

REGULATION

ANNE ARUNDEL COUNTY PUBLIC SCHOOLS

Related Entries: Policy GC, GC-RAL

**Responsible Office: DIVISION OF HUMAN RESOURCES /THE INSURANCE AND SAFETY
MANAGEMENT OFFICE**

WORKER'S COMPENSATION LEAVE

A. PURPOSE

To establish procedures to determine the eligibility for and use of leave available to employees injured on the job.

B. BACKGROUND

When an employee sustains an accidental injury arising out of and in the course of their employment with Anne Arundel County Public Schools (AACPS), and the employee files a claim with the State Workers' Compensation Commission, that is compensable under the State Workers' Compensation Act, during the period the employee is unable to work the employee shall receive full salary Injury on the Job Leave, less the amount paid under Workers' Compensation through but not exceeding 60 workdays from the date of injury. For continuing disability after the exhaustion of Injury on the Job Leave, the employee shall be required to elect the type of leave they shall use. Injuries that qualify for assault leave shall meet the standards and follow the procedures outlined in GC-RAL, Assault Leave/Intervention Leave.

This regulation shall be implemented in compliance with the provisions of the applicable negotiated agreements, the provisions of which shall supersede any language that may be inconsistent.

C. DEFINITIONS

1. ***Accidental Injury*** - an unexpected or unintended personal injury.
2. ***Arising Out of and In the Course of Employment*** - a work-connected accidental injury that is a result from a hazard of the employment; and at a time, place, and under circumstances related to that employment.
3. ***Compensable*** -certain compensation benefits for accidental injuries arising out of and in the course of employment which are covered under the State Workers' Compensation Act.
4. ***Injury on the Job Leave*** – an absence from work due to an injury arising out of and in the course of employment. An employee who is unable to work due to his/her injury shall receive his/her full salary less any amount paid under Workers' Compensation through but not exceeding 60 workdays from the date of injury.

D. PROCEDURES

During the period the employee is unable to work, that is supported by a medical disability certification attesting to the incapacity of the employee to work, the employee shall receive full salary less the amount paid under Workers' Compensation through but not exceeding 60 workdays from the date of injury.

1. For disability continuing after Injury on the Job Leave has been exhausted the employee may request and utilize, the following leave when it is available as an option.
 - a. ***Sick Leave*** – The employee may use his/her earned sick leave, during which period the employee shall receive his/her full salary, provided any amount awarded as temporary total disability payments under Workers' Compensation is endorsed by the employee over to Anne Arundel County Public Schools (AACPS). Once used, this leave cannot be returned to the employee.
 - b. ***Annual Leave*** – The employee may use his/her earned annual leave during which period the employee shall receive his/her full salary plus the temporary total disability payments available under Workers' Compensation.
 - c. ***Leave of Absence (LOA) or Family Medical Leave Act (FMLA)*** – The employee may request a (LOA) or (FMLA) absence when no leave is available or to save his/her accrued leave. During the employee's approved leave of absence, he/she shall receive his/her temporary total disability payments directly from the Workers' Compensation provider, and no wages through AACPS. AACPS employees who are on an approved leave of absence, and are not receiving an AACPS pay check, shall be eligible to continue their membership in the AACPS's group health care and life insurance plans by making premium payments to AACPS by the 25th of each month.
2. The Insurance and Safety Management Office shall coordinate these leave options with the employee, Human Resources, and the Workers' Compensation provider.
3. Whenever an employee sustains a compensable injury due to the negligence of a third party, who is not an AACPS employee, and against whom a claim, demand, or suit is filed by the injured employee, AACPS is entitled to reimbursement for full compensation paid the employee in excess of the compensation award for temporary total disability out of any settlement or judgment obtained by the employee against the third person.
4. The Executive Director of Human Resources may require the employee to undergo a physical examination by a doctor selected by AACPS to determine the employee's capability of resuming the duties of the employee's position or of a temporary alternative duty assignment. A doctor's certification is required in order for the employee to return to work.

Regulation History: *Developed by Superintendent. 06/11/14*
 Reviewed by Board of Education. 06/11/14
 Issued 06/11/14

Note previous regulation history: *None, GC-RAK rescinds Policy GAX/800.22 adopted 09/03/75.*