directly in the performance of the employee's work and which caused employee's temporary disability.
- **Justification:** Personnel Law Section 16-224 authorizes a licensed physician retained by the County to medically determine whether a County employee has sustained a work-related injury and to recommend the appropriate duty status based on the employee's current medical symptoms and their respective job responsibilities.
- **Exam Goal:** The goal of the examination is to determine (at the time of the clinic visit) whether the medical condition presented is from a work-related incident/accident or if the condition is non-occupational and to provide a duty status determination.
- Process is managed at the Agency/Department level by the **Departmental Risk Coordinator (DRC)**

# DL Basics

## Employee Benefits

- Full salary continuation
- No charge to accrued leave banks
- 180 calendar day max unless extended by collective bargaining agreement
- County service continuation
- Insurance coverage continues

## Employee Responsibilities

- Provide 24 hour written notice of injury/illness to supervisor
- Notice exceptions for extenuating circumstances only
- Complete Injury/Incident Report
- Attend scheduled DL exams

## Clinic Duties

- Conduct appropriate DL exam(s)
- Determine medical causal relationship of current diagnosis
- Determine duty status
- Issue DL Status & Form 2099

# Pay During DL

- Employees receive full, taxable wages while on approved DL, up to the amount of DL hours approved, depending on the amount of hours employees actually missed from work on the day(s) DL was granted.
- Employees does not need to have accrued leave in order to recover from a DL-qualifying injury/illness because DL is not charged against an employee's annual or sick leave balances.



# DL Eligibility

# Covered Employee

A covered employee is a:

- Permanent full-time employee; or
- Permanent part-time employee.
- Includes both classified and exempt employees

# Eligible Employee

An eligible employee is:

- Temporarily disabled, as a result of an injury or illness sustained directly in the performance of their work; and
- An employee who timely reported that they believed their injury/illness was work-related to their supervisor in writing within 24 hours of their workplace incident, unless extenuating circumstances exist.

# Ineligible Employee Examples

- Hourly
- Seasonal
- Contract
- Limited, Grant Term Funded
- Summer Youth
- Senior Aides

# DL Process



# Revised DL Process Benefits

OMS has revised its current workflow to effectively manage the DL request, review, and approval processes, which provides the following benefits:

Protects employees' health and medical information

Streamlines DL request and approval processes

Enhances the efficiency of DL review processes

# Disability Leave | Employee Responsibilities

**The requesting injured employee is responsible for the following tasks related to Disability Leave:**

- Submitting a written report to their direct supervisor that specific injury/illness is work-related within 24 hours of injury/illness occurrence
- Completing all required injury paperwork as instructed by their DRC
- Attending their scheduled appointment(s) at the Clinic until released to full duty by Clinic
- Prior to their scheduled DL appointment, providing Clinic with a copy of all medical records related to any treatment they have received due to their injury, illness, or condition for which they are being assessed for DL purposes

***Please note:*** An employee has the right to receive treatment with another medical provider for workers' compensation purposes but must continue assessment by the Clinic for DL approval purposes

# Disability Leave | DRC Responsibilities

**The DRC is appointed by the Agency Appointing Authority and is responsible for the following tasks related to DL:**

- Verifying that the employee sustained an injury/illness in the direct performance of their job duties;
- Verifying that the employee reported that they sustained a job-related injury/illness to their supervisor within 24 hours of occurrence, unless extenuating circumstances exist;
  - If the answer to either question is No; Notify employee in writing that they are not eligible for DL and keep a record of all injury-related correspondence.
- Lastly, the DRC should ensure that at the time of injury reporting, the employee advised the supervisor that they believed their injury/illness occurred directly in the performance of their duty.

# Disability Leave | DRC Responsibilities

**If all DL eligibility requirements have not been met, or if employee does not elect to be reviewed by the County Clinic for DL purposes, the DRC should:**

- 1) Notify employee in writing that they are not eligible for DL and include the justification for the denial via issuance of a DL Denial Notification
  - 2) Keep a copy of the employee's denial memo, along with all injury-related correspondence, in their departmental risk records.
  - 3) Email a copy of the DL Denial Notification to OMS and the County's Third-Party Administrator for record-keeping purposes.
- Please note that since only employees who are eligible for DL go to the Clinic for DL reviews, the DRC should not complete the DL Checklist or send any injury paperwork to OMS for an employee whom the DRC has been preliminarily determined to be ineligible for DL.

# Disability Leave | DRC Responsibilities

**If DL eligibility has been verified and employee is willing to be reviewed by the County Clinic for DL purposes, the DRC should:**

**1)** Email the completed DL checklist, all required injury paperwork (no medicals), and a completed but unsigned DL Clinic Authorization Form for eligible employees to OMS at [disabilityleave@co.pg.md.us](mailto:disabilityleave@co.pg.md.us).

**2)** Within 1 business day of receiving a signed DL Authorization Form, email the entire DL Request Packet to the Clinic at [pgcleave@concentra.com](mailto:pgcleave@concentra.com).

- Ensure the DL Request Packet includes the employee's injury paperwork, a copy of the employee's current position description, a copy of the signed DL Clinic Authorization Form, and any medicals that have not already been provided to the Clinic.

# Disability Leave | DL Authorization Form

The **DL Authorization Form** authorizes the Clinic to medically examine the employee for work-related injury/illness purposes and must include the following information:

- ✓ DRC must complete employee demographic information
- ✓ OMS designee must sign and date form prior to Clinic submission
- ✓ Appointment details should be included and form re-saved prior to employee issuance

**AUTHORIZATION FOR OCCUPATIONAL MEDICAL SERVICES**

| EMPLOYEE INFORMATION   | COUNTY CLINIC ORDERING INFORMATION  |
|--|---|
| Employee Last Name   | Prince George's County Government   |
| Employee First Name  | 1400 McCormick Dr.<br>Largo, MD 20774   |
| Employee County Identification Number  | <b>SERVICE PACKAGE</b>  |
| Incident Date and Recurrence Date (if applicable)  | <input checked="" type="checkbox"/> Disability Leave Assessment                 |
| Department Requesting Exam   | <input type="checkbox"/> Duty Status Assessment                                 |
| Employee Classification Title/Position   | <input type="checkbox"/> FFD Assessment   |
| <b>EMPLOYEE INSTRUCTIONS</b>   | <input type="checkbox"/> Agency/Departmental IME Request                        |
| Upon Clinic arrival, please provide a copy of your photo identification and a copy of all medical records related to any treatment you have received due to your injury, illness, or condition to the Clinic. Also, please be advised that a County Clinic examination is required for DL approval. Please note that any approved benefits and duty status determinations will automatically terminate on the date of your next scheduled appointment. | <b>COUNTY DESIGNEE AUTHORIZING CLINIC MEDICAL EXAM</b>                          |
| <b>MEDICAL EXAM LOCATION</b>   | Print Name  |
| Concentra Urgent Care – Lanham<br>4451 Parliament Place, Suite F<br>Lanham, MD 20708   | Title   |
| <b>APPOINTMENT DATE:</b>   | Authorizer Signature  |
| <b>APPOINTMENT TIME:</b>   | Approval Date   |
|  | Email results to the appropriate County email box per the service package above |

# Disability Leave | DRC Responsibilities

- 3) Once contacted by the Clinic with DL appointment options, the DRC should consult with the employee to confirm employee's availability to attend appointment.
- 4) After appointment details are finalized with the Clinic, the DRC should insert them on the signed DL Authorization form, re-save the DL Authorization form, and provide a copy to the employee. The DRC should also remind employee of the DL ineligibility consequence if, absent unforeseen emergency reasons, they fail to fully cooperate and attend their DL appointment and that they are required to provide the Clinic with all medical records related to any treatment they have received due to their injury, illness, or condition. The DRC should also inform employee that if their DL appointment needs to be re-scheduled, the employee must notify them, not the Clinic.
- 5) Upon receipt of the DL Status Report and Form 2099 from the Clinic, the DRC is responsible for providing the employee with a copy of this report via email. These emails should be saved for appeal purposes.

# Disability Leave | DRC Responsibilities

**When contacted by an employee who requests that their previously scheduled DL appointment be rescheduled, at the time of the request, the DRC should ensure that the employee's request is justified.**

Please note that DL Appointments should only be re-scheduled due to unforeseen emergency situations.

- If the employee's rescheduling request is not justified, the DRC should immediately verbally notify the employee that they must attend their previously scheduled DL appointment and remind employee of the DL ineligibility consequence if they fail to fully cooperate and attend their DL appointment. In addition, the DRC should immediately memorialize this re-scheduling discussion in writing and send a copy to the employee.

# Disability Leave | DRC Responsibilities

**If the employee's rescheduling request is justified, the DRC should:**

- 1)** Verbally notify the employee that they will contact the Clinic and follow-up with the employee regarding DL appointment reschedule options within the next 2 business days.
- 2)** Upon receipt of a DRC's DL Appointment Re-Scheduling Request email, the Clinic will contact the DRC with new DL appointment options within 2 business days.
- 3)** Once contacted by the Clinic with new DL appointment options, the DRC should consult with the employee's supervisor to confirm employee's availability to attend the DL appointment. If the employee is not working due to the injury, the DRC should contact the employee directly to confirm employee's availability to attend the new Clinic DL appointment.

# Disability Leave | DRC Responsibilities

- 4) Once confirmed, the DRC should advise Clinic of preferred appointment details.
- 5) After the re-scheduled appointment details are finalized with the Clinic, the DRC should complete and send employee a copy of the Missed DL Appointment Notification memo.
- 6) Upon receipt of a Clinic's DL Appointment Missed notification email, the DRC should immediately contact the employee and inform employee that due to their missed appointment, their DL benefits have been suspended until they are examined by the Clinic and that written notification will be sent to them once new appointment details have been finalized with the Clinic.
- 7) The DRC should then follow steps 3-5.

# DL Recordkeeping

- Records and documents related to workplace injuries and work-related illnesses created for purposes of an employee seeking DL and/or WC benefits must be maintained in separate files or records from the employee's usual personnel files. Supervisors and managers should not be granted access to these confidential documents. Rather, they should only be given notice of their subordinate's necessary work restrictions.

# Disability Leave | OMS Responsibilities

**OMS is responsible for the following tasks related to Disability Leave:**

- Making an employee's final DL eligibility determination
- Ensuring that DL maximums are not exceeded for the injury at hand
- Ensuring compliance with all County personnel policies and procedures
- If eligible for DL, OMS will email the signed DL Clinic Authorization Form specifying that a DL Exam be performed to the DRC, within 3 business days of receipt of all required injury paperwork.

# Disability Leave | Clinic Responsibilities

## The Clinic is responsible for the following tasks related to DL:

- Once all information is received, contacting the DRC within 2 business days to schedule employee's appointment.
- Notifying the respective DRC via email when an employee has missed their scheduled Clinic appointment.
- Making a medical causal relationship determination as to the cause of the employee's current diagnosis, symptoms, and treatment plan, as well as a duty status determination.
- Obtaining an Independent Medical Examination whenever deemed medically necessary to render an appropriate DL assessment.
- Within 1 business day of the completed DL exam, issuing the DL Status Report via email to OMS, along with copies to the County's Third-Party administrator, the respective Finance Payroll Analyst, and the respective DRC.

# Disability Leave | DL Status Report

The **DL Status Report** which is issued by the Clinic replaces the old Form 2099 that was issued by OHRM.

This combined report provides the Clinic's medical duty status determination for the employee and approves the employee for all eligible DL benefits resulting from that duty status determination.

The Clinic will email copies to OMS, the TPA, and the respective DRC and Finance payroll coordinator.

## Form 2099 - Prince George's County Disability Leave (DL) Status Report

|                     |                       |                  |
|---------------------|-----------------------|------------------|
| Employee Name:      | Department:           |                  |
| Employee ID:        | Date of Injury:       |                  |
| Time in:            | Time Out:             | Date of Service: |
| Treating Physician: | Next Visit Scheduled: |                  |

In accordance with provisions of PGC Personnel Procedure 284, Section 9 (as defined by PGC, your disability leave (DL) request has been reviewed and a determination regarding your request for disability leave is indicated below:

### Medical Causal Relationship (check one):

- Not Work-Related Medical Issue** [PGC Status: Not eligible for Disability Leave]  
 **Work-Related Medical Issue** [PGC Status: Eligible for Disability Leave]

### Medical Duty Status and Resulting PGC Outcome (check one):

- No Duty** from \_\_\_/\_\_\_/\_\_\_ thru \_\_\_/\_\_\_/\_\_\_ [PGC Outcome - DL approved for scheduled shift every calendar day]
- Modified Duty**
- Return to Work with Restrictions to Work **Activities**. Employee is medically restricting from the following activities: \_\_\_\_\_. [PGC Outcome: DL approved for up to 4 hrs. for doctor and/or physical therapy visits while on work **activity** restrictions for the following dates: \_\_\_\_\_]
  - Return to Work with Restrictions to Work **Schedule**. Employee is medically capable of working \_\_\_ hours per shift. [PGC Outcome: DL approved for remainder of shift while on work **schedule** restrictions from \_\_\_/\_\_\_/\_\_\_ thru \_\_\_/\_\_\_/\_\_\_].
- Full Duty** - No Work Activity or Schedule Restrictions. [PGC Outcome: No additional DL will be granted after \_\_\_/\_\_\_/\_\_\_ as employee has been determined medically capable of working full duty]
- Permanent Medical Restrictions** [PGC Outcome: No longer eligible for DL]
- Pending** based on required follow-up information (specialist evaluation, diagnostic testing, etc.)

Should you have a question regarding this determination, or the disability leave procedure, please contact your departmental risk coordinator. **Non-union employees** who wish to challenge this determination must file a written complaint reconsideration request within *five (5) working days of receipt of this memorandum* with OHRM, Deputy Director, pursuant to Personnel Law Section 16-200. In addition, any documents supporting your complaint should be included. If non-union employees disagree with OHRM's response to the written complaint, a written appeal must be filed with the Personnel Board within five (5) working days of receipt of OHRM's response. For further information regarding the appeal procedures, please refer to Section 16-200 of the Personnel Law. An employee represented by a labor organization under the County Labor Code should contact your collective bargaining representative/steward to challenge or otherwise appeal this determination pursuant to their grievance procedure.

# DL Appeal Process

- Non-union employees who wish to challenge a DL determination must file a written complaint/reconsideration request within 5 working days of their DL Status Report receipt to OHRM's Deputy Director, pursuant to Personnel Law, Section 16-200. The request should include any supporting documents. If these employees disagree with OHRM's response to their written complaint, a written appeal must be filed with the Personnel Board within 5 working days of their receipt of OHRM's response.
- Employees covered by CBAs, should refer to the grievance procedures in their respective CBA and/or consult with their labor representative.

# Disability Leave | Key Takeaways

DRC completes but does not sign the DL Clinic Authorization Form prior to OMS submission for review

DRC files required injury paperwork but no medical records

Employee attends scheduled DL exams at Clinic for DL purposes

Employee submits all medical documentation directly to Clinic to ensure employee's confidentiality

Clinic determines DL benefits after a medical examination rather than OMS after medical record review

Clinic emails a combined DL and Duty Status Report in lieu of a Form 2099 to all interested stakeholders

# Questions about Disability Leave?

Please add your  
questions to the chat  
section in Zoom



# DL Resources



# DL Guidance

- To begin assessing eligibility for DL benefits, you can refer to the procedures provided on our Occupational Medical Services (OMS) website at [Medical-Leave](#) by clicking the DL tab.
- There are responsibilities and time-specific deadlines at each step of the process for both employees and County agencies/departments.

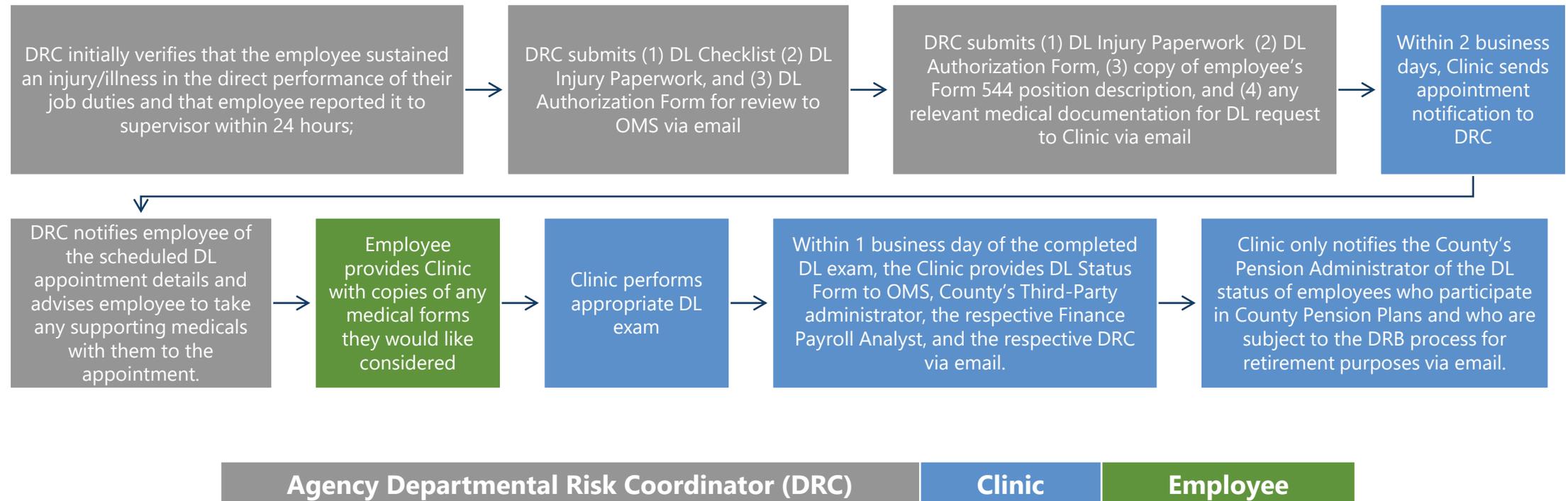
# DL Resources | OMS

The resources below are also available on the OMS website to assist DRCs with the DL process:

- ❑ [DRC DL Checklist](#)
- ❑ [DL Authorization Form](#)
- ❑ [DL Process At a Glance](#)
- ❑ [Missed Clinic DL Assessment Appointment Template](#)
- ❑ [DL Denial Notice Template](#)
- ❑ [Treating Physician's Duty Status Recommendation](#)
- ❑ [Modified Duty Welcome Template](#)
- ❑ [DL vs Workers' Comp Chart](#)
- ❑ [DL: Questions and Answers](#)

# Disability Leave Process At a Glance

The following process is used to request, process, and issue DL for an employee:



# County DL vs. MD Workers' Comp

|                       | County – DL  | MD State - WC  |
|-----------------------|--|--|
| Governing Law:        | County Personnel Law § 16-224<br>Personnel Procedure 284 § 9   | Title 9 of Labor and Employment Article,<br>Annotated Code of Md   |
| Governing Body:       | OHRM Director/designee   | MD Workers' Compensation Commission  |
| Eligible Employees:   | All full and part-time County employees,<br>both classified and exempt   | Every employee whose work actions<br>and/or functions are controlled by the<br>County                                  |
| Injury/illness Types: | Injuries/illnesses sustained directly in the<br>performance of employee's work   | Injuries/illnesses that arise out of and/or<br>during the course of employee's<br>employment                           |
| Benefits:             | A total of 180 calendar days of leave<br>granted, including any recurrences or<br>aggravations, for an approved<br>injury/illness* | Lifetime medical benefits, tax-free wage<br>replacement and disability compensation<br>payments for compensable claims |

# County DL vs. WC (cont'd)

|                            | County – DL  | MD State - WC   |
|----------------------------|--|---|
| Benefit/Claim Initiation:  | Submit required injury paperwork to Departmental Risk Coordinator (DRC)                                | File claim with MD Workers' Compensation Commission                     |
| Injury Notice Requirement: | Written notice to employee's supervisor within 24 hours of occurrence unless extenuating circumstances | Claim must be filed with Commission within 2 years of injury            |
| Document Submission:       | Employee submits injury/illness paperwork to DRC who forwards it to OMS                                | Employee submits injury/illness paperwork to County's TPA or Commission |
| Eligibility Notification:  | Clinic issues DL Status Report   | Commission issues WC Award or Order                                     |
| Appeal Process:            | File written reconsideration request to OHRM Deputy within 5 days of DL Status Report receipt*         | File Circuit Court Appeal within 30 days of WC Award or Order           |

# Contact Us

Contact OMS at one of the below-listed emails if you have any questions related to these general OMS processes and/or if you need a status report regarding one of your submitted OMS requests.

| Leave Process                   | OMS Unit Contact Information   |
|---------------------------------|--|
| <b>Fitness for Duty</b>         | <a href="mailto:DisabilityLeave@co.pg.md.us">DisabilityLeave@co.pg.md.us</a> |
| <b>Disability Leave</b>         | <a href="mailto:DisabilityLeave@co.pg.md.us">DisabilityLeave@co.pg.md.us</a> |
| <b>Family and Medical Leave</b> | <a href="mailto:FMLA@co.pg.md.us">FMLA@co.pg.md.us</a>                       |

# Additional Questions About DL?

Please add your questions to the chat section in Zoom





**Thank you for joining us!**