

Chapter 4 – Medical Leaves of Absence

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Section I Sick Leave

Purpose

The purpose of this policy is to provide employees with paid leave for time away from work for personal illness or injury, or for the illness or injury of a family member.

Scope

This policy applies to full-time and part-time employees who are not in temporary or emergency positions. Part-time is working half-time hours or greater.

A. Accruing Sick Leave

1. Rate

Employees earn paid sick leave on a pay period basis as follows:

- a. A full-time employee earns sick leave at the rate of 1.25 days a month.
- b. A part-time employee earns sick leave at a proportionate rate: e.g., an employee working half-time would earn $\frac{1}{2}$ day of sick leave monthly and an employee working three quarters time would earn $\frac{3}{4}$ day a month. The employee must work at least half of the LDSS work week in order to accrue leave.
- c. For LDSS that do not have monthly pay periods, sick leave is accrued each pay period in an amount proportionate to that earned on a monthly basis: e.g., for LDSS with a semi-monthly pay period, the rate would be $\frac{1}{2}$ day for each pay period (for half-time employees the rate would be $\frac{1}{4}$ day).

2. Accrual

Sick leave does not accrue until the end of the pay period in which it is earned and may not be used until the first day of the following pay period.

3. Effect of Leave Without Pay on Accrual

If an employee is on leave without pay at any time during the pay period, no sick leave is earned for that pay period.

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4. Carrying Over

There is no limit to the amount of sick leave that is permitted to be carried over to the next year.

B. Use of Sick Leave

1. Use

Sick leave cannot be used until it is accrued. There is no borrowing against future accruals.

2. Reasons for Use

Sick leave may be used for either personal or family reasons.

a. Employee's Own Use of Sick Leave

Unless the LDSS has set a limitation, an employee may use the full amount of accrued sick leave for the employee's own care as follows:

- (1) When medically necessary and the employee is unable to perform the essential functions of the position;
- (2) Pregnancy and child-birth related medical conditions;
- (3) Medically documented chronic conditions;
- (4) Medical appointments that cannot be scheduled outside of work hours (regularly scheduled, routine appointments will not be included in this category unless there is medical certification that the appointments are not available after work hours); or
- (5) Family and medical leave (see Chapter 4, Section II for details).

b. Use of Sick Leave for Family Purposes

Unless the LDSS has established different limits, as approved by the local board and the LDSS, an employee may use accrued sick leave for the care of family members as follows:

- (1) Circumstance in which family sick leave may be used:
 - (a) When the family member has a medical condition that requires the employee to assist in the family member's care or in transporting the family member;
 - (b) The death of a family member;

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(c) Family and Medical Leave (see Chapter 4, Section II for details).

(2) A family member (whether the relationship is by birth, adoption, foster care, or marriage) includes parents, stepparents, spouse, children, step-children, siblings, grandparents, grandchildren. Additionally, any relative by blood or marriage who resides in the employee's home may be considered a family member.

(3) During a calendar year, an employee may use up to eight days of Sick Leave for family sick leave.

C. Notice and Approval

1. Advanced Notice

If an employee has a medical condition that necessitates an absence from work, the employee must notify the supervisor on the leave request form as soon as the absence is foreseeable. Medical conditions that have foreseeable absences include but are not limited to elective and non emergency surgery, regular or routine medical appointments, pregnancy, and childbirth.

2. Notice Required at All Times

For absences that are not foreseeable, or for emergency situations, the employee must provide notice as soon as practicable. Until notice is provided, the time will count as leave without pay.

3. Approval Required

Until approval is provided, the absence will count as leave without pay.

D. Verification of Need for Sick Leave

1. Verification of Need May Be Required

Upon the request of the LDSS, the employee must provide verification to establish the use of sick leave. The use of sick leave will not be approved until requested verification is provided.

2. Types of Verification

The following types of verification will be deemed sufficient:

- a. FMLA health care provider certification;
- b. Statement from the medical provider that because of the medical condition the employee cannot perform the essential functions of the position, the medical

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facts that support this conclusion, and the estimated period of time that the employee will be absent from work; or

- c. Evidence that there was a medical appointment that could not have been scheduled during non-work hours.

3. Re-Verification

If an employee is absent for an extended period of time, the LDSS may request, and the employee must submit, additional verification for the need for the absence. Continued use of sick leave can be conditioned on providing the requested verification.

E. Treatment of Sick Leave upon Change in Status

1. Payment at Termination

- a. An employee must have worked continuously for the LDSS for five years or longer to be entitled to a payment for accrued sick leave at termination or death.
- b. When employment is terminated, the employee may be paid for accrued sick leave in a lump sum up to the maximum allowable amount. The amount of payment is the lesser of 25% of the accrued leave or the maximum payout amount as determined by the local Board and approved by VDSS.
- c. For the purpose of unemployment compensation such leave payment will be allocated as wages for the equivalent daily/weekly periods as the employee would have received had employment continued.

2. Payment at Death

In the case of death, payment shall be made to the executor of the estate. If no executor has been qualified by a court, and if sixty days have lapsed, payment for accrued sick leave, if less than \$15,000, will be made to the surviving spouse and if no surviving spouse, then to the next of kin as provided in § 64.1-123 of the *Code of Virginia*.

3. Right to Repurchase

An employee, who is rehired by the same LDSS within twelve (12) months from the date of a layoff or an employee who is reinstated by a grievance panel, may have the sick leave balances restored by paying the amount of any payout received at termination for accrued sick leave.

4. Leaves of Absences are Not Terminations

Educational leave, FMLA leave, military leave, and other forms of extended leave are not considered terminations for the purposes of receiving payment for accrued sick leave.

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F. Transfer of Leave

As an inducement to accept an offer of employment, an LDSS may offer to credit the employee with some or all of the sick leave balances that would be uncompensated when the employee resigns from employment with another LDSS or the Virginia Department of Social Services. An employee may only be credited with sick leave if there is no break in service.

G. Change in Employment Status

If the status of an employee is changed from temporary to probationary, regular, or restricted, sick leave credits shall be given for the period of temporary salaried employment. In addition, that period shall also be considered part of the total service in determining the rate at which the allowance for annual leave shall accrue in the new status.

H. Employee Accountability

1. The employee is responsible for knowing the amount of sick leave balances that should have been accrued.
2. An employee will be required to reimburse the LDSS for leave taken if there was not sufficient accrued leave to cover the time taken. Reimbursement may be in the form of monetary reimbursement, charging the time to other accrued paid leave or, at the LDSS's option, future leave accruals. LDSS may work out a repayment plan with the employee.
3. No matter how urgent the need for the leave may be, the LDSS has no authority to grant paid leave when there is not sufficient accrued leave.

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Section II Family and Medical Leave

Purpose

This policy sets forth the requirements for obtaining Family and Medical Leave.

Scope

This policy applies to all employees.

A. Definitions

1. Child

A biological, adopted, foster son or daughter or a son or daughter with whom the employee serves or served in *loco parentis* who is under 18 years of age or if disabled, of any age.

2. Employment Benefits

All benefits provided or made available to employees including group life insurance, health insurance, disability insurance, sick leave, annual leave, educational leave, and pensions.

3. Family and Medical Leave

Family and Medical Leave Act (FMLA) provides eligible employees with twelve (12) weeks of job protected leave for the serious health condition of the employee or the employee's family member or for adoption, placement, or the birth of a child.

4. Family Member

Child, spouse or parent.

5. Fiscal Year

The twelve month period that begins on June 1 and ends May 31.

6. Health Care Provider

Health care provider is one of the following:

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- a. Doctors of medicine or osteopathy who are authorized to practice medicine or surgery (as appropriate) by the state in which the doctors' practice.
- b. Other health professionals capable under state law of providing health care services including podiatrists, dentists, clinical psychologists, optometrists, chiropractors, nurse practitioners and nurse-midwives.
- c. Christian Scientist practitioners.
- d. Other health care providers accepted by the LDSS's health plan.

7. Incapacity

Inability to work, attend school, perform other regular daily activities due to a serious health condition.

8. Intermittent Leave

Leave that is taken on an intermittent basis in increments of a quarter hour or more. Such leave includes time taken for medical appointments or treatments.

9. Key Employees

Employees who are among the highest paid 10% of the LDSS workforce.

10. Parent

The biological parent or an individual who stands or stood in *loco parentis*.

11. Reduced Schedule

A work schedule less than the usual number of hours worked per workweek or per workday.

12. Serious Health Condition

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves one of the following categories:

- a. Inpatient care in a hospital, hospice, or residential medical care facility for an overnight stay;
- b. Incapacity in conjunction with continuing treatment by a health care provider:
 - (1) Incapacity for more than three consecutive days, involving treatment two or more times by a health care provider, and any subsequent incapacity or treatment related to the same condition; or

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- (2) Incapacity for more than three consecutive days, involving treatment at least once by a health care provider which results in a regimen of continuing treatment under supervision of a health care provider; or
- (3) A chronic condition requiring periodic visits for treatment by a health care provider which continues over an extended period of time and which may cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.); or
- (4) Any period of incapacity due to pregnancy or prenatal care or
- (5) A permanent or long-term period of incapacity due to a condition for which treatment may not be effective or treatment has been elected to be withheld, but for which the patient is under the continuing supervision of a health care provider (e.g., Alzheimer's, severe stroke, terminal stages of a disease, etc.); or
- (6) A period of absence to receive multiple treatments (or recovery therefrom) either for restorative treatment after an accident or injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment (e.g., chemotherapy, radiation, dialysis, etc.).

13. Spouse

Husband or wife.

14. Twelve Month Period

A calendar fiscal year, another fixed 12-month period, the 12-month period from the date the employee first requested FMLA leave, or a rolling 12-month period looking back from the date the leave is requested.

B. Eligibility Requirements

To be eligible to take FMLA leave, the following criteria must be met:

1. The employee must have been employed by the LDSS for at least 12 months which do not have to be consecutive.
2. For the 12 months immediately preceding the first day of the requested leave, the employee must have worked at least 1,250 hours (paid leave is not counted) as hours worked.
3. Twelve weeks of FMLA must not have been used in the current 12 month period.

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C. Qualifying Reasons

Eligible employees may take up to 12 weeks of unpaid FMLA leave per year for the following reasons:

1. For Family Member's Care

- a. The birth of a child (to be taken within 12 months of the child's birth);
- b. The placement of a child with the employee for adoption or foster care (to be taken within 12 months following date of placement);
- c. Serious health condition of a family member who is unable to care for him or herself.

2. For Employee's Care

A serious health condition that renders the employee unable to perform any one of the essential functions of his or her position.

D. Restrictions on Usage

1. Parental Leave

- a. Leave taken for the birth or placement of a child must be used within the 12 months following the birth/placement.
- b. If both parents work for the LDSS, collectively they may only use 12 weeks of FMLA leave.

2. FMLA Leave is Not Accumulated

Any unused leave cannot be carried over to the next 12-month period.

3. Short-Term Conditions

FMLA leave may not be used for short-term conditions for which treatment and recovery are brief.

4. Appointments with Health Care Provider

Routine appointments with a health care provider should be scheduled whenever possible during non work hours.

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E. Procedures Regarding Usage

1. Request from Employee

An employee should submit a written request for FMLA leave at least 30 days before the anticipated beginning of the FMLA leave, unless emergencies or unforeseen events preclude such advance notice. In cases of emergencies or unforeseen events, an employee should provide notice as soon as practicable, normally within two business days after knowledge of the need for leave.

The Form entitled *Request for Family and Medical Leave* should be used to provide written notice for the need to use FMLA. However, an employee may submit other means of communicating the need for the leave (e.g., memo, e-mail, etc.). If an employee does not give proper notice of a clearly foreseeable leave, the LDSS may delay the use of leave for up to 30 days after receiving notice.

2. Certification from Health Care Provider

A request for FMLA leave must be supported by a health care provider's certification of the serious health condition of the person for whom the leave is taken. The Health Care Provided Certification Form must be used. Some of the information to be provided includes:

- a. A family illness request requires a statement that the employee is needed to care for a child, spouse or parent and must include the estimated time needed.
- b. A personal illness request requires a statement that the employee is unable to perform the essential functions of his or her job as defined by the Americans with Disabilities Act.
- c. An intermittent leave or reduced schedule request necessitated by an employee's own health condition must include a statement of the medical necessity for the intermittent absences and the expected duration, the expected treatment dates, and the scheduled absences.
- d. An intermittent leave or reduced schedule requested for the care of an employee's family member requires a statement that the employee's leave is "needed to care for" the family member, the expected duration, the expected treatment dates and the scheduled absences.
- e. When possible, the employee should provide certification in advance of, or at the commencement of, the requested leave. When that is not possible, certification must be provided within 15 calendar days after the leave begins. If an employee fails to provide a medical certification within a reasonable time, the LDSS may delay the employee's continuation of FMLA leave. If the employee never produces the requested certification, the leave may not be treated as FMLA leave.

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3. Second and Third Health Care Provider Opinions

- a. An LDSS may require the employee to obtain a second (or third) opinion from a health care provider selected and paid for by the LDSS. Pending receipt of the second (or third) medical opinion, the employee is provisionally entitled to FMLA benefits, including maintenance of group health benefits.
- b. If the health care providers' certifications do not ultimately establish the employee's entitlement to FMLA leave, the leave shall not be designated as FMLA leave.
 - (1) A copy of the second (and third) medical opinions must be provided to the employee if requested. Requested copies are to be provided within two business days unless extenuating circumstances prevent such action.
 - (2) When an employee is required to obtain a second (or third) opinion the LDSS must reimburse an employee or family member for any reasonable "out of pocket" travel expenses incurred to obtain these opinions.
 - (3) The LDSS may not require the employee or family member to travel outside normal commuting distance for purposes of obtaining the second or third medical opinion except in very unusual circumstances.
 - (4) Without the written consent of the employee, the LDSS should not discuss with the health care provider the serious health condition of the employee or family member nor should the LDSS require more information than as requested on the certification form.
- c. Approval of Leave

The LDSS may respond to an employee's request for FMLA leave on the form entitled *Approval/Denial of Request for FMLA Leave* or may utilize other means of communicating the approval or denial for the leave. Approval or denial of FMLA leave requests should be given within two (2) business days of receiving the request or within two (2) business days of receiving all of the required documentation from the employee.

4. Provisional Designation of Leave

Without a request from an employee, the LDSS may designate provisional absences as FMLA leave if the LDSS has a reasonable basis that such leave qualifies. The LDSS may also designate provisional leave at the request of the employee pending submission of the health care provider's certification. Such designation may be done even if the employee has been granted permission to use paid leave.

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F. FMLA Leave is Unpaid

FMLA is unpaid leave. The LDSS may require, or the employee may request, the use of paid leave concurrently with FMLA leave. For example, a one day absence counts as one day of sick leave and 8 hours of FMLA leave. Workers' compensation leave and FMLA leave may run concurrently.

G. Intention to Return to Work

The LDSS may require an employee to report periodically during the leave period on intention to return to work.

H. Intermittent Leave or Leave on Reduced Schedule

1. Intermittent Leave

When medically necessary, the employee may take FMLA leave intermittently and thus have a reduced work schedule. Employees are required to provide health care certification that intermittent leave is necessary.

2. Advanced Approval for Care of a Newborn or Recently Placed Child

Only if approval is granted in advance, may an employee take leave intermittently or have a reduced schedule to care for a newborn child, or a child that has been placed with the employee for adoption or foster care. (This does not apply if the leave is taken because of the serious health condition of the child.)

3. Reassignment During Intermittent Leave or Reduced Schedule

An employee may be required to transfer temporarily during the period of intermittent or a reduced leave schedule to an available alternative position for which the employee is qualified and which better meets the LDSS's needs. Such alternative position must have equivalent pay and benefits but does not have to have equivalent duties.

I. Effect on Employment Benefits

1. Health Care Coverage

- a. During any FMLA leave, the employee's participation under any group health plan is continued on the same basis as coverage would have been provided had the employee been continuously employed during the leave period.
- b. Employees who are on leave under FMLA will pay the same portion of their health care premiums as they would if they were not on leave.

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- c. The failure to timely make premium payments will terminate coverage under the same terms as if employees failed to pay premiums while employed.
- d. If an employee fails to return to work at the end of leave under FMLA, the LDSS may recover the LDSS share of premiums paid during the period of leave. However, there will be no recovery of premiums if the employee fails to return to work as a result of:
 - (1) the onset, recurrence, or continuation of serious health conditions that would have entitled the employee to the FMLA leave; or
 - (2) other circumstances beyond the employee's control.

2. Other Benefits

Employees on unpaid FMLA leave are entitled to the same benefits as employees on leave without pay.

J. Job Restoration

At the end of FMLA leave, employees are to be reinstated as follows:

1. Original Position

An LDSS must restore an employee to the position held when the leave began.

2. Equivalent Position

If the original position has been filled, an employee is entitled to restoration to an equivalent position (comparable duties, terms, conditions, compensation, and privileges of the employee's previous position).

3. Key Employee

If an employee's position is determined to be key (within the highest paid 10% of the salaried workforce in the LDSS), job restoration may be denied if the following procedures have been taken:

- a. The LDSS gives written notice to the key employee at the time the employee requests FMLA leave or as soon as practicable thereafter that the employee qualifies as a Key Employee. The notice must also state the potential consequences with respect to reinstatement and maintenance of health benefits if the employee is denied job restoration.
- b. If a determination is made that a substantial and grievous economic injury to the LDSS's operations will result if the Key Employee is reinstated at the end of the

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leave, the LDSS shall notify the employee in writing of its determination and that it intends to deny job restoration.

- (1) This notice must be given either in person or by certified mail.
 - (2) This notice must explain the basis for the finding that substantial and grievous economic injury will result.
 - (3) If leave has commenced, the Key Employee must be allowed a reasonable time in which to return to work, taking into account the circumstances, such as the length of the leave and the urgency of the need for the employee to return.
 - (4) If a Key Employee does not return to work in response to the notice, the employee continues to be entitled to maintenance of health benefits during the remaining period of FMLA leave and the LDSS must continue payment of its share of health benefit premiums.
 - (5) A Key Employee's rights under FMLA continue unless and until the employee either gives notice that he or she no longer wishes to return to the position or the LDSS denies the reinstatement at the conclusion of the leave period.
- c. A Key Employee is entitled to request reinstatement at the end of the leave period even if the employee did not return to work in response to the notice. At the time of the request, the LDSS must again determine whether there will be substantial and grievous economic injury if the employee is reinstated. If it is determined that substantial and grievous economic injury will result, the employee must be notified in writing, delivered in person or by certified mail of the denial of restoration.
- d. Although the employee may be denied job restoration, the employee remains on FMLA status for the requested period of leave and all benefits of FMLA leave continue until the end of the leave.

K. Violations

An employee who believes that FMLA leave benefits have not been applied consistently with the provisions of this policy or the law may make a complaint to the Director and if not resolved may file a complaint with the U.S. Department of Labor, Wage and Hour Division. A non-probationary employee may also initiate a grievance.

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Section III Leave Sharing

Purpose

The following are suggested procedures for the implementation of a leave sharing program for those LDSS that elect to have such a program.

Sample Policy

Scope

This policy applies to employees in regular or restricted positions.

A. Eligibility

1. Exhaustion of Paid Leave Balances

An employee who desires to receive donated leave must have used all applicable paid leave that is available for such absences (e.g., annual, sick, compensatory, special duty).

2. Family and Medical Leave Purposes

An employee who requests donated leave may only use such for a “serious health condition” of the employee, the employee’s immediate family member, or parental care, as defined in the Family and Medical Leave Policy. The fact that the employee may not otherwise qualify for FMLA leave (e.g., has exhausted the allowed 12-weeks or has not worked the 1250 hours in the past 12 months) is not disqualifying under this policy.

3. Certification of Health Care Provider

An employee is not eligible for donated leave until such time as the FMLA “Certification of Health Care Provider” form establishes qualification for such leave. The employee will remain ineligible until the LDSS determines that the information on the form is sufficient to substantiate the need for the leave.

4. Disqualifying Absences

An employee who is on a disciplinary suspension, who is absent because of an occupationally related illness or injury that falls within that definition under the Virginia Worker’s Compensation Act whether or not benefits have been received under the Act, or is absent because of an injury or illness that is deliberately self

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inflicted or which has occurred while the employee was engaging in an unlawful act is ineligible to receive donated leave for such absences.

5. Waiting Period

An LDSS may require a waiting period to establish eligibility for leave share donations.

B. Requests / Approvals

Each LDSS participating in this program must develop a form by which an employee may request donated leave. The form should be designed so that when the employee is physically or mentally unable to make the leave request, an agent may make the request on behalf of the employee.

C. Status While on Donated Leave

An employee must be on leave without pay (LWOP) status in order to receive donated leave. Donated leave is intended to provide supplemental compensation only and does not place the employee on the equivalent of paid leave status. Accordingly, the LWOP policy benefit provisions apply to this leave period.

D. Discretionary Benefits

In developing a policy on leave sharing, an LDSS may provide greater benefits than those allowed under the LWOP policy. These augmented benefits may include

1. Health Benefits

The LDSS may pay out of local funds its portion of the health care premium for up to 12 months inclusive of the health care premium payments required under FMLA. Under the FMLA, an eligible employee is entitled to have the LDSS pay for its share of the health care premiums for the period of the FMLA leave provided that the employee continues to make timely payments for the employee's share of the premium costs.

2. Payroll Deductions

Federal and state withholding payments will be deducted from the compensation that the employee receives.

Voluntary payroll deductions may continue while an employee is receiving leave share donations provided that the compensation that the employee receives is sufficient to cover the deductions. If the compensation received through leave share donations is insufficient to cover such voluntary deductions, participation in the

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programs will be terminated unless the employee makes arrangements for timely payments.

3. Group Life Insurance

If local funds are available the LDSS may permit employees receiving leave share donations to continue to be covered under the LDSS's group life insurance policy.

E. Leave Bank Requirements

Each LDSS that provides a leave sharing program has discretion to structure the program around its needs. However, annual leave is the only leave that may be donated to the leave bank.

1. Annual Leave Donations

Annual leave may be donated in the following ways:

- a. Annual leave that will be lost if not used by the end of the year;
- b. Annual leave that is within the maximum accrual amount;
- c. A fixed amount per donation or per year per employee; and/or
- d. No limitations on amount or timing of donated leave.

2. Establishing a Leave Bank

There are three types of leave banks that may be established:

- a. A non-designated leave bank (donating to a pool) to be used by any eligible employee;
- b. Donated to a designated employee of the LDSS; or
- c. A combination of the above.

3. Returning Leave Donation

If the leave bank established is one in which leave is designated for an employee and the amount of donated leave is in excess of the amount needed to cover the employee's absence, the excess leave will be returned to the donor(s) in: (1) reverse order of the receipt of donations; or (2) a pro-rata amount per donor.

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4. Reclaiming Leave

Leave given by a donor may be reclaimed by the donor only if the donation has not yet been processed.

F. Penalties for Abuse

If abuse of this policy is found, the employee will be required to repay the cost of all donated leave at the salary rate in effect at the time the employee was placed on leave without pay. Additionally, the employee may be disciplined in accordance with provisions of Standards of Conduct.

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Section IV Virginia Workers' Compensation

Purpose

The purpose of this policy is to advise employees of benefits that may be available to them under the Virginia Workers' Compensation Act (WCA). Employees may be eligible for benefits under the Act if they sustain a compensable injury by accident, suffer from an occupational disease or a compensable ordinary disease of life.

Scope

This policy applies to all employees.

A. Definitions

1. Injury

A physical injury by accident both arising out of and in the course of employment.

2. Occupational Disease

A disease arising out of and in the course of employment, but, unless otherwise provided by the WCA, it is not an ordinary disease of life to which the general public is exposed outside of the employment.

3. Permanent Partial Disability

A permanent loss to the body that was caused by an injury or occupational disease that does not result in the employee's total incapacity. An example of a permanent partial disability is the loss of, or partial loss of, a finger.

4. Pre-Injury Average Weekly Wage

The injured employee's actual wages during the 52 week period preceding the date of injury, divided by 52.

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

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B. Benefits to Which an Employee May be Entitled

Once an employee has a compensable injury or illness, the following benefits may be available:

1. Wage Replacement

An employee who suffers an injury or occupational disease may be entitled to wage loss benefits, as set forth under the WCA, if the employee is temporarily unable to return to regular employment and suffers a wage loss as a result of that disability.

2. Medical Benefits

An employee may be entitled to lifetime medical benefits for treatment that is reasonable, necessary and causally related to the work related injury or disease as set forth under the WCA, and authorized.

3. Permanent Partial Disability Benefits

An employee may be entitled to compensation for permanent loss of use of a “scheduled” body part as set forth under the WCA.

C. Responsibilities of an Injured Employee

1. Once an injury has occurred, the employee must notify the employer immediately. The LDSS, not the employee, is to complete the accident report.
2. The employee must choose a treating physician from a panel of at least three physicians which will be provided by the LDSS.
3. If the employee is released to “light duty work,” he or she must accept “light duty work” if offered by the LDSS.
4. If “light duty” employment is not offered by the LDSS, the employee must seek his own employment within his light duty restrictions.