University Policies and Procedures

**07-07.40 - ACCIDENT LEAVE**

I. **Policy Statement:**

II. **Reason for Policy:** Towson University has established implementing procedures pursuant to the USM policy [www.usmd.edu/Leadership/BoardOfRegents/Bylaws/SectionVII/VII740.html](http://www.usmd.edu/Leadership/BoardOfRegents/Bylaws/SectionVII/VII740.html) to provide regular employees who suffer work-related injuries with accident leave to cover periods of absence from the job due to such injuries. Faculty should consult the Faculty Handbook.

III. **Definitions:**

A. Accident Leave is leave provided to a regular employee who has sustained a work-related disabling personal injury, which would be compensable under the Maryland Workers Compensation Act. It is paid at two-thirds of the employee's regular pay, which may be excluded from federal adjusted gross income and therefore is not subject to either federal or State income tax.

IV. **Responsible Executive and Office:**

Responsible Executive: Vice President for Administration and Finance and Chief Fiscal Officer

Responsible Office: Office of Human Resources

V. **Entities Affected by this Policy:**

VI. **Procedures:**

A. **Administration**

1. The employee or someone on the employee's behalf shall provide to the employee's supervisor:

   a. an oral or written notice immediately after the injury/illness;

   b. completion of the Employee’s Report of Injury/Occupational Illness, available in the *First Report of Injury Packet* from the Office of Human Resources or by
going to the Forms section on the Benefits page of the OHR website wwwnew.towson.edu/hr/ within twenty-four (24) hours of the injury/illness;

c. within three (3) working days after the injury/illness, a licensed or certified medical provider’s (as defined in the Towson University Sick Leave Policy) written certification that the employee is disabled because of the injury/illness.

2. Upon having knowledge of an employee’s injury/illness, the supervisor of the employee shall:

a. ensure that the employee receives medical attention, if necessary, from a licensed or certified medical provider (see the Towson University Sick Leave Policy);

b. immediately notify the Office of Human Resources’ Benefits Unit and forward to that office within two (2) days following the incident, a Supervisor's Report of Injury/Occupational Illness, available in the First Report of Injury Packet from the OHR or by going to the Forms section on the Benefits page of the OHR website (wwwnew.towson.edu/hr/).

3. The Office of Human Resources’ Benefit’s Unit, upon receipt of the supervisor's report, shall:

a. file an Employer's First Report of Injury with the Injured Workers' Insurance Fund (IWIF);

b. inform the employee or someone on the employee's behalf of the employee's right to file a claim with the Workers' Compensation Commission;

c. determine if the injury would likely be compensable under the Maryland Workers' Compensation Act.

B. Period of Accident Leave

1. If the university determines that the injury/illness would likely be compensable under the State of Maryland Workers’ Compensation Act, the employee shall be granted accident leave beginning on the first day of the absence of work because of the disability and continuing until the day the employee is certified in writing by a licensed or certified medical provider to return to his/her official
duties, or modified duties designated by the university; or six (6) months from the date of disability, whichever is earlier.

2. If the employee returns to his/her official duties, or modified duties designated by the university, prior to six months following the date of the disability, accident leave may be granted for continuing treatment, as certified in writing by a licensed or certified medical provider selected or accepted by the university, for a period up to six (6) months following the date of the disability.

3. Accident leave may be granted for up to an additional six months if a licensed or certified medical provider selected or accepted by the university certifies that the employee continues to be disabled and no decision has been reached by the Workers’ Compensation Commission on the employee’s claim.

C. Use of Leave Other Than Accident Leave

1. Prior to receipt of a determination of compensability from IWIF, an employee shall be placed on accident leave unless there is a reasonable basis for believing that the injury/illness is non-compensable.

2. Only if the injury is believed to be non-compensable, shall the employee be placed on earned or other available leave prior to receipt of a determination by IWIF.

3. If an employee exhausts all available accident leave and provides medical certification from a licensed or certified medical provider that the employee is unable to return to work because of the work related injury/illness, the university may require an employee to seek temporary total disability payments under the Workers’ Compensation Act (see Temporary Total Benefits below).

D. Temporary Total Benefits

1. An employee shall only be entitled to temporary total benefits for loss of wages according to the Workers' Compensation Act (herein referred to as “temporary total benefits”); after all available accident leave has been used.

2. The university shall approve the employee’s use of other available leave with pay, including sick leave, annual leave, personal leave, compensatory leave (if applicable), only after the employee has exhausted all available accident leave and received all temporary total (or partial) benefits for which the employee is eligible.
3. In the event an employee uses sick leave for the time period for which the employee subsequently is awarded benefits pursuant to the Workers’ Compensation Act, sick leave shall be used with the understanding and agreement that:

   a. it constitutes an advance payment of temporary total or temporary partial disability benefits due under the Maryland Workers’ Compensation Act; and

   b. the State of Maryland’s obligation to pay temporary total (or partial) disability benefits under the Workers’ Compensation Act shall be offset on a dollar for dollar basis by the gross amount of payments received by the employee while on sick leave for the same period of time.

E. Total Amount of Leave

1. After the employee has used all available accident leave, temporary total benefits, and accrued leave, the employee shall be placed on a leave of absence without pay.

2. The combination of leave with pay and without pay shall not exceed two (2) years.

F. Determination of Noncompensability

1. Notwithstanding the provisions in Period of Accident Leave above, accident leave shall terminate on the date the University receives notice that the injury has been determined to be non-compensable from the Workers’ Compensation Commission or, in the absence of a determination from the Workers’ Compensation Commission, from IWIF.

2. If the University receives notice of non-compensability as specified under I. immediately above, the University shall correct the employee’s leave record to reflect a conversion of any Accident Leave that was granted in advance of the notice to leave with pay or, if the employee does not have accrued leave with pay, to leave without pay. The employee shall be obligated to reimburse the University for any accident leave advanced under this policy for an injury that is subsequently determined to be non-compensable.

G. Medical and Hospital Expenses
Medical and hospital expenses may be paid on behalf of an injured employee according to the Workers' Compensation Act.

H. Medical Evaluation

The IWIF or the university, or both, may refer an employee to licensed or certified medical providers for periodic examinations to determine the nature and extent of the injury, the employee's progress toward recovery, the length of time necessary for recovery, and an estimated date of return to work. Referring an employee to a licensed or certified medical provider requires that the university file with IWIF a report stating the circumstances of referral and the provider’s prognosis.

I. Subrogation

If someone other than the employee or the university causes an injury/illness for which work-related accident leave is taken, the university, after notice to the employee, shall be subrogated to the rights of the employee to the extent of any compensation paid or owed. If within ninety (90) days after the employee receives such notice from the university, the employee fails to enforce a claim against the third person, or within a reasonable time after giving the University notice of an intent to enforce the claim against such third person the employee fails to take action to enforce the claim, the university, in its own name and for its own benefit may bring or join in an action against such third person.

Related Policies:

Approval Date:

Effective Date:

Approved by: President’s Council

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Robert L. Caret, President    Date