

SOUTHWESTERN COMMUNITY COLLEGE	HUMAN RESOURCES/INFORMATION TECHNOLOGY WORKERS COMPENSATION BENEFITS	Policy 4.02.06
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Use of Leave due to Workers' Compensation Injury

When an employee suffers an accidental injury or contracts an occupational disease within the meaning of the North Carolina Workers' Compensation Act, the employee is entitled to benefits provided by the Act. The employee is entitled to medical benefits and compensation for time lost from work due to the injury. The Act does not entitle an employee to job protection due to a workers' compensation injury.

If an employee is not able to work because of the accident, the Act requires a seven (7) day waiting period before the employee is eligible for weekly benefits.

After the seven (7) day waiting period has expired, if an employee is not able to work because of the accident, an employee qualifies for compensation under the Act at the rate of sixty-six and two-thirds percent (66 2/3%) of an employee's average weekly wage, but no more than the amount established by the Act.

If the injury results in disability of more twenty one (21) calendar days from the date of disability, the Act provides that compensation shall be allowed for the seven (7) day waiting period.

At any time during the period of disability, an employee may use accrued leave in order to make up the difference between the compensation provided under the Act and their average weekly wage.

Responsibility of Employer and Employee

- A. In accordance with G.S. 97-22, the employee or his/her representative must provide notice of an accident as soon as possible. No compensation shall be payable unless such written notice is given within thirty (30) days after occurrence of the accident or death, unless reasonable excuse is made to the satisfaction of the Industrial Commission for not giving such notice and the Commission is satisfied that the employer has not been prejudiced thereby.
- B. The College is required by law to report the injury to the North Carolina Industrial Commission using I.C. Form No. 19.
- C. Responsibility for claiming compensation is on the injured employee. A claim must be filed by the employee through the College with the North Carolina Industrial Commission within two (2) years from the date of injury. Otherwise, the claim is barred by law.

Continuation of Benefits

- A. Performance Increase - upon reinstatement, an employee's salary will be computed based on the last salary plus any legislative increase to which entitled.
- B. Vacation and Sick Leave - While on workers' compensation leave, the employee will continue to accumulate vacation and sick leave to be credited to his/her account for use

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upon return. Accumulation of vacation leave may in some cases exceed two hundred forty (240) hours and shall be handled as follows:

1. The two hundred forty (240) hour maximum to be carried forward to the next calendar year may be exceeded by the amount of vacation accumulated while the employee is out of work due to their workers' compensation injury. The excess may be used after returning to work or be added to the employee's remaining balance of leave carried until the end of the calendar year following a full year after the employee's return to work.
2. If the employee separates during the period, that excess vacation is allowed, the excess leave to be paid in a lump sum may not exceed the amount accumulated during the first twelve (12) months of when the employee is out of work and receiving workers' compensation benefit.

Hospitalization Insurance - while an employee is out of work and receiving compensation under the Workers' Compensation Act, an employee is in a pay status and will continue coverage under the state's health insurance program. Monthly premiums for the individual will be paid by the state.

Legal Citation: North Carolina General Statutes, Chapter 27- Workers' Compensation Act

Adopted: July 2002

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