

LOYOLA LAW SCHOOL
HUMAN RESOURCES POLICIES AND PROCEDURES

DIVISION: LAW SCHOOL/HUMAN RESOURCES	
SUBJECT: Workers' Compensation Leave	Page 1 of 4
Policy Number:	Supersedes: Work-Related Injury/Illness
Effective Date: 12/17/15	Previously Issued: 04/23/13

1. STATEMENT OF POLICY:

The Law School strives to provide a safe work environment for all staff members¹. In the event of a work-related injury or illness, staff members may be eligible for a leave of absence, coverage of medical expenses and/or loss of income in accordance with the Workers' Compensation Act.

2. POLICIES/PROCEDURES:

This policy is intended to comply with state law and all related regulations. Should later revisions to these laws and regulations conflict with provisions contained in this policy, the minimum requirements of relevant state law and/or regulations shall govern resolution of the issue. For further information regarding the scope of Workers' Compensation Leave, staff members should contact Human Resources.

A. Eligibility

Eligibility for benefits is determined in accordance with state law by the insurance carrier, which administers the workers' compensation plan for the Law School. The insurance carrier has the right to investigate all work-related injuries/illnesses and to request medical examination of the staff member as provided by law.

B. Leave Availability

The Law School will grant a workers' compensation leave to a staff member who is unable to work due to an occupational injury/illness, in accordance with state law. Workers' compensation leave runs concurrently with family/medical leave taken under both federal and state law.

C. Compensation During a Workers' Compensation Leave

Basic Benefits

Under the Law School's workers' compensation plan, weekly benefits may be provided to a staff member who incurred an injury/illness as a result of performing the duties of his/her job. Benefit payments from the plan are based on the staff member's average weekly earnings, with a specific weekly maximum benefit. Benefit payments from the plan usually begin after a three (3) day waiting period, however the waiting period is waived if the staff member is hospitalized or unable to work for more than fourteen (14) days. The Workers' Compensation Act also provides for payment of related

¹ For information regarding workers' compensation leaves for faculty members, see the Faculty Handbook. Questions about workers' compensation leaves for faculty members should be directed to Human Resources.

medical expenses, as well as for death benefits. Workers' compensation benefit payments are sent directly to the staff member.

Holiday/Leave Day Pay

A staff member on an approved workers' compensation leave is entitled to pay for holidays and leave days which fall during the first 12 weeks of the approved leave of absence.

Use of Sick Pay/Vacation

Workers' compensation leaves are without pay. However, a staff member may use and exhaust accrued sick or vacation pay during a worker's compensation leave. Staff members electing to use both sick and vacation pay will be compensated using sick pay, if any, first until it is exhausted, and then will be compensated using vacation, if any, for any unpaid portion of a workers' compensation leave.

All such payments will be integrated with any workers' compensation benefit payments. At no time shall a staff member receive greater total payment than the staff member's regular net pay. Once authorized accruals have been exhausted, the workers' compensation leave will be unpaid by the Law School. The staff member may continue to receive workers' compensation benefit payments, if eligible.

Long-Term Disability Insurance

A staff member may be eligible for benefits under the Law School's Long-Term Disability Plan. If the staff member's workers' compensation leave is the result of a disability as defined by the Law School's Long-Term Disability Plan, and the staff member remains unable to work for ninety (90) continuous days, he/she may be eligible for benefit payments from the Law School's Long-Term Disability Plan. Questions regarding these benefits should be directed to Human Resources.

D. Accrual of Vacation/Sick Pay During a Workers' Compensation Leave

Staff members on an approved workers' compensation leave accrue vacation and sick pay during the first 12 weeks of workers' compensation leave only.

E. Service Date

Time off from work during an approved workers' compensation leave will not constitute a break in service.

F. Continuation of Group Health and Welfare Benefits

To the extent that the Law School is paying all or a portion of the group health and welfare benefits of a staff member eligible for workers' compensation leave, the Law School will continue to pay for participation in its group health and welfare benefits up to a maximum of 12 weeks of workers' compensation leave in a 12-month period.

After 12 weeks, if a staff member remains on a workers' compensation leave and is being paid accrued and available sick/vacation pay, the Law School will continue to pay its share of group health

and welfare benefits until the staff member exhausts the sick/vacation pay which he/she is entitled to use.

If the staff member exhausts the sick/vacation pay he/she is entitled to use, the staff member may continue to participate in some or all of the Law School's group health and welfare benefits until the end of the staff member's workers' compensation leave, provided that the staff member pay both the Law School's share and his/her share of the premiums for such coverage.

G. Notification and Certification Requirements

A staff member must report all work-related accidents, injuries and illnesses no matter how small to his/her immediate supervisor. If the injury is serious or life or limb threatening, the staff member or immediate supervisor/first responder should contact emergency services (911) and Campus Safety & Security for transportation to the nearest hospital emergency room for treatment. All follow-up care will be provided by the occupational medical provider network, as provided by the Workers' Compensation Plan.

If the nature of the injury is minor, yet requires medical attention, the injured staff member or his/her immediate supervisor should contact Human Resources to arrange treatment through the Law School's designated occupational clinic. If necessary, the injured staff member may be transported by Campus Safety & Security.

If the injured staff member refuses medical treatment, he/she must complete and sign a treatment refusal form.

A staff member who is deemed unable to work by his/her treating physician must keep his/her immediate supervisor and Human Resources informed of changes in his/her status within a reasonable amount of time

H. Rights Upon Return to Work

Before a staff member may return to work from a workers' compensation leave, he/she must provide medical certification that he/she is able to resume work. The certification must include the capacity in which the individual can return to work.

The Law School is committed to engaging in the interactive process to determine whether reasonable accommodations are necessary. To initiate the interactive process, contact Human Resources.

I. Alternate Employment During a Leave

A staff member on a workers' compensation leave may not work for any other employer for the duration of the leave. Violation of this policy may lead to discipline up to, and including, separation from employment.

J. Termination of Employment

When a staff member on a workers' compensation leave is deemed "permanent and stationary," the Law School, to the extent permissible by law, may terminate a staff member if the staff member and his/her treating physician cannot provide reasonable assurance that the staff member can return to work with or without reasonable accommodation.

Failure to return to work at the end of a workers' compensation leave may result in termination of employment.