COUNTY OF ALBEMARLE
PERSONNEL POLICY

§P-89

WORKERS' COMPENSATION

I. PURPOSE

This policy establishes procedures to administer benefits under the Virginia Workers' Compensation Act (the "Act"), Title 65.2 of the Virginia Code.

II. ~~POLICY~~LEAVE USAGE

A. First 7 Days of Absence. ~~In the event~~If an employee misses work for a work-related injury or illness that is compensable under the Act, the first seven (7) calendar days of absence are not covered/paid by Workers' Compensation. During this period, an employee may use accrued sick leave. If sick leave is exhausted, the employee may use other accrued ~~annual and/or compensatory leave in any order desired~~leave in accordance with procedures established by the Department of Human Resources. If no leave is available, these days will be unpaid.

B. Absence After 7 Days. Starting the eighth (8) calendar day of absence due to a compensable work-related injury or illness, the employee will receive 66 2/3~~2/3~~% of his/her average weekly wage~~s~~ as Workers' Compensation income benefits. From the eighth (8) day forward, the employee may use accrued ~~sick, annual and compensatory~~ leave in accordance with procedures established by the Department of Human Resources to supplement his/her Workers' Compensation income benefits, as follows:

1. The leave shall not exceed 33 1/3% of the employee's normally scheduled, non-overtime work hours on any shift.

2. Sick leave must be taken first. After sick leave is exhausted, the employee may use ~~accrued annual and/or compensatory leave in any order desired~~other accrued leave in accordance with policies and procedures established by the Department of Human Resources.

3. All leave must be accrued by the time of usage. Employees may not borrow against future leave accrual.

4. The County's Sick Leave Bank may not be ~~utilized~~ used during this period.

C. Benefits After 21 Days of Absence. ~~In the event that~~If the absence exceeds twenty-one (21) calendar days, the employee will be reimbursed for the first seven (7) calendar days by the County's Third-~~-~~Party Administrator for Workers' Compensation at ~~the calculated compensation rate~~66 2/3% of the employee's average weekly wage. The employee will be allowed to keep this reimbursement without obligation to return any payment~~s~~ to the County.

D. ~~Leave for Noncompensable~~Denied Claims. ~~Should a claim not be accepted by~~If a Workers' Compensation claim is denied by the Third-Party Administrator, ~~as compensable, the employee may use all applicable~~standard leave policies shall apply to any leave taken by the employee~~for which he is eligible~~.

E. Employer/Employee Insurance/Benefits Contributions. The County shall continue all applicable contributions toward retirement, life insurance, health insurance, and dental insurance during the period ~~of time~~ an employee is absent for a compensable injury/illness. It will be the employee's responsibility to make payment arrangements ~~directly~~ with the Payroll Department and/or the vendor providing the benefit/product (as applicable) ~~for the employee's contribution toward these benefits, as well as any other optional programs to which the employee may be contributing~~ to cover the employee's required contributions.

F. Return to Work. Once the employee is released by ~~his~~ the treating physician to return to work in any capacity, the employee is expected to return to work. Depending upon the nature of the medical restrictions, if any, and the staffing needs of the employee's department, this return may not necessarily be to the same position or duties worked by the employee at the time of the injury/illness. The employee's pre-injury rate of pay shall be maintained. ~~Should~~ If the employee refuses to return to work in the full-duty or restricted-duty capacity approved by the treating physician ~~turn down or fail to perform offered work that he is capable of doing~~, the County may take all actions permitted under law, including but not limited to~~,~~ contesting the employee's entitlement to further Workers' Compensation benefits before the Virginia Workers' Compensation Commission and/or termination of employment.

III. EMPLOYEE AND EMPLOYER RESPONSIBILITIES

A. Workers' Compensation Third-Party Administrator. The Workers' Compensation program is administered through a ~~t~~Third-Party ~~a~~Administrator, which ~~The Third Party Administrator~~ handles all employee claims and settlements after detailed consultation with the ~~County's representative~~Department of Human Resources' designee for Worker's Compensation. This ~~including~~ includes contested claims scheduled for a hearing before the Virginia Workers' Compensation Commission and appeals.

B. Employee Reporting. Employees are required to report immediately all work-related injuries and illnesses to their supervisors. These include any injury that occurs while working and any illness that the employee believes to be caused by his/her work. All incidents shall be reported regardless of apparent significance and regardless of whether medical attention was obtained. Late reporting by the employee can result in delayed or denied Workers' Compensation benefits. Employees are responsible for filing a claim with the Virginia Workers' Compensation Commission within the time limit provided by Title 65.2 of the Virginia Code. Failing to file a claim within the statutory time limit may cause the claim to be lost, even if the County may be paying the employee's salary, wages, or medical expenses.

C. Departmental Reporting. The employee's department is responsible for:

1. Submitting a First~~n Employer's Accident~~ Report of Injury immediately upon notification by the employee of a work-related injury or illness, or upon ~~his~~ obtaining knowledge of the event. All reports must be submitted ~~electronically~~ within 24 hours of the accident, ~~or~~ injury, illness, receipt of notice, or obtaining knowledge, whichever occurs the earliest.

2. Accurately recording time lost due to work-related injury or illness ~~utilizing~~ using appropriate leave code(s).

3. Communicating updates on the employee's work status to the Department of Human Resources throughout the duration of the claim.

D. Assistance to Employees. The Department of Human Resources ~~Department~~ is responsible for providing information to employees with respect to workers' compensation benefits.

~~Human Resources will also assist employees in completing necessary paperwork for submission to the Third Party Administrator.~~

IV. VRS INCOME REPLACEMENT PROGRAM

Employees under certain Virginia Retirement System (VRS) plans may be eligible for Income Replacement Program – Short Term Disability (IRP-STD) in conjunction with Workers' Compensation and Family Medical Leave Act (FMLA) benefits. Employees are responsible for contacting the Department of Human Resources for information on submitting a claim.

Adopted: September 3, 2008
Amended: March 1, 2019