Cornell Cooperative Extension of Tompkins County

Section: Absence Policies
Subject: Workers Compensation
Policy: Compliance/System/Local
Code: 605
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Policy Statement - Workers' Compensation Insurance is a New York State-required program designed to protect the financial stability and to insure medical bills of employees who suffer an accidental injury or illness arising out of and in the course of employment, as determined by the Workers’ Compensation Board.

Compensation Payments** - Any lost time must be documented by a physician's certificate. (Payment is only made for regularly scheduled workdays.) Compensation payments are processed by the State Insurance Fund as a reimbursement to the Association in accordance with the following salary continuation policy:

- If the injury/illness lasts 7 calendar days or less: The employee will be paid at full salary and sick leave will not be charged against the employee. The Association is not reimbursed by the State Insurance Fund for the missed days.

- If the injury/illness lasts more than 7 calendar days, but not more than 14: Beginning with the eighth day, the association compensates the employee at 2/3 pay for missed days. The State Insurance Fund will only reimburse the association for up to 2/3 of the employee's average weekly salary for those days missed beyond the first seven. The employee may elect to use accrued sick leave to supplement the 2/3 pay from the association.

- If the injury/illness lasts more than 14 calendar days: The Association will continue to pay the employee at 2/3 pay. The Association will be reimbursed by the State Insurance Fund for up to 2/3 of the employee's average weekly salary (including the first 7 days). Again, the employee may elect to use 1/3 accrued sick leave to supplement the 2/3 pay from the Association.

Note: In the case of a partial disability (i.e., the physician limits the employee’s ability to work to a part-time basis), workers’ compensation benefits will be provided directly to the employee by the State Insurance Fund.

Note: In no case may an employee use accrued sick leave for any portion of the benefit for which s/he is eligible (i.e., the portion reimbursed by the State Insurance Fund).
**Extended Leaves** - After six months (beginning from the first day of the disability): The employee will be placed on leave without pay and will be directly reimbursed by the State Insurance Fund in accordance with their payment rates. The employee will then be responsible for continuing health and life insurance benefits by paying the group rates. The employee may be eligible for Long-Term Disability (LTD) after six months of disability. The employee must contact Administrative Services at 607-255-0795, or the Association Bookkeeper, for instructions on initiating the LTD process.)

This process should be initiated as soon as it is apparent the absence may be long term in nature. Arrangements should be made, with the help of the Extension Association finance/payroll representative, and in advance of the date on which leave without pay commences.

**Filling Vacancies** - The Association will hold the position for the employee who is out on workers' compensation for up to six (6) months. During this time, the position may be filled only on a temporary basis until the staff member is physically able (as determined by their physician) to return to work. Staff members on any continuous leave, medical or otherwise, paid and/or unpaid (or combination thereof), for longer than six months are not guaranteed reinstatement into the job last held or into any other position.

**Return to Work** - When an employee has been absent from work for five (5) or more days due to a work-related illness or injury, the employee must present documentation from their physician indicating that they are physically able to return to the job.

**Transitional Duties** - If an employee is released by a physician to return to work under a transitional duty arrangement (e.g., part time or limited duty) within the 26-week covered period, workers’ compensation benefits will be pro-rated. The portion covered by workers’ compensation benefits will be provided directly to the employee by the State Insurance Fund in these circumstances.

Creation of transitional duty assignments is at the discretion of the Association. These assignments may only be established for a specific period of time at which point the employee will return to the previously assigned position and duties and work requirements. If unable to return to full duty, the employee must undergo a reevaluation by the physician at which time the Association will again determine if a transitional duty position is available.

**Non-Discrimination** - All employees suffering work-related injury or illness must be treated similarly. The Association will not discharge or discriminate against an employee because the employee has claimed, or tried to claim, workers' compensation benefits except in the case of proven fraudulent claims.