



CITY OF HAMILTON, OHIO

No. 308

ADMINISTRATIVE DIRECTIVE

Effective Date: 2-22-16

Supersedes No. 308 dated 11/10/75, 2/26/01

Approved by: Joshua A. Smith,
City Manager

SUBJECT: COMPENSATION FOR EMPLOYEE ATTENDANCE AT WORKERS’ COMPENSATION HEARINGS

PURPOSE: To provide for the uniform application of procedures relative to the use of employees’ leave for compulsory and/or voluntary attendance at Workers’ Compensation Hearings.

1. Policy.

- a. An employee who has filed a claim with the Bureau of Workers’ Compensation and who attends a hearing on that claim during regularly scheduled work hours may be able to use leave credits to receive compensation.

2. Implementing Procedures.

- a. Definitions
 - i. “Employee” as used herein, and unless otherwise defined, shall mean only those permanent employees of the City of Hamilton who have as claimants filed an application for benefits, either for medical expenses and/or lost time, with the Bureau of Workers’ Compensation. The claimant-employee is that City worker who claims to have suffered an “on-the-job” injury and who is personally seeking Workers’ Compensation benefits herefor.
 - ii. “Witness” or “Witnessing Employee” as used herein shall mean only those employees of the City of Hamilton who are appearing as a (claimant’s) witness to an alleged “on-the-job” injury at a Workers’ Compensation Hearing.
- b. Claimant-Employee
 - i. When a Workers’ Compensation Hearing has been scheduled for a time during which a claimant-employee would be on regular duty, the claimant-employee may (at the Director or his or her designee sole discretion), upon request with documentation of the time and date of hearing, be excused from work and may use leave credits.
 - ii. No claimant-employee shall ever receive overtime pay for attendance at Workers’ Compensation Hearings.
 - iii. Requests by claimant-employee for excusal from work shall be directed to the immediate supervisor who may grant or deny the request on the basis of manpower considerations as of the time the request is made. Claimant-employees must initiate requests for excusal from work prior to the scheduled hearing date by presenting the Bureau of Workers’ Compensation “Notice of hearing” form to the immediate supervisor.



- iv. Each request for excusal from work shall be limited to the actual time necessary to reach the Bureau office, to attend the hearing, and to return to the work site promptly after completion of the hearing.
 - v. If, because of a shortage of manpower, the aforementioned request must be denied, the Claimant-employee shall be instructed to contact the Bureau of Workers’ Compensation and to request a continuance of the hearing. In the event of a denial of a request for excusal, the employer shall likewise request a continuance of the hearing.
 - vi. After a request for excusal from duty has been granted, Supervisors shall record such absences on the appropriate time records and/or cards.
 - vii. No wages and/or salary shall be paid to a claimant-employee attending a Workers’ Compensation hearing outside of the corporate limits of the City of Hamilton, unless:
 - 1. Claimant-employee is receiving wage or salary by reason of his or her use of vacation or holiday leave or other earned and accrued paid leave time excluding Sick Leave.
 - viii. For hearings conducted outside the City limits (or corporate limits of the City of Hamilton) the above provisions dealing with request for excusal from work shall likewise apply, regardless of the fact that use of holiday leave or vacation leave or other such leave is being requested.
- c. Witness or Witnessing Employees
- i. A witnessing employee may request to be excused from work to appear as a witness to any Workers’ Compensation hearing of whatever type, wherever situate.
 - ii. Such requests for excusal from work shall be made in accordance with the provisions set forth above in paragraph (b).
 - iii. A witnessing employee who is to appear on behalf of a claimant shall receive neither wages nor salary unless:
 - 1. Such wage is received by reason of the witnessing employee’s use of vacation or holiday leave or other earned and accrued paid leave time excluding sick leave.
 - iv. If vacation, holiday or other earned and accrued paid leave (excluding sick leave) is not available, the witnessing employee may be excused from work without pay in accordance with paragraph (b). It should be noted that in most hearings, a witness’ testimony may be taken earlier in the form of an affidavit, and personal appearance at the hearing is not necessary.
- d. Nonpermanent Employees
- i. Nonpermanent City employees, including summer or temporary personnel, shall receive no compensation from the City of Hamilton, Ohio, for attendance at any Workers’ Compensation hearing.
 - ii. Requests for excusal from work shall be made and considered as provided for in Paragraph (b) herein.