



ADMINISTRATIVE PROCEDURE

WORKMEN'S COMPENSATION AND DISABILITY LEAVE

4146.1

Procedure No.

September 11, 1979

Date

I. **PURPOSE:** To provide information for entitlement to Workmen's Compensation benefits, Disability Leave for employees of Prince George's County Public Schools for an accidental personal injury arising out of and in the course of their regular employment.

II. **INFORMATION:**

A. Workers' Compensation

All Prince George's County Public Schools employees are covered by the State Workers' Compensation Act, which provides for payment of reasonable medical expenses resulting from an accidental personal injury arising out of and in the course of employment. Should the employee lose time from work due to an on-the-job injury he may under present coverage apply for Workers' Compensation benefits for lost time beginning with the fourth day of absence after the injury. (There is an exception if the injury results in disability of more than fourteen days, in which case compensation shall be allowed from the date of disability.) Under Workers' Compensation an employee will be entitled to a certain percentage of his regular wages depending upon the nature of the injury. Authorized volunteer workers are also eligible for Workers' Compensation benefits under certain criteria.

B. Disability Leave

1. Employees of Prince George's County Public Schools are entitled to Disability Leave as set forth in the negotiated agreements between the Board of Education and the various employee organizations. In accordance with these agreements a permanent or probationary employee who is temporarily disabled as a result of an on-the-job injury qualifying that person for Workmen's Compensation benefits is eligible for Disability Leave for up to ninety (90) working days for any one incident. While on approved Disability Leave the employee receives his full wages in lieu of any compensation awarded by the Workmen's Compensation Commission. The Workmen's Compensation award will be forwarded to the Prince George's County Public Schools for the period the employee is on Disability Leave. In the event disability continues beyond 90 days, the employee may be eligible to receive compensation as awarded by the Workmen's Compensation Commission. While on Disability Leave there is no charge against an individual's sick, annual or personal leave. If incapacitated for



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his regular employment, the employee may be given other duties within the Prince George's County Public Schools for a period of recuperation. Unwillingness to accept such an assignment may make the employee ineligible for disability leave during the time involved. As a condition to receiving Disability Leave, the Prince George's County Public Schools may select a physician to determine the physical ability of the employee to continue working or to return to work.

2. A temporary employee who is disabled in the line of duty shall not receive Disability Leave but shall be paid in accordance with the provisions of the State Workmen's Compensation Act.

- C. Administration of Disability Leave and Workmen's Compensation – Disability Leave and Workmen's Compensation matters are administered within the Prince George's County Public Schools by the Employee Services Office and only that office may authorize Disability Leave.

III. **PROCEDURES:**

- A. Instructions pertaining to the Injured Employee

An employee must notify their supervisor immediately when any alleged job related accident occurs. Any employee who does not fulfill this requirement on the day of occurrence is ineligible for Disability Leave unless the Employee Services Officer waives the requirement because of extenuating circumstances. If the injury occurs while the employee is working away from his school or department, he should report the accident to the principal/supervisor at the location where he is working.

There are two forms which are important relative to the reporting of on-the-job injuries.

They are:

1. An Initial Report of Injury Form - This form must be completed by the employee and their principal/supervisor for all on-the-job injuries regardless of how minor the injury or whether any time is lost from the job. If the employee is physically unable to complete their portion of the form, the principal/supervisor should complete it to the extent that he has knowledge of the accident, as well as, his own part and forward the completed form to the Employee Services Office, on the day the accident occurs.



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2. The Attending Physician's Statement - This form must be completed for all injuries that require medical attention. The injured employee should obtain an Attending Physician's Statement from the school or department he is in at the time of the accident. It is the responsibility of the employee to see that the form is signed by the treating physician and returned to his supervisor. If the employee is disabled, he should be assisted by his-supervisor or another employee to the extent necessary in obtaining medical treatment and having the Attending Physician's Statement completed.

No claim can be processed or Disability Leave granted until the Attending Physician's Statement and the Initial Report of Injury are received in the Employee Services Office. During the time an employee's request for Disability Leave is being processed he will be charged sick, annual, or personal leave or be placed on leave without pay. Upon approval or disapproval of the employee's entitlement to Disability Leave the employee and his school/department will be so notified by the Employee Services Office.

An individual on extended Disability Leave should contact his supervisor following each extension of Disability Leave. In order for an employee who has been injured on-the-job to return to work, he must provide the Principal/Supervisor with a statement from his doctor indicating he is able to resume his regular duties. In some cases he may be allowed to return to restricted duty up to a period of two weeks but the Attending Physician's Statement must state the temporary restrictions and duration thereof. The original of the Attending Physician's Statement is to be forwarded to the Employee Services Office. Time off for follow-up treatments will be charged to Disability Leave.

B. Reporting Procedures

When an employee suffers an on –the-job injury the Principal/Supervisor should insure that the Initial Report of Injury is completed. As previously indicated, if the employee is physically unable to complete his portion of the form, the Principal/Supervisor should complete the form to the extent that he is able. If the employee's injury requires medical treatment, he is to be provided with an Attending Physician's Statement and a copy of Information Pertaining to Workmen's Compensation and Disability Leave.

B. Instructions Pertaining To Disability Leave



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1. The maximum amount of Disability Leave, which may be granted based on one Attending Physician Statement, is thirty (30) calendar days. An employee must submit another physician's statement to be granted additional Disability Leave unless waived by the Employee Services Officer. It is the responsibility of the employee to insure that necessary medical reports are submitted to the Employees Services Office on a timely basis in order that there will be no interruption in payment of his wages.
2. When an employee has used ninety (90) days of Disability Leave and is still disabled he may use any sick, annual or personal leave to which he is entitled. If the employee is not eligible for a Sick Leave Bank (SLB) grant, they may request to be placed on a Leave of Absence (LOA) without pay. While on LOA, Workmen's Compensation Benefits to which the employee is entitled will then be paid directly to the employee by the TPA. It is necessary that the employee request a leave of absence in order to retain certain benefits of the Retirement program. Under present regulations, the Retirement System permits an employee to remain on a leave of absence for up to two (2) years for personal illness.
3. Those employees who are members of a Sick Leave Bank may, after using ninety (90) days of Disability Leave and all sick and annual leave available, apply for a grant from the Sick Leave Bank. Employees on a sick leave bank grant although considered on a leave of absence without pay are not required to request a leave of absence as payments are being made to the Retirement System during the period of the grant. During the period an individual is in the Sick Leave Bank, any Workmen's Compensation award which has been made will be reimbursed directly to the Prince George's County Public Schools, who in turn will make appropriate credits to the Sick Leave Bank.
4. Once Disability Leave and other leave without pay (including a Sick Leave Bank grant) to which an employee is entitled has expired, any continuing Workmen's Compensation benefits to which an individual is entitled will be paid directly to the employee.
5. An individual on extended Disability Leave should contact his supervisor following each extension of Disability Leave. In order for an employee who has been injured on-the-job to return to work, he must provide the Principal/Supervisor, with a statement from his doctor indicating he is able to resume his regular duties. In some



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C. Reporting Procedures

When an employee is injured in the line of duty, it is the responsibility of the principal/supervisor to assist the injured employee in obtaining medical help, if needed, and in processing the necessary paperwork. If the proper procedures are followed, an employee should not miss a paycheck because of unnecessary administrative delays in processing their claim.

1. Give injured worker a Workmen's Compensation - Report of Injury form.
2. Give employee a Workmen's Compensation Attending Physician Statement form.
3. If the employee is incapacitated, the supervisor should complete the form to the best of their ability. Sign and initial the employee's name. Date the form. Complete supervisor section, sign and date the form.
4. Return completed Workmen's Compensation - Report of Injury form to the Employee Services Office immediately.
5. Disability Leave will not be authorized until receipt of verification of lost time.
 - a. Employee should not be charged leave on date of accident/injury.
 - b. While the employee is absent for the injury, the Leave Granting Authority (LGA) should charge the employee's available sick, annual or personal leave.
 - c. If the employee does not have any leave available, they should be charged Leave Without Pay (LWOP).



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6. The Employee Services Office will approve Disability Leave for the time periods that medical information is provided.
7. Copies of the approved Disability Leave will be forwarded to Payroll, Personnel, the employee's worksite, the employee and the TPA.
8. Once the copy is received by payroll; they verify the dates the LGA submitted against the Disability Leave dates authorized.
 - a. If the employee was charged leave (sick, annual or personal) Human Resources will reinstate the appropriate leave to the employee's leave balance.
 - b. If the employee was charged LWOP, payroll will pay the employee days charged LWOP.
 - c. There are only 2 (two) instances when the employee should not be charged leave; for the date of the injury, and when the TPA requires the employee to receive additional medical analysis; in which case, the employee must have a letter from the TPA stating the date and time of the exam.
9. When the employee returns to work, and needs follow-up treatment for the work related injury, the LGA should charge the employee sick leave, annual, personal leave or LWOP.
10. Give employee attending physician statement.
 - a. Submit verification of lost time to the Employee Services Office.
 - b. When the employee has reached their ninety (90) days of Disability Leave and cannot return to work; the employee must do one of the following:
 - (1) If a member of the SLB, apply to the SLB.
 - (2) After requesting a LOA, receive direct payment from the TPA.



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- (3) Can exhaust sick, annual or personal leave (but this will not be reinstated); then apply for LOA and receive direct payment from the TPA.

- IV. **RELATED PROCEDURES:** None.
- V. **CANCELLATIONS AND SUPERSEDURES:** None; this is a new Administrative Procedure.
- VI. **EFFECTIVE DATE:** September 5, 1979.

Approved by:
Edward J. Feeney
Superintendent of Schools