



GUIDELINES TO WORKERS COMPENSATION

In addition to the benefits provided by the Workers' Compensation law, employees injured, as a result of a compensable on-the-job accident or a job-related illness, who missed time from work shall be provided leave in accordance with the provisions outlined below.

- A. Leave on the Day of Injury: No leave is charged on the day of the injury if the treating physician instructs the employee not to return to work. The employee shall provide a written statement from the physician to the supervisor and Human Resources by the next business day.

- B. Additional Leave: If the injury results in additional time away from work, the employee must begin Workers' Compensation leave and receive the Workers' Compensation weekly benefits after the required waiting period, as required by [G.S. 97-28](#). One of the waiting period options listed below must be chosen with option 1 being the default. Once an election is made, it may not be rescinded for the duration of the Workers' Compensation claim.

Option 1: Elect to take earned leave (sick, vacation, compensatory time, etc.) during the required waiting period, and then begin drawing workers' compensation weekly benefits.

Option 2: Elect to go on Workers' Compensation leave with no pay for the required waiting period and then begin drawing workers' compensation weekly benefits.

If the injury results in disability of more than a specified number of days, as indicated in [G.S. 97-28](#), the workers' compensation weekly benefit shall be allowed from the date of disability. If this occurs in the case of any employee who elected to use accrued leave during the waiting period, no adjustment shall be made in the leave used for these workdays.

- C. Use of Partial Leave: In Option 1 or 2 above, once the employee begins to receive the weekly benefit, earnings may be supplemented by the use of partial earned leave, earned prior to the injury. This will provide an income approximately equal to the regular take-home or net pay.

- D. Use of Family and Medical Leave (FMLA): FMLA is provided for a serious health condition that causes the employee to be unable to perform functions of the employee's position. For this reason, FMLA occurs concurrently with the Workers' Compensation leave. Time missed will be counted toward the twelve (12) weeks allotment under the provisions of the Family and Medical Leave Act.

- E. Compensatory Leave: If an employee has a balance of compensatory time, it must be used during the waiting period prior to using any other earned leave. Compensatory leave will not be counted as FMLA.
- F. How to Pay Partial Leave: If the employee has earned leave or compensatory time and chooses to use it while drawing the weekly benefit, it shall be paid on a temporary/hourly basis at the employee's hourly rate of pay. It is subject to state and federal tax withholdings, Social Security, Medicare, retirement and other required deductions such as 401(k) loan and garnishments.
- G. Follow-Up Medical Visits: If follow-up medical or therapy visits are required during regularly scheduled working hours, the employee is not required to use his/her earned leave for missed work time for these visits. Paid time will be limited to reasonable time for appointment and travel. Employees may be required to provide documentation of the appointment with the time in and time out certified by the medical provider. Any excess time will be charged to earned leave.
- H. Annual and Sick Leave Accrual: While on Workers' Compensation leave, the employee shall continue to accumulate vacation and sick leave.
- I. Health, Dental & Other Insurance: While on Workers' Compensation leave, an employee shall continue to be covered under the college's health, dental, and other insurance programs, in compliance with the plan's policy. Employee must make arrangements with Human Resources to pay premiums that are typically deducted from the employee's paycheck. Failure to make payments may result in termination of these insurance benefits.
- J. Retirement Service Credit: While receiving Workers' Compensation benefits, an employee does not receive retirement credit. As a member of the Teacher's and State Employees Retirement System, the employee may purchase credits for the period of time on an approved leave of absence.
- K. Longevity: While on Workers' Compensation leave, an employee will continue to receive longevity credit. Employees who are eligible for longevity pay shall receive their payments in accordance with the Longevity Pay policy, [PPM 4.10](#).
- L. Reinstatement Salary: Upon reinstatement, an employee's salary shall be computed based on the last salary prior to Workers' Compensation leave plus any approved increase to which the employee would have received if not on leave.