

## **Workers' Compensation**

An employee who is temporarily disabled and unable to work as the result of an injury arising out of and in the course of employment shall be placed on workers' compensation leave for the period of time the employee applies and is eligible for workers' compensation benefit payments.

The primary source of compensation for an employee on workers' compensation leave shall be the indemnity payment from the workers' compensation section of the division of worker's compensation of the Colorado Department of Labor and Employment or insurance carrier as determined by state law. To the extent that the indemnity payment is less than an employee's weekly wage or equivalent, the employee is entitled to use accrued school district sick leave and vacation time to supplement the workers' compensation payment.

Under no circumstances shall an employee be allowed to receive more than an amount equal to the weekly wage or equivalent when combining the indemnity payment from workers' compensation and school district benefits. The employee shall provide any requested documentation to the school district to evidence amounts paid by workers' compensation before benefit payments are allowed by the school district.

While on workers' compensation leave under a temporary total disability, employees shall continue to have school district health, life and disability insurance coverage, to the same extent the employee had such coverage prior to taking workers' compensation leave, for a period of time not to exceed 90 days. At such time, the employee shall be given the option of directly assuming payment of the district's costs for such benefits or discontinuing the coverage until returning to work and again being eligible for benefits, unless the district is otherwise required to continue such coverage under applicable law.

The administration is directed to establish necessary procedures to implement this policy.

Adopted: September 14, 1993

Revised: October 12, 2010

LEGAL REFS.: 29 U.S.C. 2601 *et seq.* (*Family Medical Leave Act*)

C.R.S. 8-40-101 *et seq.* (*Workers' Compensation Act of Colorado*)

CROSS REFS.: GBGG, Staff Sick Leave

GCD, Professional Staff Vacations and Holidays

GDD, Support Staff Vacations and Holidays

Swink School District #33, Swink, Colorado