

PERSONNEL: Compensation, Benefits and Retirement

Workers' Compensation

I. PURPOSE

TO PROVIDE MEDICAL CARE AND COMPENSATION TO ELIGIBLE BOARD OF EDUCATION OF BALTIMORE COUNTY (BOARD) EMPLOYEES WHO SUSTAIN AN ACCIDENTAL INJURY ARISING OUT OF AND DURING THE COURSE OF PERFORMING ASSIGNED DUTIES WITH THE BOARD. THE BOARD IS SELF-INSURED THROUGH BALTIMORE COUNTY GOVERNMENT FOR WORKERS' COMPENSATION; ALL CLAIMS FOR COMPENSATION AND MEDICAL SERVICES IN CONNECTION WITH THIS RULE ARE SUBMITTED TO AND ADJUSTED BY BALTIMORE COUNTY GOVERNMENT THROUGH ITS THIRD PARTY ADMINISTRATOR (HEREINAFTER "ADMINISTRATOR").

II. DEFINITIONS

A. FOR PURPOSES OF THIS RULE, THE FOLLOWING DEFINITIONS SHALL APPLY:

1. *ACCIDENT LEAVE* – PAID LEAVE PROVIDED TO AN EMPLOYEE WHO HAS SUSTAINED A WORK-RELATED DISABLING PERSONAL INJURY WHICH WOULD BE COMPENSABLE UNDER THE MARYLAND WORKERS' COMPENSATION ACT.
2. *EMPLOYEE* – SHALL MEAN ANY PERSON WHO:
 - a. WORKS ON A FULL OR PART-TIME SCHEDULE AND HOLDS A POSITION (F.T.E.) FUNDED BY AN APPROVED BUDGET; AND
 - b. IS ELIGIBLE TO RECEIVE EMPLOYEE BENEFITS AND ACCIDENT LEAVE; AND
 - c. IS NOT COVERED UNDER ANY OTHER WORKERS' COMPENSATION POLICY; AND
 - d. IS NOT AN INDEPENDENT CONTRACTOR OR CONSULTANT OPERATING UNDER A CONTRACT WITH THE BOARD.
3. *TEMPORARY TOTAL DISABILITY* – THE CONTINUATION OF SALARY AT A REDUCED RATE AS DEFINED BY THE WORKERS'S COMPENSATION LAWS OF MARYLAND.

III. CLAIMS MANAGEMENT

- A. THE OFFICE OF RISK MANAGEMENT SHALL ESTABLISH PROCEDURES FOR IMPLEMENTING THE SCHOOL SYSTEM'S WORKERS' COMPENSATION PROCESS AND PROVIDE TRAINING AND SUPPORT TO EMPLOYEES, SUPERVISORS, AND DEPARTMENTS IN WORKERS' COMPENSATION PROCEDURES AND ACTIVITIES.
- B. ALL CLAIMS SHALL BE REPORTED IN ACCORDANCE WITH PROCEDURES MAINTAINED BY THE OFFICE OF RISK MANAGEMENT.
- C. REPORTING RESPONSIBILITIES AND APPLICABLE FORMS CONCERNING THE WORKERS' COMPENSATION PROGRAM ARE AVAILABLE THROUGH THE OFFICE OF RISK MANAGEMENT.

IV. REPORTING

- A. WHEN A WORK-RELATED INJURY OCCURS, THE INJURED EMPLOYEE, OR AN INDIVIDUAL ACTING ON THE EMPLOYEE'S BEHALF, SHALL PROVIDE NOTICE OF THE INJURY TO THE EMPLOYEE'S SUPERVISOR AFTER THE ACCIDENT OCCURS.
 - 1. IF THE INJURY OCCURS AFTER REGULAR BUSINESS HOURS, VERBAL NOTICE SHOULD BE PROVIDED TO SAFETY AND SECURITY WITHIN THE DEPARTMENT OF PHYSICAL FACILITIES. THE INJURED EMPLOYEE SHALL THEREAFTER PROVIDE VERBAL NOTICE OF THE INJURY TO HIS/HER SUPERVISOR NO LATER THAN THE NEXT BUSINESS DAY FOLLOWING THE ACCIDENT/INJURY.
- B. THE EMPLOYEE'S SUPERVISOR SHALL ENCOURAGE THE EMPLOYEE TO SEEK MEDICAL ASSESSMENT FROM A BOARD-APPROVED MEDICAL CENTER.
- C. THE EMPLOYEE'S SUPERVISOR SHALL:
 - 1. HAVE THE EMPLOYEE DESCRIBE HOW THE ACCIDENT OCCURRED;
 - 2. REPORT THE INJURY DIRECTLY TO THE ADMINISTRATOR; AND
 - 3. COMPLETE THE *FIRST REPORT FORM FOR WORKERS' COMPENSATION* AND FAX THE FORM TO THE OFFICE OF RISK MANAGEMENT AND TO THE ADMINISTRATOR.

- D. THE OFFICE OF RISK MANAGEMENT OR THE ADMINISTRATOR MAY REFER AN EMPLOYEE TO A MEDICAL DOCTOR FOR FURTHER EXAMINATION (IF AN EXAM HAS ALREADY TAKEN PLACE IN PARAGRAPH IV.B. ABOVE) TO DETERMINE THE NATURE AND EXTENT OF THE INJURY, THE PROGNOSIS, THE ESTIMATED LENGTH OF RECOVERY TIME, AND AN ESTIMATED DATE OF RETURN TO WORK.

V. FALSE CLAIMS

- A. IF A SUPERVISOR RECEIVES EVIDENCE THAT SUPPORTS AN INFERENCE THAT THE EMPLOYEE'S INJURY WAS NOT WORK-RELATED, THE SUPERVISOR SHALL IMMEDIATELY NOTIFY THE OFFICE OF RISK MANAGEMENT.
- B. AN EMPLOYEE WHO COMMITS FRAUD IN CONNECTION WITH ANY CLAIM UNDER THIS RULE WILL BE DISQUALIFIED FROM RECEIVING BENEFITS AND MAY BE SUBJECT TO DISCIPLINARY ACTION, UP TO AND INCLUDING TERMINATION OF EMPLOYMENT.

VI. PERIOD OF LEAVE

- A. AN EMPLOYEE MUST USE ACCIDENT LEAVE FOR A COMPENSABLE INJURY OR ILLNESS BEGINNING ON THE FIRST DAY OF THE DISABILITY AND CONTINUING UNTIL THE DAY THE EMPLOYEE IS CERTIFIED TO RETURN.
- B. IF APPLICABLE, THE EMPLOYEE WILL ALSO BE NOTIFIED OF HIS/HER RIGHTS UNDER THE FAMILY MEDICAL LEAVE ACT.
- C. INJURED EMPLOYEES MUST PROVIDE MEDICAL DOCUMENTATION TO SUPPORT ALL ABSENCES RELATED TO THE WORK-RELATED INJURY OR ILLNESS.
- D. THE MAXIMUM AMOUNT OF ACCIDENT LEAVE THAT AN EMPLOYEE MAY RECEIVE DURING HIS/HER EMPLOYMENT WITH THE BOARD IS 52 WEEKS.
- E. IF AN EMPLOYEE EXHAUSTS 52 WEEKS OF ACCIDENT LEAVE AND PROVIDES MEDICAL CERTIFICATION FROM A LICENSED MEDICAL DOCTOR THAT THE EMPLOYEE IS UNABLE TO RETURN TO WORK BECAUSE OF THE WORK-RELATED INJURY, THE EMPLOYEE WILL BE PLACED ON TEMPORARY TOTAL DISABILITY WITHOUT BOARD SALARY.

F. DISABILITY LEAVE SHALL CEASE WHEN THE PERIOD COVERED BY THE WORKERS' COMPENSATION LAW HAS EXPIRED.

[Injury in the line of duty

An employee injured in the line of duty requiring absence from work shall be placed on disability leave by the Superintendent of Schools.

The employee shall have his/her salary payments maintained during this period of disability for up to twelve months without charge to his/her sick leave or vacation. The employee's year-to-date earnings and taxes will be reduced accordingly. The employee, on termination of service with the Board of Education, who is indebted to the Board for advanced disability pay, must reimburse the Board for the amount of indebtedness.

Disability leave shall cease when the period covered by the Workers' Compensation Law has expired.

An employee absent from work under the Workers' Compensation Law will be given up to one (1) year of service credit in determining his/her salary. While the employee is on disability leave, his/her salary will be frozen and any allowable advancement on the salary scale will become effective upon the employee's return to work. Vacation time and sick leave cannot be accrued during disability leave.

II. Procedure

The appropriate administrator must file a report of any accident occurring to an employee during the course of employment with the Office of Benefits and Safety within twenty-four (24) hours of the accident.

It is the responsibility of the disabled employee to check with his/her physician and to inform the appropriate administrator of the approximate date he/she can return to a regular assignment.

III. Information about Workers' Compensation and forms supporting "A First Report of Injury Under the Workers' Compensation Law" are available to teachers from their school office and from the Office of the Associate Superintendent, Division of Support Services.

Also see Master Agreement with the Teachers' Association of Baltimore County, Maryland, Inc.]

LEGAL REFERENCES: 29 U.S.C. §12101, *et seq.*, *Americans with Disabilities Act*
29 U.S.C. §§ 2611-19, *Family and Medical Leave Act*
ANNOTATED CODE OF MARYLAND, LABOR AND
EMPLOYMENT ARTICLE, TITLE 9, WORKERS'
COMPENSATION

RELATED POLICIES: BOARD OF EDUCATION POLICY 4203, *ABSENCES*
AND LEAVES
BOARD OF EDUCATION POLICY 8410, *FRAUD*
REPORTING

Superintendent of Schools

Rule

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