

## PERSONNEL

### Workers' Compensation: Work Related Injury or Occupational Disease

#### A. Leave and Compensation

1. In work-related accident or occupational disease cases that qualify as compensable under the Virginia Workers' Compensation Act ("the Act") and result in injury or disease requiring absence from work, the School Board will continue the employee's salary and fringe benefits as follows:
  - a. Employees will receive full compensation, with no deduction of accrued leave for the date of the injury and the first two (2) subsequent days of absence. Absences must be authorized by the workers' compensation panel physician.
  - b. Employees must choose one of the following options for the third (3rd) day of absence and thereafter. If an employee does not make a selection, Option 2 will be used:

1) Option 1:

An employee may choose to use accrued leave to supplement his workers' compensation indemnity benefits up to, but not to exceed, one hundred (100) percent of the employee's pre-injury average weekly wage. Leave will be deducted at a rate of one-third day for every day of absence. Sick leave will be assessed first. Any absence that exhausts the employee's accrued sick leave will be deducted against the employee's accrued annual or personal reasons leave balances. Once all accrued leave is exhausted, the employee will only receive workers' compensation benefits.

2) Option 2:

An employee may choose to have no leave deducted, in which case the employee will receive only workers' compensation benefits and will maintain all leave balances.

2. If the work-related injury or disease qualifies as a serious health condition under the Family and Medical Leave Act ("FMLA") and the employee is otherwise eligible for FMLA leave, the period of absence will be counted as FMLA leave.
3. Employees receiving workers' compensation benefits are not eligible to use the sick leave bank to be compensated for an absence.
4. Periodic medical reports will be required by the Office of Employee Relations and the Office of Safety and Loss Control. Failure to provide medical reports or respond to requests for information may constitute sufficient reason to terminate benefits and/or incur disciplinary action.
5. If the employee's treating physician certifies that the employee can perform modified duty, an employee may be required to return to work on a limited, temporary alternative duty assignment prior to resuming, in full, regularly assigned duties (School Board Regulation 4-37.2, as amended). Failure to comply with an offer of limited temporary alternative duty may jeopardize workers' compensation benefits.
6. Whenever absence is due to, or the result of, student violence directed at an employee in the employee's his/her official capacity ~~as an employee~~, sick leave will not be charged the employee for a period of up to twenty (20) work days. On the 21st day and thereafter, the employee will be charged 1/3 of leave per day to supplement workers' compensation benefits.

## **B. Benefits Continuation/Eligibility**

### **1. Virginia Retirement System Pension and Basic Group Life**

When an employee is compensated in part through workers' compensation and in part by the School Board, the School Board will continue to make retirement contributions and pay group life insurance premiums. The School Board's contributions and premiums will be paid based on the full creditable compensation earned by the employee prior to the employee's injury or illness. When an employee is compensated solely through workers' compensation, the employee will be reported to VRS as being on leave without pay (LWOP). While on LWOP the School Board will make no retirement contributions and the employee will earn no Virginia Retirement System service or salary credit; however, the employee may obtain credit for the months of service while on workers' compensation through a Purchase of Prior Service. Employees will continue to be eligible for the employer contribution towards basic group life insurance premiums for a period of one (1) year.

~~Basic group life insurance coverage may continue for a period of up to twenty-four (24) months.~~

## 2. Health Insurance and Other Elective Benefits

Employees will continue to be eligible for the employer contribution towards health insurance premiums for a period of one (1) year. Employees will be responsible for paying the employee portion of the premium by payroll deduction (if applicable) or by direct payment, in advance each month. After a period of one (1) year, the employee will no longer be eligible for the employer contribution and will be responsible for the entire monthly premium (employer and employee portion). If premium payment is not received for a period of three (3) months, the employee will be removed from the plan, retroactively to the last month of payment.

The employee may continue to participate in other voluntary benefit plans; however, some limitations apply. The employee should consult the Human Resources Department or refer to the [Consolidated Benefits Office website](#) ~~Employee Benefits Handbook~~ for specific information regarding eligibility of employees on a leave of absence.

### Legal Reference

Code of Virginia § 65.2-100, et seq., as amended. Virginia Workers' Compensation Act.

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APPROVED AS TO  
LEGAL SUFFICIENCY

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