



December 11, 2019

TO: THE DISTRICT BOARD OF TRUSTEES
OF VALENCIA COLLEGE

FROM: SANFORD C. SHUGART
President

RE: POLICY ADOPTIONS

The following new policy is proposed for adoption in order to clarify the College's policy and practice with respect to the provision of reasonable accommodations to employees and applicants for employment with documented disabilities, in accordance with applicable laws and regulations:

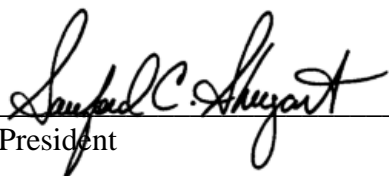
- College Policy 6Hx28: 02-02 Workplace Accommodations for Applicants and Employees

Amendments to the policies listed below are proposed to better align with applicable laws and regulations, to eliminate obsolete language, and to reflect current and improved practices:

- College Policy 6Hx28: 3D-06.3 Workers' Compensation and Illness or Injury In Line of Duty Leave
- College Policy 6Hx28: 10-01 Reporting Incidents or Injuries

RECOMMENDED ACTION:

The President recommends that the District Board of Trustees of Valencia College approve Policies 6Hx28: 02-02 Workplace Accommodations for Applicants and Employees; 6Hx28: 3D-06.3 Workers' Compensation and Illness or Injury In Line of Duty Leave; and 6Hx28: 10-01 Reporting Incidents or Injuries, as presented.



President



POLICY: 6Hx28:3D-06.3

Responsible Executive: Vice President,
Organizational Development & Human
Resources

Policy Contacts: Director, HR Policy and
Compliance Programs

Specific Authority: 240.319 F.S., 6A-
14.0247 F.A.C.

Law Implemented: 240.319 F.S.,
240.335 F.S.; 6A-14.0247 F.A.C.

Effective Date: ~~04-16-2013~~ 12-11-2019

Date of Last Policy Review: 12-11-2019

Workers' Compensation and Illness- or- Injury- In- Line- Of- Duty **Leave**

Policy Statement:

- I. The College adheres to applicable laws, rules, and regulations governing workers' compensation. Each full-time and part-time college employee shall be entitled to reasonable and necessary eligible medical care and payment of related medical costs ~~paid-illness or injury in line of duty leave~~ when such employee has to be absent from ~~duty-work~~ because of a qualifying occupational injury or illness arising out of and in the scope of employment. personal injury received in the discharge of duty or because of illness from any contagious or infectious disease contracted on the job.
- A. Full-time employees are eligible for paid illness or injury in line of duty (IILOD) leave up to the maximum allowance in accordance with procedures. This leave may be used all at one time or intermittently in alignment with supporting medical documentation. After the maximum allowance is exhausted, full-time employees are eligible to receive payment for partial lost wages (indemnity benefits) in accordance with related College procedures.
- B. Part-time employees may be eligible to receive payment for partial lost wages (indemnity benefits) in accordance with related College procedures.
- II. Discrimination or retaliation against, or termination of an employee for raising a safety or health concern, reporting a work-related injury or illness, or for filing a workers' compensation claim is prohibited. Any report of discrimination, retaliation or termination for these instances should be made to an Organizational Development and Human

Resources (ODHR) representative from a Regional Solution Center or Equity and Access Office for further evaluation and action as deemed appropriate.

I-III. The College President, or designee(s), shall establish programs and procedures to implement this policy.

~~II. In order to be considered for illness in the line of duty leave, the following conditions shall be met:~~

~~A. In the event of illness, the employee must provide written testimony or evidence that his/her illness was received in the line of duty.~~

~~B. The employee must also supply a letter from a medical doctor, who treated the patient, stating that in his/her opinion there is a strong probability that the illness was contracted at the work site.~~

~~III. In order to be considered for in the line of duty leave related to incidents, accidents, or injuries occurring on campus or at college sponsored off-campus events, the employee shall immediately report the incident to the appropriate supervisory personnel.~~

~~IV. Leave of any such full-time employee shall be authorized for a total not to exceed twelve (12) duty days during any calendar year, including any holiday for which the employee would be paid if on duty. Such leave will be in addition to the sick leave and vacation leave earned by the employee. The twelve (12) days of illness or injury in line of duty leave shall be used first to cover the employee's absence. Illness in the line of duty does not include routine adult illnesses, such as colds and influenza. The leave is non-cumulative. If additional days are needed, the employee's sick leave and vacation leave days shall be used.~~

~~V. Illness or injury in line of duty leave, as well as vacation leave and sick leave, may be used on a pro rata basis to supplement Workers' Compensation benefits. Illness or injury in line of duty leave, sick leave, and/or vacation leave when converted to cash and added to Workers' Compensation benefits shall not exceed the employee's current rate of pay.~~

Policy History:

Adopted 11-17-76; Amended 4-26-78; Amended 1-19-83; Formerly 6Hx28:7-04; Amended 11-18-92; Amended 4-16-13; Amended 12-11-2019; Formerly 6Hx28:07-21

Related Documents/Policies:

See College Policy 6Hx28:10-01 "Reporting Incidents, Accidents, or Injuries"
College Policy 6Hx28:02-02 Workplace Accommodations for Applicants and Employees

Procedures:

I. Reporting Procedures – In order to be considered for workers’ compensation medical benefits and ILOD leave, an employee shall immediately report injuries sustained while on duty, on a College campus or at college-sponsored event wherever located, to their supervisor and a representative of the campus Safety and Security (see list in Appendix A) for completion of a “Security Incident Report.” If the injury is serious and requires emergency services and the employee is transported for treatment, the supervisor or designee shall report the incident to campus Safety and Security and the employee shall complete a statement as soon as possible. The employee shall be provided a workers’ compensation (WC) contact card by Safety and Security to contact a representative from Organizational Development and Human Resources (ODHR) for assistance with seeking medical attention and/or further guidance on the medical claim process, if applicable. Failure to report or timely report a work-related injury may impact employee benefit eligibility in accordance with state law. For additional information on reporting a work-related injury or illness, see College Policy 6Hx28: 10-01 Reporting Incidents or Injuries.

A. An employee injured while on duty may or may not need to seek medical attention. If the employee does not initially seek medical treatment and later determines that medical attention is necessary, the employee must notify their supervisor and also contact ODHR for an authorization to seek such medical treatment. Regardless of whether or not an employee seeks medical attention, full-time and part-time employees may be eligible for applicable workers’ compensation medical benefits.

II. Return to Work Guidelines

A. After the initial medical visit following the work-related injury, the employee shall provide a copy of the completed return-to-work form (Florida Workers’ Compensation Uniform Medical Treatment/Status Report Form DFS-F5-DWC-25) or equivalent document to their supervisor and/or a representative from ODHR as soon as possible. The employee is responsible for following applicable medical treatment instructions (i.e. medication, medical care, functional limitations, restrictions, etc.). The return-to-work form shall be evaluated by the supervisor in collaboration with ODHR for appropriate action. (Note: Completed return-to-work forms shall be forwarded and maintained by ODHR separately from the employee’s personnel file.)

1. Completed Return-to-Work Form (No Work Restrictions) – If the employee is released back to work without any functional limitations or restrictions, the employee shall perform all essential functions of the position.
2. Completed Return-to-Work Form (Work Restrictions) – If the employee is released to work with functional limitations and/or restrictions assigned, the information shall be evaluated by the supervisor in collaboration with ODHR to determine if there are job duties the employee can perform with the temporary work restrictions. If there are job duties that can be performed within the prescribed restrictions, the supervisor shall communicate to the employee the performance expectations and job duties that shall be performed by the employee during the temporary assignment until the next follow-up medical re-evaluation appointment. The employee is responsible for adhering to the

prescribed work restrictions and following applicable medical treatment instructions until the next follow-up medical re-evaluation appointment. If there are no job duties that can be performed within the prescribed work restrictions, the employee shall remain on paid or unpaid leave as described in section III herein and the employee is responsible for following applicable medical treatment instructions until the next follow-up medical re-evaluation appointment.

3. Completed Return-to-Work Form (Employee Not Released to Return to Work) – If the employee is not released to return to work, the employee shall remain on paid or unpaid leave as described in section III herein and is responsible for following applicable medical treatment instructions until the next medical re-evaluation appointment.

B. Employees are responsible for attending follow-up appointments as applicable and providing the completed return-to-work form or equivalent document to their supervisor or ODHR as soon as possible. Each subsequent medical visit documentation shall be evaluated by the supervisor in collaboration with ODHR for appropriate action. Follow-up medical appointments and treatment should be scheduled during the employee's non-working hours. If appointments are not available during non-working hours, a full-time employee shall use any remaining ILOD leave to cover the absence(s) during scheduled work hours and thereafter must exhaust on a pro rata basis any accrued and available sick or vacation leave before taking unpaid leave. Departments have discretion to adjust work schedules as appropriate for full- and part-time employees.

C. Employees who have reached maximum medical improvement and are unable to perform the essential functions of the job shall participate in an interactive process for potential reasonable accommodation options in accordance with College Policy 6Hx28: 02-02 Workplace Accommodations for Applicants and Employees.

III. Leave Benefits for Missed Work Time or Follow-Up Appointments

A. Full-Time Employees – Applicable ILOD leave for full-time employees shall be authorized for a total not to exceed twelve (12) duty days during any calendar year regardless of the number of reported injuries during the calendar year. The twelve (12) days of illness-or-injury-in-line-of-duty leave shall be used first to cover the employee's absence. If an official college holiday occurs during the eligible employee's paid ILOD leave, the eligible employee shall receive holiday pay in lieu of paid ILOD leave. Unused ILOD leave shall expire on the last day of the calendar year and is non-cumulative, non-compensable, and non-transferable.

1. Once the year's allowance of the twelve ILOD leave days has been exhausted and the employee is not cleared to return to work or there are no job duties the employee can perform within the prescribed temporary work restrictions, the employee may be eligible to receive payment for partial lost wages (indemnity benefits) equal to two-thirds (2/3) of the employee's regular gross wages at the time of injury. The

employee shall supplement applicable indemnity benefits with accrued and available sick leave, sick leave pool (if applicable), and vacation leave on a pro-rata basis before taking unpaid leave for that portion. When combined, applicable indemnity benefits and leaves shall not exceed the employee's current rate of pay. Upon exhaustion of available paid leave, the employee will only be eligible to receive the applicable indemnity benefits. The length of time for an eligible employee to receive applicable indemnity benefits is in accordance with regulations.

B. Part-Time Employees – Part-time employees should contact a representative from ODHR for applicable indemnity benefits eligibility in accordance with regulations and documentation of leave, as applicable.

IV. Documenting Missed Work Time

A. Full-Time Employees – Full-time employees who seek medical treatment for injuries sustained while on duty and are absent from work shall complete a Certificate of Absence (COA) for ILOD leave through the Request and Manage My Leave System for review and approval by the immediate supervisor. The COA shall be for the time spent by the full-time employee obtaining the initial treatment and shall not include hours beyond the employee's scheduled work hours. If the COA cannot be completed by the full-time employee, the supervisor shall submit the COA on behalf of the employee. A non-exempt full-time employee shall also record ILOD leave on timesheets through the Web Time Entry system. ODHR shall communicate with full-time employees and/or supervisors on how to document subsequent ILOD leave and timesheets as appropriate.

B. Part-Time Employees – Part-time employees who seek medical treatment for injuries sustained while on duty and miss time from work may discuss with their immediate supervisor potential schedule adjustments for the work week for review and approval based upon departmental needs. Part-time employees should contact a representative from ODHR for indemnity benefits eligibility and documentation of applicable leave.

C. Supervisors must verify that the information recorded on web time entry for a non-exempt (hourly) employee accurately represents the employee's time and attendance, including hours worked, leave and holiday time (as applicable) for the covered period in accordance with established procedures.

V. Employee Post-Accident or Injury Drug and/or Alcohol Test – Employees involved in a work-related accident or injury may be required to submit to a post-accident drug and/or alcohol test. For additional information, see College Policy 6Hx28: 3D-06.2 Fitness for Duty. Failure to submit to the test(s) and participate may result in disciplinary action up to and including termination of employment, and may include workers' compensation benefits suspension, if applicable.

I. See Valencia College Policy "Incidents, Accidents, or Injuries" for procedures on reporting accidents.

~~II. When an employee is out because of illness or injury in line of duty, they shall immediately, upon return, complete a Certificate of Absence form.~~

Procedure History:

Adopted 11-17-76; Amended 4-26-78; Amended 1-19-83; Formerly 6Hx28:7-04; Amended 11-18-92; Amended 4-16-13; Amended 12-11-2019; Formerly 6Hx28:07-21

Date of Last Procedure Review: 12-11-2019

Appendix A: Safety and Security Contact Numbers

<u>Campus</u>	<u>Phone Number</u>
<u>Advanced Manufacturing Training Center</u>	<u>407-582-4000</u>
<u>District Office</u>	<u>407-582-3000</u>
<u>Downtown Campus</u>	<u>407-582-1000</u>
<u>East Campus</u>	<u>407-582-2000</u>
<u>Fire Rescue Training Facility</u>	<u>407-582-1000</u>
<u>Lake Nona Campus</u>	<u>407-582-7000</u>
<u>Osceola Campus</u>	<u>407-582-4000</u>
<u>Poinciana Campus</u>	<u>407-582-6500</u>
<u>School of Public Safety</u>	<u>407-582-8000</u>
<u>West Campus</u>	<u>407-582-1000</u>
<u>Winter Garden Facility</u>	<u>407-582-1000</u>
<u>Winter Park Campus</u>	<u>407-582-6000</u>