

**TALLAHASSEE COMMUNITY COLLEGE
DISTRICT BOARD OF TRUSTEES
P O L I C Y**

TITLE: Workers' Compensation Leave	NUMBER: 04-37
AUTHORITY: Florida Statute: 440, 1001.64, 1001.65 Florida Administrative Code: 6A-14.0261	SEE ALSO: <ul style="list-style-type: none"> • Board Policy 04-27 and Administrative Procedure 04-27AP: Absence from Duty • Board Policy 04-33 and Administrative Procedure 04-33AP: Administrative Leave • Board Policy 12-02 and Administrative Procedure 12-02AP: Liabilities and Workers' Compensation Claims
DATE ADOPTED: 12/01/97; Revised 11/22/10	

An employee in an established position shall be entitled to workers' compensation leave when absent from duty because of personal injury or occupationally incurred illness (workers' compensation incident) received in the discharge of duty for the College.

The following requirements must be met.

1. The employee must be authorized under the provisions of the workers' compensation law of Florida (Florida Statutes, Chapter 440).
2. The administrative leave period shall be limited to a maximum of ten (10) work days per workers compensation incident and shall not exceed ten (10) days of administrative leave for workers' compensation during any calendar year regardless of the number of incidents during a calendar year (eighty [80] hours for a full-time employee).
3. Administrative leave for workers' compensation purposes is not cumulative and cannot be credited from year to year.

A. Leave and Benefits

An employee under the provisions of the Florida workers' compensation law shall be entitled to use workers' compensation administrative leave and shall continue to accrue sick and annual leave and other benefits as though regularly employed. Time spent by employees waiting for or receiving medical attention due to a workers' compensation incident shall be counted as administrative leave if such medical attention was authorized by appropriate College personnel.

B. Indemnity Payments

Indemnity payments issued under the provisions of the Florida workers' compensation law represents 66.6 % of the average weekly wage of the employee for the thirteen (13) weeks immediately preceding the occurrence of the workers' compensation incident. The average weekly wage used in calculating the indemnity payment cannot exceed the maximum amount set by current Florida law.

When an employee is under the workers' compensation provision, the following shall apply.

1. If an employee is absent from work for fourteen (14) calendar days or less, the appropriate amount of administrative leave shall be used to compensate the employee for this period.
2. If an employee is absent from work for more than fourteen (14) calendar days but less than twenty-two (22) calendar days, the employee shall qualify under the law to receive tax-free indemnity payments for the eighth through the fourteenth calendar days.

The College shall allow the employee to be in proportionate retroactive leave without pay status in order to receive the indemnity payment. The employee shall also be allowed to use administrative leave during this period to compensate for the difference between the indemnity payment and the employee's salary.

3. If an employee is absent from work for twenty-two or more calendar days, the employee shall qualify under the law to receive tax-free indemnity payments for the first through the seventh calendar days and also for the twenty-second and succeeding calendar days.

The College shall allow the employee to be in proportionate retroactive leave without pay status in order to receive the indemnity payment. If administrative leave has not yet been exhausted for this workers' compensation incident/calendar year, the employee shall also be allowed to use administrative leave during this period to compensate for the difference between the indemnity payment and the employee's salary.

If an employee has exhausted the workers' compensation administrative leave available and is still unable to return to work, the employee has the option to use appropriate accrued leave or be in a leave-without-pay status in addition to receiving the tax-free indemnity compensation.

C. Returning to Work

An employee under the provisions of the Florida workers' compensation law who does not report for duty must provide the Human Resources Department with a written excuse for the absence from a College-approved health care provider.

If an employee has been given a written release by a College-approved health care provider to return to light duty, the employee must provide written guidelines from a College-approved health care provider outlining the light duty tasks using the appropriate position description on file in the Human Resources Department as a guideline. The written guidelines must be presented at the beginning of the employee's scheduled work hours on the first day back of the return to duty.

If an employee does not provide the College with a written release to return to duty or if an employee who has been given a release to return to duty does not return to duty, the employee shall be in leave-without-pay status. Under these circumstances, the employee cannot use accrued leave of any type and may be terminated.

An employee under the provisions of the Florida workers' compensation law who does not report for duty must provide the Human Resources Department with a written excuse for the absence from a College-approved health care provider.