Workers' Compensation Time Loss Information

After evaluating the impact to staff following the significant change to the policy for wage loss recovery, due to a work-related injury, the following policy revisions have been reviewed and adopted by the BOE. The change to allow limited use of paid leave applies to claims that occur on or after June 20, 2013.

The reason for the revision was to ease the effect of three unpaid days or in some cases, the less than 66-2/3% recovery of wages for the employee, by allowing the limited use of available paid leave for the first three days of work-injury related absence and to backfill lost wages up to the maximum benefit of 66-2/3%.

The BOE adopted the proposed language: visit the district website for the complete policy—GBGD. Additional information on workers’ compensation can be found in the Workers’ Compensation Brochure, also on the website. The employee will use available paid leave to cover the first three days of unpaid, work-related injury leave.

Under the Workers’ Compensation Statute, workers’ compensation benefits do not begin until after a three day waiting period has been met. Temporary disability benefits are paid at the rate of 66-2/3% of the employee’s average weekly wage up to a maximum benefit set by the legislature. If the employee loses more than 14 days of work, workers’ compensation will then also cover the initial 3 day waiting period.

If work related absences are considered compensable under Colorado Revised Statute 8-42-103, the employee will be credited back that portion of the employee’s paid leave.

If the average daily wage rate for employees who work less than 260 days and are paid over 12 months, is less than 66-2/3% of regular wages, the employee shall be permitted to use available paid leave time to total up to 66-2/3% of actual loss wages during contract or assigned work days.

However, under no circumstances shall an employee be allowed to receive more than an amount equal to their weekly wage when combining workers’ compensation benefits and district paid leave benefits.

Key factors regarding loss wages due to a work related injury:

1. All absences, including those for doctor's visits or physical therapy, etc. must be reported through Absence Management, TC Plus or your department's absence reporting process to ensure accurate payment of wages and determination of future benefits for loss time under workers’ compensation statute.

2. The first three days of absence following the date of injury* (whether consecutive or intermittent) will be covered by the employee’s available paid leave; if the employee doesn’t have available paid leave these days will be unpaid.

3. Absences, which are authorized by the designated physician, that follows these first three days will be paid at 66-2/3% of gross wages and will be paid directly to you by Pinnacol. The district will dock those absences from your paycheck.

4. You may request additional use of your own available leave, if the designated physician releases you to return to regular duty without restriction or if you have signed and returned a modified duty letter.

5. If the designated physician releases you to return to work with restrictions or to modified duty, contact the Risk Management Specialist (613-5003) immediately following the doctor's visit, who will work with you and your supervisor to ensure that modified work is available and that you will be able to return to work right away.

6. You may request additional use of available leave only when the modified duty paperwork has been completed, indicating you have received the offer of modified duty. The reason for this process is to establish that the employer is knowledgeable about the employee's restrictions, modifies the position to accommodate those restrictions and the employee is involved in the process and acknowledges the offer to return to work.

7. If adjustments to your Thompson wages do not cover insurance premiums or Section 125 deductions, Payroll will contact you directly regarding payment.

*Absences on the date of injury are paid according to requirements of the Fair Labor Standards Act.