

# Asheville-Buncombe Technical Community College

# (A-B Tech) Procedure

## Procedure 500.07: Statutory Benefits Procedure

Statutory benefits are required by state or federal law and apply to all employees. Determination of eligibility for a specific statutory benefit is determined by the regulatory agency, not A-B Tech.

### Social Security/Medicare

As required by federal law, Social Security/Medicare is paid through employee payroll deductions and a contribution made by A-B Tech. The United States Social Security Administration determines employee eligibility for benefits. For more information about this benefit, contact the Benefits Administrator or Payroll Department.

### Unemployment Compensation

As required by state law, A-B Tech pays an unemployment payroll tax in order to provide eligible employees with unemployment benefits upon termination and certain other circumstances. The NC Security Commission determines employee eligibility for benefits. For more information about this benefit, contact the Director, Human Resources.

### Workers Compensation

Consistent with applicable law, A-B Tech offers a workers’ compensation program for all employees. Workers’ compensation benefits are intended for employees who suffer an accidental injury or occupational disease arising out of, and in the course of their employment, according to the provisions of the North Carolina Workers’ Compensation Act. The NC Industrial Commission determines eligibility for workers’ compensation benefits/payments.

1. **Reporting**

An employee or their representative must immediately, or as soon thereafter as practicable, give written notice of work-related injury or illness to the Campus Police, Benefits Administrator and/or their supervisor. No compensation shall be payable unless written notice is given within 30 days, unless reasonable excuse is made to the satisfaction of the Industrial Commission for not giving such notice and the Commission is satisfied that the employer has not been prejudiced. The College is required by law to report the injury to the North Carolina Industrial Commission.

1. **Medical Care**

The College has the right to select the medical provider to treat and care for the employee that is seeking medical treatment for a work-related injury, and the employee may not refuse such treatment without just cause. The College will provide medical treatment for the injury and/or refer the employee to the Workers’ Compensation carrier’s approved medical providers at Sisters of Mercy Urgent Care, Advent Health Hendersonville or Pardee Hospital. Unless otherwise directed by the North Carolina Industrial Commission, the College shall direct medical treatment and select the treating physician for as long as the employee claims they are entitled to workers' compensation.

1. **Leave From Work Due to Injury**
2. *Day of Injury:* No leave is charged on the day of the injury if the treating physician instructs the employee not to return to work. The employee shall provide a written statement from the physician to their supervisor and Human Resources by the next business day.
3. *Additional Leave:* If the injury results in additional time away from work, the employee must begin Workers’ Compensation leave. Workers’ Compensation weekly benefits begin after the required seven-day waiting period. Unless the injury results in disability of ***more than 21 days***, no compensation shall be allowed for the first seven calendar days of disability resulting from an injury. Only when an employee is away from work more than 21 days, will compensation be allowed from the date of the disability. If the employee’s time away from work due to an injury is ***less than 21 days***, a waiting period option listed below must be chosen; with option one being the default. Once an election is made, it may not be rescinded for the duration of the Workers’ Compensation claim.
4. Option One: Elect to take accrued/earned leave (sick, vacation, compensatory time, etc.) during the required waiting period, and then begin receiving workers’ compensation weekly benefits. If this option is selected and an absence of more than 21 day prompts workers’ compensation payment for the first seven days, requested leave will be credited back to the employee.
5. Option Two: Elect to go on Workers’ Compensation leave with no pay for the required waiting period and then begin receiving workers’ compensation weekly benefits.
6. *Use of Partial Leave:* In Option one or two above, once the employee begins to receive the weekly benefit, earnings may be supplemented by the use of paid leave that was earned prior to the injury. This leave can be used to cover the portion of earnings that are not paid by worker’s compensation. The total payment received from leave and worker’s compensation cannot exceed the employee’s regular earnings. These payments are subject to state and federal tax withholdings, Social Security, Medicare, retirement and other required deductions such as 401(k) loan and garnishments.
7. *Use of Family and Medical Leave (FML):* Family Medical Leave is provided for a serious health condition that causes the employee to be unable to perform functions of the employee’s position. For this reason, Family Medical Leave occurs concurrently with the Workers’ Compensation leave. Time missed will be counted toward the twelve weeks allotment under the provisions of the Family and Medical Leave Act.
8. *Follow-Up Medical Visits:* If follow-up medical or therapy visits are required during regularly scheduled working hours, the employee is not required to use their earned leave for missed work time for these visits. Employees should try to schedule medical appointments for times that are least disruptive to the College and their department. Paid time will be limited to reasonable time for appointment and travel. Employees may be required to provide documentation of the appointment with the time in and time out certified by the medical provider. Any excess time will be charged to earned leave. An employee should immediately notify their supervisor of future medical appointments upon the scheduling of the appointment.

**4. Impact on Other Benefits**

* 1. *Vacation and Sick Leave Accrual:* While on Workers’ Compensation leave, the employee shall continue to accumulate vacation and sick leave.
  2. *Longevity:* While on Workers’ Compensation leave, an employee will continue to receive longevity credit. Employees who are eligible for longevity pay shall receive their payments in accordance with the Longevity Pay policy.
  3. *State Retirement Service Credit:* While receiving Workers’ Compensation benefits, an employee does not receive retirement credit. As a member of the Teacher’s and State Employees Retirement System, the employee may purchase credits for the period of time on an approved workers’ compensation leave of absence.
  4. *Health, Dental & Other Insurance:* While on Workers’ Compensation leave, an employee shall continue to be covered under the College’s health, dental, and other insurance programs, in compliance with the plan’s policy.

1. Employee must make arrangements with Human Resources to pay premiums that are typically deducted from the employee’s paycheck. Failure to make payments may result in termination of these insurance benefits.
2. *Individual Retirement Benefits including Roth, VALIC, 401(k), and 457(b):* While on Workers’ Compensation, the College will not remit contributions to the employee’s retirement elections. If the employee would like to continue contributions while they are on leave, they will need to contact the carrier and remit payment directly to the carrier. When the employee returns to work on a full-time basis their contributions will resume.
   * 1. **Fitness-for-Duty/Notice of Intent to Return to Work**

The College will require an employee on Workers’ Compensation leave to report periodically on the employee’s status and intent to return to work.

* 1. *Certification:* The College shall require the employee to obtain and present certification from the workers’ compensation health care provider with regard to the particular health condition that caused the employee’s need for workers’ compensation leave. The certification should indicate the employee’s ability to resume work.

1. Subject to the Americans with Disabilities Act, the College may delay restoration to employment until an employee submits a required fitness-for-duty certification.
2. If the employee is unable to perform an essential function of the position because of physical or mental condition, including a serious health condition, the employee has no right to restoration to another position. However, the College will review such situations on a case-by-case basis for applicability of the Americans with Disabilities Act.
   1. *Reinstatement Salary:* Upon reinstatement, an employee’s salary shall be computed based on the last salary prior to workers’ compensation leave plus any approved increase which the employee would have received if not on leave.

### References:

Policy 503.05, Employment Categories and Classifications

Policy 502.03, Longevity Pay

Policy 507.06, Sick Leave

Policy 507.07, Vacation Leave

North Carolina G.S 97-22: Notice of accident to employer.

North Carolina G.S. 97-28: Seven-day waiting period; exceptions.

North Carolina G.S. 97-2(11): Compensation

North Carolina G.S. 97-25: Medical treatment and supplies.

Owner: Executive Director, Human Resources & Organizational Development

Updated: February 27, 2018

Pursuant to Board Policy 500, the Statute Benefits procedure must be followed when applying for benefits from the College.