5.4.8 Workers’ Compensation and Leave

Last Revised: October 2011

Policy: Piedmont Community College adheres to the Workers’ Compensation law and provides medical benefits and disability compensation including a weekly compensation benefit for time lost.

Purpose/Definitions: The purpose of this policy is to insure that all PCC employees injured on the job are provided compensation in accordance with the Workers’ Compensation Act and to provide consistent application of these rules and regulations. In addition, this policy will provide swift and certain remedy to an injured employee and ensure a limited and determinate liability for the employer.

Any employee who suffers an accidental injury or contracts an occupational disease within the meaning of the Workers’ Compensation Act is entitled to benefits provided by the Act. The employee is entitled to medical benefits and compensation for time lost from work and any disability which results from the injury.

The Industrial Commission requires a seven (7) day waiting period after the employee’s last day on the payroll before the employee is eligible for weekly benefits. If the employee remains unable to earn wages after the first seven (7) days of disability, the employee is entitled to a weekly benefit. If disability continues more than twenty (20) days, the employee is entitled to receive compensation for the first seven days of disability.

In addition to the benefits provided by the Workers’ Compensation Act, an employee injured on the job because of a compensable accident and who loses time from work shall be provided leave in accordance with the provisions of this policy. 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. Full-time and part-time employees who receive benefits which include earning vacation and sick leave are eligible for Workers’ Compensation Leave.

Approval Authority/Monitoring Authority: The President, as designated by the PCC Board of Trustees, has approval authority, and the Director, Personnel/Payroll has monitoring authority.

Procedure:

The weekly benefit is equal to 66 2/3 of the employee’s average weekly earnings up to a maximum established by the North Carolina Industrial Commission each year. When an employee is injured, the employee must go on workers’ compensation leave and receive workers’ compensation weekly benefits after the waiting period required by G.S. 97-28.

Employee Responsibility

The injured employee is responsible for claiming compensation. The employee or the employee’s representative will:

- give notice of an accident to the employer as soon as possible, and not later than 30 days after occurrence of the accident or death; and
file a claim through the appropriate person in the agency with the North Carolina Industrial Commission within two years from the date of injury or knowledge thereof.

The injured employee must complete Form 18, *Notice of Accident to Employer and Claim of Employee, Representative, or Dependent*, and forward a copy to the Personnel Office. The use of Form 18 is required under the provisions of the Workers’ Compensation Act.

**Employer Responsibility**

The Piedmont Community College Personnel Office is responsible for notifying the North Carolina Community Colleges’ Third Party Administrator (TPA), by creating a first report of injury (which creates Form 19) via the TPA website.

- The employer must provide a *WC Authorization/Physician’s Report/Pharmacy Guide* form to the employee to present when receiving treatment for the workers’ compensation injury/incident. This form has the TPA contact information.
- The appropriate supervisor(s) must complete the *Supervisor’s Accident/Incident Report* form and submit it to the Personnel Office within 3 days of the injury/incident.
- The PCC Personnel Office is required by law to report the injury/incident to the TPA within five (5) days of the injury/incident.
- The TPA will notify the North Carolina Industrial Commission using Form 19, *Employer’s Report of Employee’s Injury or Occupational Disease to the Industrial Commission*, within 5 days from notification of any claim that results in more than one day’s absence from work, or if medical expenses exceed the reportable amount which is established by the Industrial Commission.
- The PCC Personnel Office will work with the TPA and the employee to ensure that benefits and medical expenses are paid accordingly.

**Use of Leave**

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 or restricted duty. The employee will

- obtain a written statement from the physician indicating that the employee must not return to work in either permanent duty or restricted duty,
- present the statement to the supervisor along with an *Application for Leave* form, and
- obtain a written statement from the physician indicating when the employee will be allowed to return to work.

When an employee goes 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. This will provide an income approximately equal to the take-home (net) pay. Partial pay is subject to state and federal withholding taxes and Social Security, but not subject to retirement withdrawal. The employee is...
responsible for filing the Application for Leave form documenting appropriate leave with doctor’s note.

Continuation of Benefits

In order to reach maximum medical improvement, an employee injured on the job in a compensable accident who requires medical or therapy visits during regularly scheduled working hours shall not be charged leave for time lost from work for required treatment. Paid time shall be limited to reasonable time for treatment and travel; any excess time will be charged as vacation/bonus, sick leave, or leave without pay.

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, in addition to other unused vacation and bonus leave which was on hand at the time of the injury and any bonus leave granted subsequently.

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 College. Premiums for any dependent coverage must be paid by the employee.

While on workers’ compensation leave, an employee does not receive retirement credit. As a member of the State Retirement System, the employee may purchase credits for the period of time the employee is on an approved leave of absence. Upon request by the employee, the State Retirement System will provide 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 be recalculated.

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

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.

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

Legal Citation: North Carolina General Statutes §97: Workers’ Compensation Act

History: Effective October 12, 1988; Revised October 2011