

Workers' Compensation

An employee is eligible for workers' compensation leave from the district during the period of time the employee is temporarily disabled as the result of any injury arising out of and in the course of employment which qualifies for an indemnity payment from the workers' compensation division of the Colorado Department of Labor and Employment.

Workers' compensation leave shall be available only to those persons who sustain a temporary total disability and are unable to perform services for the district while disabled.

The primary source of compensation for an employee on workers' compensation leave shall be the indemnity payment from the workers' compensation section of the division of worker's compensation of the Colorado Department of Labor and Employment or insurance carrier as determined by state law. To the extent that the indemnity payment is less than an employee's weekly wage or equivalent, the employee is entitled to use accrued school district sick leave and vacation time to supplement the workers' compensation payment.

Under no circumstances shall an employee be allowed to receive more than an amount equal to the weekly wage or equivalent when combining the indemnity payment from workers' compensation and school district benefits, including sick leave. The employee shall provide any requested documentation to the school district to evidence amounts paid by workers' compensation and/or insurance payments before benefit payments are allowed by the school district.

While on workers' compensation leave under a temporary total disability, employees shall continue to have school district health, life and disability insurance coverage, to the same extent the employee had such coverage prior to taking workers' compensation leave, for a period of time not to exceed one year.

At such time, the employee shall be given the option of directly assuming payment of the district's costs for such benefits or discontinuing the coverage until returning to work and again being eligible for benefits, unless the district is otherwise required to continue such coverage under applicable law.

The administration is directed to establish necessary procedures to implement this policy.

NOTE: The district is not required by state workers' compensation law to continue insurance coverage at the district's expense but may be required to do so for a specific time period under the federal Affordable Care Act (ACA). If coverage is not continued at district expense, the employee must be given the option of paying for continuing coverage. If, however, the injury or disability qualifies for leave under the Family and Medical Leave Act (FMLA), insurance coverage cannot be discontinued during such FMLA leave, but may be at the employee's expense unless the district is required to pay its costs under the ACA.

LEGAL REFS.: 29 U.S.C. 2601 et seq. (*Family Medical leave Act*)
C.R.S. 8-40-101 et seq. (*Workers' Compensation Act of Colorado*)
P.L. 111-148 (*Patient Protection and Affordable Care Act*)

CROSS REFS.: GBGG, Staff Sick Leave
GCD, Professional Staff Vacations and Holidays
GDD, Support Staff Vacations and Holidays