

5.4.8 Workers' Compensation and Leave

Last Revised: August 2023

Policy: Piedmont Community College (PCC) adheres to the Workers' Compensation Act.

Purpose/Definitions:

Purpose

The purpose of this policy is to ensure that if a PCC employee is injured on the job or contracts an occupational disease, the employee is provided compensation in accordance with the Workers' Compensation Act. This policy also provides both a remedy to an injured employee and ensures a limited and determinate liability for the employer.

Definitions

North Carolina Industrial Commission (NCIC)—an agency of the State of North Carolina created by the General Assembly in 1929 to administer the North Carolina Workers' Compensation Act to ensure that the provisions of the Act are fairly applied.

Occupational Disease—an event or exposure caused by an employee's work environment or activities related to the employee's work causing or contributing to a medical condition.

The State Workers' Compensation Act—under the NC Workers' Compensation Act, an injury to any full-time, part-time, or temporary employee is covered under workers' compensation if it was caused by an accident or incident that arose out of and in the course of employment.

Third Party Administrator (TPA)—an organization that processes insurance claims or certain aspects of employee benefit plans for a separate entity and in this case processes workers compensation claims/benefits for the North Carolina Community Colleges.

Approval Authority/Monitoring Authority: The President, as designated by the PCC Board of Trustees, has approval authority, and the Vice President, Administrative Services/CFO has monitoring authority.

Procedure:

Section 1: Employee Responsibility

- 1.1. The injured employee or the employee's representative must immediately give written notice of an accident to the appropriate supervisor and to the Office of Human Resources and Organizational Development (HROD).
 - 1.1.1. If the injured employee is out of work and notification has not been made within 30 days, the employer may refuse compensation unless a reasonable excuse is made to the satisfaction of the North Carolina Industrial Commission (NCIC).
- 1.2. The written notice must include:
 - 1.2.1. the date and time of injury,
 - 1.2.2. detailed information concerning what the employee was doing at the time of the accident/incident,
 - 1.2.3. location of employee at time of injury, and
 - 1.2.4. which part of the employee's body was injured (right/left, upper/lower).
- 1.3. An employee with an occupational disease must give notice to the College when a licensed medical authority first informs the employee of the nature and work-related cause of the illness.

Section 2: Compensation

- 2.1. Per N.C.G.S. 97-28, a seven (7) day waiting period after the employee's last day on the payroll is required before the employee is eligible for weekly benefits.
 - 2.1.1. If the employee remains unable to earn wages after the first seven (7) days of disability, the employee is entitled to a weekly benefit.
 - 2.1.2. If disability continues more than twenty-one (21) days, the employee is entitled to receive compensation for the first seven days of disability.
- 2.2. The weekly benefit is equal to 66.67% of the employee's average weekly earnings up to a maximum established by the NCIC each year.
 - 2.2.1. 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 N.C.G.S. 97-29.

Section 3: Employer Responsibility

- 3.1. The Office of HROD is responsible for immediately notifying the College's workers' compensation insurance carrier and directing the employee to an approved treatment location.
 - 3.1.1. The appropriate supervisor(s) must complete the Supervisor's Accident/Injury Report form and submit it to the Office of HROD immediately (within 48 hours or less).
 - 3.1.2. The Office of HROD is required by law to report the injury/incident to the workers' compensation insurance carrier within five (5) days of receiving notification from the employee of the injury/incident.
 - 3.1.3. Any workers' compensation circumstances not addressed in this policy will be managed in accordance with [Article 1 of Chapter 97 of the N.C. General Statutes \(Workers' Compensation Act\)](#)

Section 4: Use of Leave

- 4.1. 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.
- 4.2. Employees injured on the job in a compensable accident who require medical or therapy visits during regularly scheduled working hours will not be charged leave for time lost from work for required treatment.
 - 4.2.1. Paid time should be limited to reasonable time for treatment and travel; any excess time will be charged as annual/bonus or sick leave or leave without pay.
- 4.3. The employee will:
 - 4.3.1. obtain a written statement from the physician indicating that the employee's fit-for-duty status, which should include a return-to-work date, and
 - 4.3.2. submit the statement along with an Application for Leave Request form if applicable to the Office of HROD and the employee's immediate supervisor.
- 4.4. When an employee goes on workers' compensation leave, the weekly benefit may be supplemented by the use of partial sick or annual/bonus leave, earned prior to the injury.

- 4.4.1. 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.
- 4.4.2. The employee is responsible for filing the Application for Leave Request form documenting appropriate leave with the physician's note attached.

Section 5: Continuation of Benefits

- 5.1. While on workers compensation leave, the employee will continue to accumulate annual and sick leave to be credited to the employee's account for use upon return to permanent duty.
- 5.2. If the employee does not return to permanent duty from workers' compensation leave, ~~they~~ the employee shall be paid a lump sum for unused annual and bonus leave eligible for payout already earned as of the date of injury, unused annual and sick leave accumulated only during the first 12 months of workers' compensation leave, and any bonus leave granted on or after the date of injury that is eligible for payout.
- 5.3. While on workers' compensation leave, an employee will continue to be covered under the State's health insurance plan. The monthly employer premium for the employee will be paid by the College.
 - 5.3.1. An employee who pays a portion of insurance coverage or pays dependent insurance coverage will be responsible for making premium payments.
- 5.4. While an employee is on workers' compensation leave, the employee does not pay into the retirement system.
 - 5.4.1. 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.
- 5.5. While on workers compensation leave, an employee will continue to receive total state service credit if eligible.
- 5.6. While on workers compensation leave, an employee will continue to receive longevity credit if eligible.
 - 5.6.1. Employees who are eligible for longevity pay will receive their annual payments.

5.7. Upon reinstatement, an employee's salary will be computed based on the last salary plus any legislative increase to which the employee is entitled.

5.7.1. 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: [Article 1 of Chapter 97 of the N.C. General Statutes \(Workers' Compensation Act\)](#); [NC Industrial Commission](#); [1C SBCCC 400.8\(b\)\(1\)\(C\)](#)

History: Effective October 12, 1988; Revised October 2011, October 2016, October 2021; Exhibit C replaced, March 2022, August 2023