Workers' Compensation

An employee is eligible for workers' compensation leave from the BOCES during the period of time the employee is temporarily disabled as the result of any injury arising out of and in the course of employment which qualifies for an indemnity payment from the workers' compensation division of the Colorado Department of Labor and Employment.

Workers' compensation leave shall be available only to those persons who sustain a temporary total disability and are unable to perform services for the BOCES while disabled.

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. The employee may use accrued BOCES 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 BOCES benefits. The employee shall provide any requested documentation to the BOCES to evidence amounts paid by workers' compensation before benefit payments are allowed by the BOCES.

While on workers' compensation leave under a temporary total disability, employees shall continue to have BOCES 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 BOCES's costs for such benefits or discontinuing the coverage until returning to work and again being eligible for benefits, unless the BOCES is otherwise required to continue such coverage under applicable law.

(Adoption date: June 16, 2021)

LEGAL REFS.: *29 U.S.C. 2601 et seq. (Family and Medical Leave Act of 1993)*
P.L. 111-148 (Patient Protection and Affordable Care 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