

ASSAULT LEAVE

Any employee who is unable to perform his or her duties because of injury or illness caused by a physical assault during the course of employment is entitled to paid leave and all benefits as if on sick leave according to the terms of this policy.

An employee requesting assault leave must also apply for Workers Compensation benefits. If Workers Compensation benefits are paid, the Board of Education shall pay the employee the difference between the benefits received from Workers Compensation and the employee's regular salary. If Workers Compensation benefits are denied because the injury was not caused by or received during the course of employment, the assault leave shall also be denied.

Assault leave shall not exceed the period during which Workers Compensation benefits are paid.

Continuation of Salary

With the onset of a work-related injury, resulting in possible lost wages, the Superintendent and the Treasurer shall evaluate the option of salary continuation. After this assessment is completed and it is determined that salary continuation will be offered, the employee shall be notified of this option under the terms that follow:

An employee may continue to receive his/her regular compensation (i.e., (full) salary/wage including benefits). All workers' compensation claims will be periodically evaluated for the purpose of the continuation of these benefits. This period may include both the time period pending approval of the claim by the BWC, which requires lost time from an employee's performance of his/her functions/duties, in addition to the time period after the claim has been approved/accepted. Any and all applicable BWC laws and regulations shall remain in place during the continuation of salary period. The Treasurer's office will notify the BWC that "wages are being received in lieu of BWC compensation" and will complete the proper authorizations.

While an injured employee is not required to accept salary continuation in lieu of temporary total compensation, if s/he does accept it, the employee must complete a *First Report of Injury* application, and sign a Salary Continuation Agreement, medical release form, election form and other necessary forms.

An injured employee is not entitled to both temporary and total compensation and salary continuation, and is required to notify the Board and BWC if this occurs.

The injured employee will not experience a break in service that impacts seniority or other benefits when salary continuation is paid by the Board.

Wage continuation benefits will be paid only for those periods of lost time that otherwise would qualify the employee for receipt of workers' compensation lost time benefits, subject to the following limitations.

Wage continuation payments will cease upon any of the following conditions:

1. Attending physician releases employee to return to work.
2. Employee returns to work for another employer.
3. Employee fails to return to a transitional "limited duty" assignment consistent with his/her medical restrictions as approved by the injured worker's treating physician.
4. Employee fails to appear for employer-sponsored medical examination.
5. Employee has reached maximum medical recovery and/or the condition has become permanent.
6. The claim is found to be fraudulent after payment has commenced.
7. The injured worker attempts to collect both wage continuation and temporary total compensation.
8. Employment termination.
9. Violation of any related Board policy or administrative guideline.
10. Regardless of the above conditions of termination, the Board may, at its sole discretion, terminate wage continuation at any time.
11. The wage continuation plan and all benefits can be terminated at the Board's discretion at any time.

LEGAL REFS: O.R.C. §§2913.48 and 3319.143; O.R.C. Chapter 4123
O.A.C. 4123

Adopted: August 1, 2017