
AURORA PUBLIC SCHOOLS
Adopted September 1994
Revised November 1998
Revised November 2007
Reviewed December 2014
Revised August 2016
Revised September 2022

APS Code: GBGD

WORKERS' COMPENSATION

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The District adheres to statutory requirements to provide Colorado Workers' Compensation coverage to its employees. When an employee suffers an occupational injury or illness and is unable to earn their pre-injury wages, s/he may be entitled to lost wage benefits as outlined in the Colorado Workers' Compensation Act. If lost wages are determined due, the employee is entitled to up to 3 contracted shifts-worth of Work Injury Leave. Work Injury Leave compensates the employee at their full contracted wages. Should an employee's disability be a result of being physically assaulted while in the performance of her/his work duties, the employee will be entitled to up to 60 work days of Work Injury Leave.

During the period of workers' compensation leave, the District shall not charge any earned vacation leave, accrued sick leave or other similar benefits to the employee without expressed written consent of the employee.

Per APS Code GCCAH, an employee will not accrue additional paid leave time during the period of workers compensation leave.

If a work-related injury or illness disables an employee for more than 3 shifts-worth of work, the employee MUST choose one of the following options in writing:

- A. Retain the lost wage compensation received from the workers' compensation plan and not use any of their accumulated paid leave days for the time they are absent from work and for which they have received such compensation, and if this option is chosen, the employee shall be placed on an un-paid leave of absence. However, the District will continue to make the employer contributions to the employee's district provided benefits (health, dental, life). To maintain coverage under these plans, the employee will make arrangements with the Benefits Office to make the employee monthly contributions.; or
- B. Retain the workers' compensation lost wage benefits received and use their accumulated paid leave days to supplement the workers' compensation benefits so as to receive their full salary for the period they are unable to work, and for which they

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have accumulated paid leave days. This applies only to temporary total disability benefits. Under no circumstances shall an employee be allowed to receive more than an amount equal to the employee's pre-injury wage or equivalent when combining the indemnity payment from workers' compensation and the accumulated paid leave days. The employee shall be placed on a paid leave of absence and the District shall pay the premiums on the employee's District-sponsored benefits during the time in which they are using accumulated leave. If an employee exhausts all paid leave days and is still disabled, the employee will default to Option A.

Paid leave days are defined in Policy GCCAH. Paid leave days will be used in the following order: accrued health leave and if exhausted, accrued vacation leave.

An employee is only eligible to remain on leave without pay for a period of 12 months from the date s/he is first placed on leave without pay status; if s/he is, according to an authorized treating medical provider, unable to return to work full time during the 12 month period and perform each of her/his essential job functions, s/he will be recommended for termination. However, an employee who has been released by the designated medical provider to return to work for 50 percent or more of her/his normal working hours per day (but less than a full day's work) and who the provider indicates can perform all the essential functions of her/his job during that reduced work day, shall not be terminated even if the employee is unable to return to work full time for more than the 12 month period. Employees who are unable to return to 100 percent of their normal working hours after 18 months may be offered alternative employment or may be recommended for termination.

Any unused portion of Work Injury Leave, shall not be accumulated or carried over from one contract year to the next. These time frames are available on a per claim basis.

LEGAL REFS.: C.R.S. 8-42-101 *et seq*
C.R.S. 8-42-105

CROSS REFS.: GCCAG*, Staff Leaves of Absence Without Pay

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GDCAA*, Support Staff Health Leave Bank
GDD, Support Staff Vacations and Holidays

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In the event of any accident, injury or illness which relates in any way to her/his employment, an employee must **immediately** inform her/his supervisor. The employee shall also immediately report any reoccurrence, aggravation or reappearance of a prior injury where either the old injury was directly related to her/his employment or the aggravation is directly related to her/his employment. Once the employee informs her/his supervisor, the supervisor shall gather information to determine the employee's position as to the circumstances surrounding the injury or illness. The supervisor shall then, with the assistance of the employee, fill out the "First Report of Injury" form and forward this to the Risk Management Office by the end of the next work day.

If, as a result of a work related injury, the employee is in need of medical care, the employee must see a district school nurse who will determine if medical treatment is necessary. If a nurse is not available, the employee should report to or contact the Risk Management department. The nurse or Risk Management staff member will give the employee an authorization for medical treatment. This form will be presented to the district designated medical provider. The employee shall then seek medical treatment as soon as possible, but only at the medical treatment facility designated by the District for treatment of work related injuries. The employee shall be solely responsible for payment of any costs related to treatment where: (1) the employee is treated for her/his condition at a facility other than a designated medical facility; or (2) the employee seeks treatment without a signed authorization for medical treatment from the district designated medical provider, **except that**, the employee shall not be liable for payment in either of these cases where the injury involved the imminent threat of loss of life or limb.

An employee who has been seen for treatment or diagnosis with the designated medical provider (or at another facility in the case of imminent threat of loss of life or limb) is responsible for submitting the "Work Status" form obtained at the medical facility to her/his supervisor after each visit. If any employee returns to work within 24 hours of her/his visit to the facility, s/he is responsible for personally delivering the work status report to her/his supervisor. If the employee will not return to work for more than 24 hours after her/his visit to the facility, s/he is responsible for calling his/her supervisor within 24 hours with a status update.

If an employee has a work related injury or illness, the "Work Status" form from the medical provider will indicate the employee's capacity to work and the District will adhere to the recommendations stated on that report. If an employee is released to less than full duty by the medical provider, the District may offer an alternative duty assignment at any time. This assignment

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will be temporary and will meet the guidelines set forth by the designated medical provider. The alternative duty assignment may be in the injured employee's department or any other department where there is an appropriate position, and the employee's supervisor or accommodating department's supervisor will determine the job assignment. The designated medical provider will be the final authority as to the work status of an injured worker and opinions of others will not be considered.

An employee who refuses to return to work even though s/he has been released to return to full or alternative duty by the designated medical provider shall be placed on leave without pay status and shall not be entitled to use work injury, sick, vacation or other paid leave.

An employee who has been released to return to full or alternative duty shall not be eligible to use work injury leave for time away from work due to doctor or physical therapy appointments, even though such appointments are the result of a work related injury or illness. Such time away from work shall be treated as ordinary medical appointments.