

## Workers' Compensation Leave

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### Policy

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

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### Covered Employees

Full-time and par-time (half-time or more) permanent, probationary, trainee and time-limited employees are eligible for Workers' Compensation Leave.

Temporary, intermittent or part-time (less than half-time) are not eligible for this leave.

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### Leave on the Day of the Injury

No leave is charged on the day of the injury if the treating physician instructs the employee not to return to work in either permanent duty or restricted duty.

The employee shall:

- obtain a written statement from the physician indicating that the employee must not return to work in either permanent duty or restricted duty and
- present the statement to the supervisor at the appropriate time.

## Workers' Compensation Leave (continued)

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### Additional Leave

If the injury results in additional time away from work, the employee must go on workers' compensation leave and receive the workers' compensation weekly benefit after the required waiting period required by G.S. 97-28.

One of the waiting period options listed below must be chosen. Once an election is made, it may not be rescinded for the duration of the claim.

**Option 1:** Elect to take sick or vacation/bonus leave during the required waiting period and then go on workers' compensation leave and 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 an employee who elected to use leave during the waiting period, no adjustment shall be made in the leave used for these workdays.

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### Use of Partial Leave

In Option 1 or 2 above, after the employee has gone on workers' compensation leave, the weekly benefit may be supplemented by the use of partial sick or vacation/bonus leave, earned prior to the injury, in accordance with a schedule published by the Office of State Human Resources each year. This will provide an income approximately equal to their take-home or net pay.

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## Workers' Compensation Leave (continued)

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### Compensatory Leave

Compensatory leave may be substituted for sick or vacation/bonus leave used during the waiting period if applied within the timeframes provided under the Hours of Work and Overtime Compensation Policy.

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### 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 payroll at the employee's hourly rate of pay. It is subject to State and Federal withholding taxes and Social Security, but not subject to retirement, just the same as other temporary pay.

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### No Leave Required for Follow-up Medical Visits

Employees injured on the job in a compensable accident, in order to reach maximum medical improvement, requiring medical or therapy visits during regularly scheduled working hours shall not be charged leave for time lost from work for required treatment.

Paid time should be limited to reasonable time for treatment and travel; any excess time will be charged as vacation/bonus or sick leave or leave without pay.

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### Vacation and Sick Leave Credits Continue

While on workers' compensation leave, the employee shall continue to accumulate vacation and sick leave to be credited to the employee's account for use upon return to permanent duty.

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### Leave Paid if Employee Does Not Return

If the employee does not return to permanent duty from workers' compensation leave, vacation and sick leave accumulated only during the first twelve months of workers' compensation leave will be exhausted by a lump sum payment, along with other unused vacation/bonus leave which was on hand at the time of the injury, as well as any bonus leave granted subsequently.

## Workers' Compensation Leave (continued)

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### Leave in Excess of 240 Hours

Since the employee is on workers' compensation leave and is not able to schedule vacation time off, the accumulation may in some cases exceed the 240 hours maximum that can be carried forward. It shall be handled as follows:

The 240-hour maximum to be carried forward to the next calendar year may be exceeded by the amount of vacation accumulated during workers' compensation leave. The excess may be used after returning to permanent duty or carried on the leave account until the end of the calendar year at which time any excess vacation shall be converted to sick leave.

If the employee separates during the period that excess vacation is allowed, the excess leave to be paid in a lump sum may not exceed the amount accumulated during the first twelve months of workers' compensation leave.

**Advisory Note:** This policy also applies to employees covered under salary continuation provisions of G.S. 143-166 and 115C-337.

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### Health Insurance

While on workers' compensation leave, an employee is in pay status and shall continue to be covered under the State's health insurance program, in compliance with State Health Plan guidelines. Monthly premiums for the employee will be paid by the State. Premiums for any dependent coverage must be paid directly by the employee.

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### Retirement Service Credit

While on workers' compensation leave an employee does not receive retirement credit. As a member of the Retirement System, the employee may purchase credits for the period of time on an approved leave of absence. Upon request by the employee, the Retirement System provides a statement of the cost and a date by which purchase must be made. If purchase is not made by that date, the cost will have to be recomputed.

## **Workers' Compensation Leave (continued)**

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### **Total State Service Credit**

While on workers' compensation leave, an employee is in pay status and shall continue to receive total state service credit.

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### **Longevity Pay**

While on workers' compensation leave, an employee is in pay status and will continue to receive longevity credit. Employees who are eligible for longevity pay shall receive their annual payments.

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### **Reinstatement Salary**

Upon reinstatement, an employee's salary shall be computed based on the last salary plus any legislative increase to which entitled. Any performance increase which would have been given had the employee been at work may also be included in the reinstatement salary, or it may be given on any payment date following reinstatement.

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