



PERSONNEL: Compensation, Benefits and Retirement

Workers' Compensation

I. Purpose

To establish procedures for the workers' compensation program in Baltimore County Public Schools (BCPS).

II. Definitions

- A. *Lost Time*– Any loss of time from work due to a reported work-related injury.
- B. *Personal Injury Leave* – A benefit provided to an eligible employee who is a member of a unit covered by one of the Board of Education's (Board) applicable collective bargaining agreements and who has sustained a work-related disabling personal injury which would be compensable under the Maryland Workers' Compensation Act. A non-unit employee will have the same benefits afforded to employees covered by the master agreement between the Board and the Council of Administrative and Supervisory Employees (CASE) or as otherwise provided in the employee's individual employment contract.
- C. *Third Party Administrator (TPA)* – An approved vendor that processes workers' compensation claims for BCPS.

III. Workers' Compensation Program

- A. The Office of Risk Management (ORM) shall establish procedures for implementing the school system's workers' compensation program. These procedures shall be made available to all employees.
- B. The Office of Risk Management will:
  - 1. Manage the workers' compensation program;
  - 2. Provide support for supervisors and employees regarding workers' compensation issues;
  - 3. Provide training on workers' compensation program and procedures;

4. Facilitate the return-to-work program through established procedures when medical restrictions exist;
5. Act as a liaison between the TPA, the employee and his/her supervisor and medical provider(s); and
6. Monitor injury trends and develop appropriate mitigation strategies.

C. The Board's TPA will:

1. Investigate all injuries to determine if they are compensable under the Maryland workers' compensation laws;
2. Coordinate the payment of benefits for claims determined to be compensable;
3. Monitor the employee's medical treatment; and
4. Facilitate an employee's return to work.

IV. Responsibilities

A. In the event of an injury during the course of his/her employment, the employee shall:

1. Report the work-related injury immediately or as soon as possible to his/her immediate supervisor/administrator;
2. Comply with all employee responsibilities outlined in the ORM procedures;
3. Obtain approval for all lost time from a Board-approved medical provider;
4. Report any work restrictions to his/her supervisor/administrator; and
5. Comply with ORM return-to-work procedures.

B. In the event of any injury to an employee, the employee's site-based liaison or supervisor shall:

1. Report the injury by completing the TPA's online *Workers' Compensation Claim Form* within 24 hours from the receipt of a report of injury;
2. Notify ORM by telephone of any incidents which:
  - a. Involve three or more employees;
  - b. Require hospitalization of an employee; or
  - c. Result in death.
3. Submit the completed *Employee Report on Injury Form* to ORM;
4. Comply with all ORM procedures for site-based liaisons and supervisors.

V. Medical Treatment

- A. An employee may seek medical treatment for work-related injuries with a Board-approved medical provider or a physician of his/her choice. If the employee is injured after hours or sustains an injury that requires immediate treatment, he/she should seek medical treatment at the nearest urgent care or emergency room.
- B. If an employee's private health care provider determines the employee is unable to work, the employee is required to be seen by a Board-approved medical provider in order for lost time to be authorized.

VI. Return-to-Work Program

- A. If the employee has work restrictions that prevent him/her from performing some or all of the duties of his/her regular position, ORM will attempt to assign the employee to a temporary transitional duty assignment in accordance with ORM return-to-work procedures.
- B. If a temporary transitional duty assignment is provided to the employee, the employee shall follow all requirements communicated to the employee by ORM.
- C. The employee shall provide to ORM a return-to-work authorization from his/her medical provider when the employee is released to full duty.

VII. Compensation

If a claim is deemed compensable by the TPA, and the lost time is approved by a Board-approved medical provider, compensation will be provided as follows:

- A. An employee who is a member of a unit covered by one of the Board's applicable collective bargaining agreements will receive personal injury leave compensation: (1) until the leave is exhausted; (2) until the employee is released to temporary transitional duty; or (3) the employee is returned to full duty. A non-unit employee will have the same benefits afforded to employees covered by the master agreement between the Board and the Council of Administrative and Supervisory Employees (CASE) or as otherwise provided in the employee's individual employment contract.
- B. When personal injury leave is not available, compensation will be determined in accordance with the workers' compensation process.

VIII. False Claims

- A. If a supervisor receives evidence that supports an inference that the employee's injury was not work-related, the supervisor shall immediately notify the Office of Risk Management.
- B. An employee who commits fraud in connection with any claim under this rule will be disqualified from receiving benefits and may be subject to disciplinary action, up to and including termination of employment.

IX. Compliance

An employee who fails to comply with the requirements of the workers' compensation program, including return-to-work program requirements, may be subject to disciplinary action, which may include cancellation of leave and/or disciplinary action, up to and including termination.

Legal References: 29 U.S.C. §12101, *et seq.*, *Americans with Disabilities Act*  
29 U.S.C. §§ 2611-19, *Family and Medical Leave Act*  
*Annotated Code of Maryland*, Labor and Employment Article, Title  
9, *Workers' Compensation*

Related Policies: Board of Education Policy, 4100 *Employee Conduct and Responsibilities*  
Board of Education Policy 4203, *Absences and Leaves*  
Board of Education Policy 8410, *Reporting Fraud, Waste, Abuse or Other Unlawful Acts*

Related Rule: Superintendent's Rule 4006, *Medical Evaluations*  
Superintendent's Rule 4203, *Absences and Leaves*

Rule

Superintendent of Schools

Approved: 08/29/68  
Revised: 10/27/77  
Revised: 07/01/84  
Revised: 03/25/93  
Edited: 07/01/11  
Revised: 01/10/12  
Revised: 11/21/17