

INSURANCE

I. WORKERS' COMPENSATION

A. Purpose

This policy establishes procedures to administer benefits under the Virginia Workers' Compensation Act ("Act"), Title 65.2 of the Code of Virginia.

B. Leave Usage

1. First Seven (7) Calendar Days of Absence. If an employee misses work for a work-related injury or illness that is compensable under the Act, the first full seven (7) calendar days of absence are not covered/paid by Workers' Compensation. During this period, an employee may use accrued sick leave. If sick leave is exhausted, the employee may use other accrued leave in accordance with procedures established by the Department of Human Resources ("Human Resources"). If no leave is available, these days will be unpaid.
2. Absence After Seven (7) Calendar Days. Starting the eighth (8th) calendar day of absence due to a compensable work-related injury or illness, the employee will receive 66 2/3% of his/her average weekly wage as Workers' Compensation income benefits. From the eighth (8th) day forward, the employee may use accrued leave in accordance with procedures established by Human Resources to supplement his/her Workers' Compensation income benefits, as follows:
 - a. The leave shall not exceed 33 1/3% of the employee's normally scheduled, non-overtime work hours on any shift.
 - b. Sick leave must be taken first. After sick leave is exhausted, the employee may use other accrued leave in accordance with policies and procedures established by Human Resources.
 - c. All leave must be accrued by the time of usage. Employees may not borrow against future leave accrual.
 - d. The Albemarle County Public Schools' ("Division")/Albemarle County Local Government Sick Leave Bank may not be utilized during this period.
3. Benefits After 21 Calendar Days of Absence. If the absence exceeds 21 calendar days, the employee will be reimbursed for the first seven (7) calendar days by the Division's Third-Party Administrator for Workers' Compensation at 66 2/3% of the employee's average weekly wage. The employee will be allowed to keep this reimbursement without obligation to return any payment to the Division.
4. Denied Claims. If a Workers' Compensation claim is denied by the TPA,

standard leave policies shall apply to any leave taken by the employee.

C. Employer/Employee Insurance/Benefits Contributions

The Division shall continue all applicable contributions toward retirement, life insurance, health insurance, and dental insurance during the period an employee is absent for a compensable injury/illness. It will be the employee's responsibility to make payment arrangements with the Payroll Department and/or the vendor providing the benefit/product (as applicable) to cover the employee's required contributions.

D. Return to Work

Once the employee is released by the treating physician to return to work in any capacity, the employee is expected to return to work. Depending upon the nature of the medical restrictions, if any, and the staffing needs of the employee's department, this return may not necessarily be to the same position or duties worked by the employee at the time of the injury/illness. The employee's pre-injury rate of pay shall be maintained. Should the employee refuse to return to work in the full-duty or restricted-duty capacity approved by the treating physician, the Division may take all actions permitted under law, including, but not limited to, contesting the employee's entitlement to further Workers' Compensation benefits before the Virginia Workers' Compensation Commission and/or termination of employment.

E. Employee and Employer Responsibilities

1. Workers' Compensation Third-Party Administrator. The Workers' Compensation program is administered through a Third-Party Administrator, which handles all employee claims and settlements after detailed consultation with the Human Resources' designee for Workers' Compensation. This includes contested claims scheduled for a hearing before the Virginia Workers' Compensation Commission and appeals.
2. Employee Reporting. Employees are required to report immediately all work-related injuries and illnesses to their supervisors. These include any injury that occurs while working and any illness that the employee believes to be caused by his/her work. All incidents shall be reported regardless of apparent significance and regardless of whether medical attention was obtained. Late reporting by the employee can result in delayed or denied Workers' Compensation benefits. Employees are responsible for filing a claim with the Virginia Worker's Compensation Commission within the time limit provided by Title 65.2 of the Code of Virginia. Failing to file a claim within the statutory time limit may cause the claim to be lost even if the employer may be paying the employee's salary, wages, or medical expenses.
3. Departmental Reporting. The employee's department is responsible for:
 - a. Submitting a First Report of Injury immediately upon notification by the employee of a work-related injury or illness, or upon the department's knowledge of the event. All reports must be submitted

within 24 hours of employee report of the accident, injury, illness, receipt of notice, or obtaining knowledge, whichever is earliest.

- b. Accurately recording time lost due to work-related injury or illness utilizing appropriate leave code(s).
 - c. Communicating updates on the employee's work status to Human Resources throughout the duration of the claim.
4. Assistance to Employees. Human Resources is responsible for providing information to employees with respect to Workers' Compensation benefits.

II. LIABILITY COVERAGE

All employees shall be protected by liability coverage, the premiums for which shall be paid by the Division.

III. VRS INCOME REPLACEMENT PROGRAM

Employees under certain Virginia Retirement System ("VRS") plans may be eligible for Income Replacement Program – Short Term Disability ("IRP-STD") in conjunction with Workers' Compensation and Family Medical Leave Act ("FMLA") benefits. Employees are responsible for contacting Human Resources for information on submitting a claim.

IV. FRINGE BENEFITS

To attract and retain the highest quality of employees, the Board may offer employees insurance benefits such as medical, dental, disability, and life insurance. Benefits may be optional or included as part of the compensation package. They may be funded wholly or in-part by the Board or may be completely at the employee's expense. The employee is responsible for paying his/her share of any applicable premiums required to maintain coverage. All benefits shall be provided pursuant to policies established by the Board and applicable law.

Adopted: July 1, 1993
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Code Reference: Code of Virginia, 1950, as amended, § 65.2, § 22.1-85, § 51.1-1153

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 GCC, Leave Program