

Workman's Compensation and Leave

Workman's Compensation

When an employee is injured on the job they must immediately report this injury to their supervisor to best protect their benefits. The employee must fill out the District Accident report and submit it to the District workman's compensation coordinator as soon as physically possible. In any case, written notification of an injury must occur by law within 4 days of the date of the injury. The District workman's compensation coordinator will provide the employee with the District designated workman's compensation providers list. If the injured employee wishes to seek medical attention, they must see one of the District designated providers. Once the injured employee has seen the provider their workman's compensation claim benefits start.

If an employee is out of work due to an injury they may use their sick or vacation leave for paid absences until their workman's compensation claim benefits begin. At that time all benefits would be subject to their workman's compensation claim.

Workman's Compensation Leave

An employee is eligible for Workers' Compensation Leave from the district during the period of time the employee is temporarily disabled as the result of any injury arising out of and in the course of employment which qualifies for an indemnity payment from the District's workers' compensation insurance carrier.

Workers' Compensation Leave shall be available only to those persons who sustain a temporary total disability and are unable to perform services for the district while disabled. Modified duty work to accommodate an injured employee's restrictions, will be considered to continue the employee working while recovering from the injury.

The primary source of compensation for an employee on Workers' Compensation Leave shall be the indemnity payment from the insurance carrier as determined by state law. The employee may, at their request, use accrued school district sick leave and vacation time to supplement the workers' compensation payment.

Under no circumstances shall an employee be allowed to receive more than an amount equal to the weekly wage or equivalent when combining the indemnity payment from workers' compensation and school district benefits. The employee shall provide all documentation to the school district to evidence amounts paid by workers' compensation before benefit payments are allowed by the school district.

If an employee elects to be paid accumulated sick/vacation leave days, the employee's sick/vacation leave pay shall be limited to an amount equal to the difference between the employee's regular salary and the amount received by the employee as workman's compensation disability. The amount of payment shall be calculated for each day the employee elects to receive their sick/vacation leave days, and for each day the employee elects to receive sick/vacation leave pay, the employee shall be charged a proportional share of each accumulated sick/vacation leave day equal to the portion of daily sick/vacation leave paid divided by the total amount of one day

of sick/vacation leave. The school district will continue to pay its portion of the employee's benefits for each day the employee elects to receive his accumulated sick/vacation leave pay.

An employee shall not be entitled to have access to the sick leave bank or to receive any benefits from the sick leave bank during the time the employee is eligible to receive workers' compensation disability payments.

After the employee has missed at least six months of work, or exhausted all sick leave, whichever is greater, due to the injury, the school district may terminate an employee's employment if the employee is unable to work due to a work-related injury. The district may terminate the employee's employment only after it considers the following factors:

- a) The expected duration of the employee's injury and inability to work
- b) The nature and seriousness of the employee's disability
- c) The term of the employee's employment contract with the school district
- d) The extent to which it is possible or practical to employ and train a temporary replacement for employee.
- e) The extent to which it is possible to provide a reasonable accommodation to the employee's disability as required by law.
- f) Any other factor pertaining to the needs and goals of the school district

Any termination of an employee, pursuant to paragraph 3, shall comply in all respects with the school district policy and state and federal law.

While on workers' compensation leave under a temporary total disability, employees shall continue to have previously elected school district health, dental, vision and life insurance coverage, to the same extent the employee had such coverage prior to taking workers' compensation leave, for a period of time not to exceed 60 work days. At such time, the employee shall be given the option of directly assuming payment of the district's costs for such benefits or discontinuing the coverage until returning to work and again being eligible for benefits, unless the district is otherwise required to pay for or continue such coverage under applicable law. The administration is directed to establish necessary procedures to implement this policy.

Adoption date: February 9, 2016

LEGAL REFS.: 29 U.S.C. 2601 et seq. (Family and Medical Leave Act of 1993)

P.L. 111-148 (*Patient Protection and Affordable Care Act*)

C.R.S. 8-40-101 et seq. (Workers' Compensation Act of Colorado)

[Revised February 2016]