

WORKERS' COMPENSATION

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 workers' compensation division of the Colorado Department of Labor and Employment.

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.

The primary source of compensation for an employee on workers' compensation leave shall be the indemnity payment from the workers' compensation section of the division of workers' compensation of the Colorado Department of Labor or insurance carrier as determined by state law. The employee will use available paid leave to cover the first three days of unpaid, work-related injury leave. If the work related absences are compensable, as determined by Colorado Revised Statute 8-42-103, regarding disability indemnity payments and length of disability, the employee will be credited back that portion of the employee's paid leave. However, under no circumstances shall an employee be allowed to receive more than an amount equal to their weekly wage when combining the indemnity payment from workers' compensation and district paid leave benefits. Where the average daily rate for employees working less than 260 days and being paid over 12 months is less than 66 2/3% of regular wages, the employee shall be permitted to use available paid leave time to supplement indemnity payments from the workers' compensation carrier to reach up to 66 2/3% of actual loss wages during contract or assigned work days.

While on workers' compensation leave under a temporary total disability, employees shall continue to have district health, life and disability 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 12 weeks. 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 continue such coverage under applicable law.

The administration is directed to establish necessary procedures to implement this policy.

Adopted prior to 1985
Revised December 11, 2002
Revised and recoded May 16, 2012
Revised June 19, 2013

Legal refs.: 29 U.S.C. 2601 et seq. (Family and Medical Leave Act of 1993)
C.R.S. 8-40-101 et seq. (Workers' Compensation Act of Colorado)

Cross refs.: GBGG, Staff Annual Leave
GCD, Professional Staff Vacations and Holidays
GDD, Support Staff Vacations and Holidays

Contract ref.: TEA Agreement - Article 9, Leaves, Section 9-8, Personal Injury Leave -
Workers' Compensation Benefits