

WORKERS' COMPENSATION

OBJECTIVE

It is the Commonwealth's objective that all state employees receive benefits provided by the Virginia Workers' Compensation Act (referred to in this policy as "WCA") if they suffer a work-related injury or disease, and that covered employees participating in the Traditional Sick Leave Program who are entitled to benefits under the WCA also are eligible for supplemental benefits provided by the Commonwealth.

I. EMPLOYEES TO WHOM POLICY APPLIES

This policy's provision regarding benefits required by the WCA applies to all employees. The provisions regarding supplemental benefits provided by the Commonwealth apply only to positions covered by the Virginia Personnel Act to include classified, and restricted employees who participate in the Traditional Sick Leave Program. (See section II (A) of Policy 2.20, Types of Employment.)

II. SCOPE OF POLICY

This policy does not describe the benefits to which all employees are entitled under the WCA, but is limited to describing the supplemental benefits provided to employees covered by the Virginia Personnel Act and participating in the Traditional Sick Leave Program. See Policy 4.57, Virginia Sickness and Disability Program, for supplemental benefits for employees who participate in the Virginia Sickness and Disability Program.

III. DEFINITIONS

- A. Injury**
An accident arising out of and in the course of employment.
- B. Occupational disease**
A disease arising out of and in the course of employment, but, unless otherwise provided by the WCA, not an ordinary disease of life to which the general public is exposed outside of the employment.
- C. Permanent partial disability**
A permanent loss to the body that was caused by an injury or occupational disease and that the WCA does not consider to result in the employee's total incapacity. An example of a permanent partial disability is the loss of a finger.
- D. Regular salary**
The salary that an employee normally earns per week, based on the salary amount specified for the salary grade and pay step of the employee's regular position.
- E. Workers' compensation leave**
A type of leave from employment which results from an employee's incapacity to work, and which has been determined to have resulted from an injury or

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occupational disease such that the employee is entitled to benefits required by the WCA.

IV. BENEFITS TO WHICH EMPLOYEES ARE ENTITLED UPON POSITIVE DETERMINATION OF CLAIMS

A. All employees

All employees who suffer injuries or occupational diseases are entitled to benefits required by the WCA.

B. Covered employees in the Traditional Sick Leave Program

Covered employees participating in the Traditional Sick Leave Program who suffer injuries or occupational diseases also are entitled to supplemental benefits provided by the Commonwealth, as described in section V below.

V. SUPPLEMENTAL BENEFITS FOR COVERED EMPLOYEES PARTICIPATING IN THE TRADITIONAL SICK LEAVE PROGRAM

In addition to payments for lost wages that are required by the WCA, covered employees who are on workers' compensation leave are eligible to receive payments for lost wages as described below.

A. During the first seven calendar days of absence

During the first seven calendar days of employees' absences on workers' compensation leave, the Commonwealth pays their regular salaries. If the absences continue for more than 21 calendar days, agencies will be reimbursed for the first seven calendar days of employees' absences on workers' compensation leave.

B. For the next 85 calendar days of absence

Employees who are absent from work on workers' compensation leave for more than seven calendar days will receive supplements in the form of the difference between payments required by the WCA and their regular salaries, for a period of up to 92 calendar days from the beginning of their absences from work on workers' compensation leave.

C. After 92 calendar days of absence

Agencies have the discretion to extend payment of the supplements described in section (B) above beyond employees' 92nd calendar day of absence on workers' compensation leave, provided that such extensions do not exceed 480 work hours.

D. Supplements payable when employees receive payments for permanent loss

When employees receive payments as required by the WCA for permanent losses to their bodies, they also are entitled to receive the Commonwealth-provided supplements described above, such that they will receive the permanent loss payments as well as their regular salaries.

E. Use of accumulated leave to receive regular salary

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1. After payment of the Commonwealth-provided supplement described above, employees may use accumulated annual, sick, overtime, and/or compensatory leave, to receive, along with payments for lost wages required by the WCA, their regular salaries.
2. Employees' accumulated leave may be used to supplement payments for lost wages required by the WCA only up to the amount necessary to pay their regular salaries, except that employees may receive more than their regular salaries if the excess amount is a result of payments for permanent losses to their bodies.

VI. AUTHORITY AND INTERPRETATION

This policy is issued by the Department of Human Resource Management pursuant to the authority provided in Chapter 12, Title 2.2, of the Code of Virginia. This policy supersedes Rule 10.5, Workmen's Compensation Leave, of the Rules for the Administration of the Virginia Personnel Act, effective July 1, 1977.

The Director of the Department of Human Resource Management is responsible for official interpretation of this policy in accordance with §2.2-1201 of the Code of Virginia. Questions regarding the application of this policy should be directed to the Department of Human Resource Management's Office of Agency Human Resource Services. The Department of Human Resource Management reserves the right to revise or eliminate this policy as necessary.