

SECTION 20: OCCUPATIONAL DISEASE DISABILITY COMPENSATION

- A. **OCCUPATIONAL DISEASE DISABILITY COMPENSATION COVERAGE:**
Tooele City operates under the Utah Occupational Disease Disability Law found in Utah Code, Title 35, Chapter 2. Each employee sustaining an occupational disease as defined in Chapter 2, which includes anthrax, silicosis, and certain poisonings, may be entitled to compensation for disability or death. To qualify, the occupational disease must arise out of and in the course of employment and the disease cannot be acquired through willful misconduct, willful self-exposure or disobedience to such reasonable rules and regulations as may be adopted by the City.
- B. **REPORTING OF INJURIES:**
Any employee sustaining an occupational disease 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 occupational disease to the supervisor. The supervisor shall immediately report the occupational disease to the mayor's designee.
- C. **EMPLOYER'S REPORTS:**
The City shall file a report of occupational disease with the Industrial Commission of Utah within seven days after the occurrence of an occupational disease after the employee's notification of the same, on forms prescribed by the commission, of any occupational disease 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 occupational disease that later resulted in death. The City shall provide the employee a copy of the reports submitted to the commission. The city shall also provide the employee with a statement, as prepared by the commission, of the employee's rights and responsibilities related to the occupational disease.
- D. **MAINTENANCE OF RECORDS:**
The City shall maintain a record in a manner prescribed by the commission of all occupational diseases resulting in medical treatment, loss of consciousness, loss of work, restriction of work, or transfer to another job.
- E. **LEAVE AND COMPENSATION:**
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 occupational disease disability benefits. If a benefit

SECTION 20: OCCUPATIONAL DISEASE DISABILITY COMPENSATION (CONT.)

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 occupational disease disability 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, the City benefits shall cease.

3. Under no circumstances shall an employee be permitted to receive a City paycheck while being paid compensation under the occupational disease disability 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 occupational disease disability compensation. An employee's right to return to City employment is governed by the following:

1. If the 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 contracting the disease, 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.