

TENTATIVE AGREEMENT

7.20

Work Related Injury or Illness

An employee who suffers a work related injury is required to immediately notify their supervisor and to complete the appropriate reporting forms. When an employee experiences a work related injury, the supervisor will meet with the employee to discuss the incident and supports.

The District promotes and supports anti-violence in our schools. If the employee experiences a work related injury due to an assault, the supervisor will take the additional following steps. Assault is defined as any willful attempt or threat to inflict injury upon the person of another, when coupled with an apparent present ability to do so, and any intentional display of force such as would give the victim reason to fear or expect immediate bodily harm.

The employee maintains the right to file a police report.

a. Work Related Injury: Assault by Another Adult

If an assault occurs during the course of performing the employee's job duties, the District will document the assault and provide the following supports at the request of the employee:

1. The District will report the assault to the local law enforcement.
2. The District will provide counseling, legal and other supports through the Employee Assistance Program.
3. The District will assume full liability of the employee's injuries consistent with the Workers' Compensation Law.
4. The District will support the employee by, but not limited to, ensuring administration presence at meetings to which the adult will be present, and requesting a trespass order from local law enforcement.
5. The supervisor will meet with the employee to discuss additional supports that may be needed.

b. Work Related Injury: Assault by Student


Ivory McDaniel-Ilgenfritz Date
District Chief Spokesperson

 10-11-22
Mary Ward Date
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If an assault by a student against an employee occurs, the District will document the assault and provide the following supports at the request of the employee:

1. The administrator will provide the student an environment to de-escalate. If necessary, the student will be removed from the classroom to protect others from further injury. This removal is temporary for the purpose of de-escalation and safety. The removal does not constitute a suspension.
2. Before the student is returned to the classroom, the administrator will hold a conference with the teacher, student, parents and other necessary staff members to discuss the return to the classroom. The absence of any participant will not delay the student's return to the classroom.
3. The employee will be provided an opportunity to work with the classroom teacher and other staff members (i.e. behavior coach, school psychologist, or counselor) for support in managing the student's behaviors.

c. Employee Absence Related to Assault


Whenever an employee is temporarily absent from school and temporarily unable to perform his/her duties as a result of an assault either directly or while intervening in the assault of students or other staff and incurred in the scope and course of employment, the employee will be paid full salary and benefits less the amount of any workers' compensation payments or payments made for temporary disability. The District's payments will continue for a period equivalent to that of a full contract year beginning on the date of the injury. Such temporary absence will not be counted against accrued sick leave.

d. Workers' Compensation

1. Assault

An employee who is injured in the course of performing employment duties is required to complete a Report of Occupational Injury and Illness form and Workers' Compensation Claim within three (3) workdays of the incident and submit the forms to the employee's supervisor. The District shall provide workers' compensation benefits prescribed by statute to an employee who sustains an on-the-job injury. In no case shall an employee be entitled to receive an amount that exceeds his/her normal gross pay. The length of time an employee is in a leave without pay status due to the specific disability shall be up to one (1) school year, plus any unfinished school year. Should the disability continue beyond this time the employee may, as determined by the District and consistent with applicable law, be terminated, non-retained, or dismissed.


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2. Injury


The District, being required by law to carry workers' compensation insurance on all employees, agrees to cover those accidents that happen while an employee is on the job or in any function in compliance with a direct order by a supervisor(s). A workers' compensation report must be filed in the District Office within forty-eight (48) hours of a compensatory accident. Forms shall be available in all school offices. The employee has two compensation options during any absence in conjunction with a work-related injury:

- A. The employee may choose to take workers' compensation payments in lieu of wage benefits and retain his/her accrued sick leave. The workers' compensation benefit will always be lower than the sick leave benefit.
- B. The employee may choose to take workers' compensation payments and receive, through use of sick leave, additional wages up to the employee's normal gross wage. An employee on workers' compensation shall accrue all leave benefits available for that position.

e. Americans with Disabilities Act (ADA)

The parties acknowledge that the District must comply with the Americans with Disabilities Act and other statutes prohibiting discrimination due to an employee's disability. It is specifically recognized that the District may need to permanently or temporarily reassign or reemploy employees who have sustained work-related injuries and who are physically restricted, either temporarily or permanently, from returning to pre- injury job descriptions. ~~Should the District receive a request from an employee for accommodation involving reassignment or reemployment due to injury or illness, the District shall meet and confer with the ESSA prior to accommodating the employee.~~


Ivory McDaniel-Ilgenfritz Date
District Chief Spokesperson


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