I. Purpose

A. The purpose of the Virginia Workers’ Compensation Act is to provide compensation to employees for the loss of their opportunity to engage in work when their disability is caused by an injury/condition arising out of and in the course of employment. The general provisions of the Act are set forth in Title 65.2, Va. Code Ann. §§ 65.2-100 – 65.2-1310.

B. Prince William County Public Schools (PWCS) provides workers’ compensation coverage to all employees (full time, part time, temporary, substitutes) through a self-insured program managed by the Office of Risk Management and Security Services and administered by a Third Party Administrator. The Third Party Administrator is authorized to investigate all claims, process medical bills for payment, accept or deny claims, and submit reports to the Virginia Workers’ Compensation Commission. All inquiries pertaining to workers’ compensation benefits will be directed to the Third Party Administrator.

II. Notice of Accident/Injury

A. All employees will report in writing all work-related injuries or illnesses to their supervisor and the Workers’ Compensation Reporter for their location within 24 hours. No compensation or medical benefits will be payable unless such written notice is given within 30 days after the occurrence of the accident or death, unless reasonable excuse is made to the satisfaction of the Commission for not giving such notice and the Commission is satisfied that the employer has not been prejudiced thereby. In the event the immediate supervisor is not available, reports of injuries or illnesses may be made directly to the Office of Risk Management and Security Services.

B. Employees must complete the “Employee Report of Accident” form and submit the same to their Workers’ Compensation Reporter. The current form is available on the Office of Risk Management and Security Services’ website and the PWCS intranet. Employees are further required to provide any additional information pertaining to their claim when requested. If employees do not provide information or do not cooperate with the investigation, the claim may be denied.
C. In the event that all information pertaining to the accident or employee's injury is not available within two days of the accident, the supervisor will provide the "Supervisor's Report of Accident" to the Third Party Administrator. The current form is available on the Office of Risk Management and Security Services’ website and the PWCS intranet. Employees are required to provide any additional information as requested by the Third Party Administrator.

III. Medical Attention

A. The “Authorized Medical Panel” list contains the medical providers approved by PWCS to provide medical treatment for employees seeking workers’ compensation. The injured employee must obtain, sign, and return the “Authorized Medical Panel” to their Workers’ Compensation Reporter. The list is available on the Office of Risk Management and Security Services’ website and on the PWCS intranet.

B. Should the employee choose to seek medical attention from a non-panel physician, the employee will be financially responsible for payment of this treatment.

C. The unjustified refusal of employees to accept medical services or vocational rehabilitation training, when provided by the employer (PWCS), will bar these employees from further compensation as stated in the Virginia Workers’ Compensation Act, Va. Code Ann. § 65.2-603.

D. Employees, when seeking medical attention for work-related injuries, will inform the physician/medical facility that the injury is work-related and that the employer is PWCS. The “Workers’ Compensation Transmittal Sheet” will be presented to the physician/medical facility on all visits. The current form is available on the Office of Risk Management and Security Services’ website and the PWCS intranet. Disability slips will be provided to the supervisor and the Third Party Administrator.

E. In the event of a serious injury in which immediate medical care is required, the employee may seek medical treatment from the nearest hospital emergency room.

F. Prescriptions provided by the authorized medical provider can be filled through a pharmacy participating in the current pharmacy network of the Workers’ Compensation Third Party Administrator at no cost to the injured employee. The injured employee is provided with a temporary prescription “first-fill” card when the injury is reported. This card is presented to the network pharmacy along with
the prescription. This card is to be used for the initial prescription(s) prescribed by
the authorized medical provider. For subsequent prescriptions, the employee
should contact the Third Party Administrator. Information regarding this current
prescription program can be obtained from the employee’s school/department
Workers’ Compensation Reporter, the Third Party Administrator, or the Office of
Risk Management and Security Services.

IV. Salary/Wage Benefits

A. No compensation will be allowed for the first seven days (which includes
Saturdays, Sundays, and holidays) of medically ordered incapacity resulting from
§ 65.2-509. Employees may use their sick leave for these first seven days. If the
period of disability continues for more than 21 calendar days, which includes
Saturdays, Sundays, and holidays, any sick leave used by the employee will be
reinstated and sick leave records will be adjusted accordingly. Employees who
were in a paid sick leave status for the first seven days of disability will have
those wages adjusted to reflect the workers’ compensation salary benefits.
Employees who have been in a leave without pay status will be compensated in
accordance with the workers’ compensation salary benefits after 21 days of
disability for the first seven days of disability. Employees are not entitled to dual
wage compensation if sick leave is used for the first seven days of disability.

B. Workers’ compensation wage benefits are provided at the rate of two-thirds
(66.66 percent) of the gross average weekly wage of the employee, as set forth by
the Virginia Workers’ Compensation Act., Va. Code Ann. § 65.2-500, subject to
weekly maximum as approved by the Virginia Workers’ Compensation
Commission. This amount is not subject to any payroll taxes.

C. Employees receiving workers’ compensation wage benefits will be financially
responsible for voluntary payroll deductions. The employee will contact Human
Resources for payment information.

D. If the injured employee is placed in a modified duty status and is working the
same pre-injury hours, then the employee will receive their regular pre-injury
wage until they are released to regular duty. While in a modified duty status the
employee is not entitled to overtime.

In cases where the modified duty (as prescribed by the treating physician) restricts
the number of hours the employee works, then workers’ compensation wage
benefits will be paid at the rate of 66.66 percent for the reduction in hours.
E. Workers’ Compensation benefits will be paid on an approved workers’ compensation claim until:

1. The employee is released to return to full duty by their authorized treating physician; or

2. Is released and accepts an approved modified duty position.

F. Workers’ compensation benefits may be terminated if the employee:

1. Refuses to return to work in a modified duty position approved by their treating physician; or


G. Refusal to cooperate with the Third Party Administrator or the Office of Risk Management and Security Services’ investigation to determine compensability may result in termination of benefits.

V. Sick Leave

During the period of disability, the employee is not eligible for the sick leave bank or to receive donated sick leave. Employees may use all earned individual annual/sick leave benefits for the first seven days of disability as stated above in section IV, paragraph A.

VI. Modified Duty Programs

A. PWCS recognizes the need for a modified duty program for those employees who are temporarily unable to perform their assigned duties due to a work-related injury/illness. Modified duty positions are available for those employees who are qualified to receive workers’ compensation benefits and who are unable to perform their regular duties.

B. Modified duty assignments will be approved by the Office of Risk Management and Security Services and/or the Third Party Administrator, subject to the following conditions:

1. The treating physician's prescribed restrictions.
2. The availability of a modified duty position.

C. These assignments are designed to return an injured employee to a productive level of employment which is a temporary modified duty assignment status. Refusal to accept a bona fide modified duty assignment will result in employment termination.

D. The program will be administered by the Third Party Administrator for Workers’ Compensation and the Office of Risk Management and Security Services in close cooperation with the department heads/building administrators and treating physicians. When requested, each department will develop temporary modified duty assignments within their department, as each department is financially responsible for employees assigned to modified duty positions.

E. The injured employee will be evaluated by the treating physician, on a regular basis, while performing temporary modified duty to determine when the employee may return to regular duty status.

F. Employees may be eligible for modified duty for a maximum of six months. In the event of severe physical injury, and the employee is making reasonable progress towards a full duty release, an extension of up to six months maximum may be granted by the Office of Risk Management and Security Services. Employees who have not received a full duty release at the time the maximum modified duty period has been reached will be referred to Human Resources for an ADA accommodations review. If no reasonable accommodation exists which allows the employee to perform the essential functions of their position, the employee will be separated from employment and paid indemnity through workers’ compensation in accordance with applicable law.

G. If an employee is given permanent restrictions by the workers’ compensation treating physician, then modified duty will no longer be available. The employee will be referred to Human Resources for an ADA accommodations review. If no reasonable accommodation exists which allows the employee to perform the essential functions of their position, the employee will be separated from employment and paid indemnity through workers’ compensation in accordance with applicable law.
VII. Appeals/Litigation

A. The employee may file for a hearing before the Virginia Workers’ Compensation Commission.

B. PWCS reserves the right of subrogation, which means PWCS has the right to recover damages which the injured employee or the employee's representative or other person may have against any other party for such injury or death. PWCS will enforce this right in its own name or in the name of the injured employee or the employee's personal representative in accordance with the Virginia Workers’ Compensation Act, Va. Code Ann., §§ 65.2-309, 65.2-310, and 65.2-311. If an employee agrees to settle their third party bodily injury claim with the third party insurance carrier without the consent of the Third Party Administrator and the Office of Risk Management and Security Services, they will be barred from receiving any further workers’ compensation benefits.

VIII. Posting Requirement

Copies of this regulation, together with a copy of the documents listed below, are available on the website for the Office of Risk Management and Security Services and on the PWCS intranet:

“Employee Report of Accident”
“Supervisor’s Report of Accident”
“Authorized Medical Panel”
“Workers' Compensation Transmittal Sheet”

The Associate Superintendent for Finance and Support Services (or designee) is responsible for implementing and monitoring this regulation.

The Associate Superintendent for Finance and Support Services (or designee) is responsible for reviewing this regulation in 2018.