



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. 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. 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 4-3712.2, 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 official capacity, 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.

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 for specific information regarding eligibility of employees on a leave of absence.

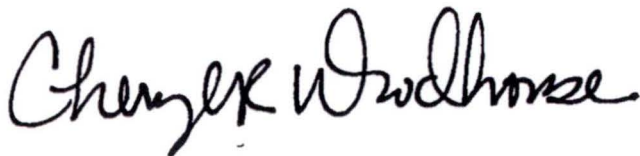
Legal Reference

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

Related Link

School Board Regulation 4-12.2

Approved by School Board: February 16, 1993
Revised by Superintendent December 13, 2002
Revised by Superintendent May 19, 2011
Revised by Superintendent: November 3, 2021
Revised by Superintendent: ,2023



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Administrative Leave for Emergencies/Disasters

This Regulation provides guidelines to permit paid administrative leave to employees in specific emergency conditions or who are victims of disasters that meet specified criteria.

A. Definitions

1. Major Disaster: An official status declared by the President of the United States when she/he deems that federal assistance is needed under the Strafford Act (P.L. 93-288 as amended) to supplement state, local, and other resources to deal with the effects of a variety of natural or man-made catastrophic events.
2. Man-Made Disaster: An event caused by the action of one or more persons that imperils life and property and produces danger or the imminent threat of danger through exposure to biological, chemical, or radiological hazards (Code of Virginia § 44-146.16, as amended). Examples include large spills resulting from transportation or industrial accidents, and effects of terrorist acts.
3. Natural Disaster: An event of nature that causes extensive and/or severe threat to or destruction of life and/or property (Code of Virginia § 44-146.16, as amended). Examples include hurricane, ~~earth-quake~~earthquake, blizzard, ice storm, fire, or flood.
4. Primary Residence: The home or apartment in which the employee resides most of the time. This does not include vacation or second homes, nor property owned but not occupied by the employee. Normally, this location will bear the

employee's official address as recorded by the city or county where the dwelling is located.

5. State of Emergency: The status declared by the Governor of Virginia (Code of Virginia § 44-146.17, as amended) for severe or potentially catastrophic conditions.

B. Leave for Emergency Conditions

1. Paid administrative leave may be available to an employee who has been ordered to evacuate their/his/her residence as a result of a natural or man-made emergency or disaster. The Superintendent has sole discretion for authorizing paid administrative leave for employees who meet the following criteria:
 - a. The event resulted in a formal declaration of a State of Emergency or of a major federal disaster status.
 - b. The employee's primary residence was located in the officially declared disaster area.
2. Depending on the nature of the emergency, the paid administrative leave may be for all or the portion of a day.
3. A determination to grant paid administrative leave will be communicated to employees through the appropriate channels.
4. Employees not in an active pay status will not receive the benefit of emergency administrative leave.
5. Employees on pre-arranged leave will be charged leave as originally submitted.
6. Administrative leave is not required if the School Division is in a closed status.

C. Leave for Victims of Disasters

1. Paid administrative leave for up to the hourly equivalent of five (5) workdays may be authorized when an employee has sustained severe or catastrophic damage to or loss of ~~their~~^{his} ~~or her~~ primary personal residence. In such an event, the following will be necessary:
 - a. Formal documentation from a recognized disaster relief organization or insurance company verifying severe, extreme, or catastrophic damage to or loss of personal property in which the damage rendered the employee's primary residence temporarily or permanently uninhabitable.
 - b. The request for administrative leave with verifying documentation must be approved by the principal/department head as well as the Director of Employee Relations prior to the leave commencing.
2. If more than the hourly equivalent of five (5) days are needed, the use of annual or personal reasons leave may be allowed as approved by the employee's principal/department head.

D. Leave for volunteer members of the Civil Air Patrol

Unpaid, volunteer members of the Civil Air Patrol may be granted paid administrative leave up to the equivalent of ten (10) workdays per school year to engage in training or to respond to an emergency.

1. If more than the hourly equivalent of ten (10) days are needed to participate in an emergency mission as a Civil Air Patrol volunteer, the use of annual or personal reasons leave may be allowed, not to exceed thirty (30) workdays. However, the employee shall not be required to use leave accruals if he/she chooses to go without pay.

2. An employee requesting leave pursuant to this section must provide verification from the Civil Air Patrol of the need for the employee to attend training or respond to an emergency.

Related Links

[Policy 6-15](#) and

[Regulation 6-15.1](#) ~~Delayed Opening/Emergency Closing of School(s)~~

[Regulation 4-96.187.2](#) ~~Closures and Emergency Conditions~~

Legal References

Code of Virginia § 2.2-2821.3, as amended. Leave for volunteer members of Civil Air Patrol.

Code of Virginia § 44-146.16, as amended. Definition.

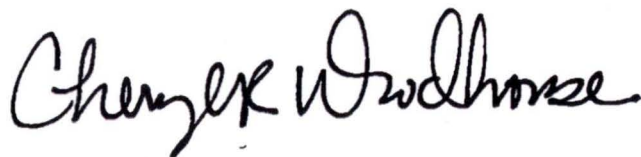
Code of Virginia § 44-146.17, as amended. Powers and duties of Governor.

Code of Virginia § 44-146.21, as amended. Declaration of local emergency.

Robert T. Stafford Disaster Relief and Emergency Assistant Act, PL 100-707, as amended.

Adopted by Superintendent: June 17, 2020 to be effective July 1, 2020

Revised by Superintendent: ,2023



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