



# WORKERS COMPENSATION POLICY

**Effective Date: July 1, 2014**

<b>Owner</b>	Human Resources
<b>Reviewer(s)</b>	Human Resources
<b>Approver(s)</b>	County Manager
<b>Applicable Policies</b>	Leave
<b>Applicable Documents</b>	WC Supplemental Leave Form
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## 1. PURPOSE

This policy is to establish Durham County's framework for administering Workers' Compensation Leave in compliance with the North Carolina Workers' Compensation Act and to establish additional Workers' Compensation Leave benefits.

## 2. POLICY

This policy outlines Durham County's framework, additional benefits and administrative procedures for supporting employees with job-related injuries or illnesses. It ensures timely medical care, lost wage replacement, and clear reporting protocols, while maintaining compliance with the North Carolina Workers' Compensation Act (NCWCA) and other applicable laws.

## 3. APPLICABILITY

All Durham County employees are eligible for Workers' Compensation Leave in accordance with G.S. § 97-2(2). Contracted workers are excluded.

## 4. DEFINITIONS

Employee – A person who performs services or labor for the County in return for some form of compensation, and who is treated as an employee for purposes of withholding social security and tax payments in accordance with Internal Revenue Service regulations.

Pay status – A designation when an employee receives pay either working or for accrued leave (i.e. vacation, sick, compensatory, or managerial time). This also includes administrative, and workers' compensation leave.

North Carolina Industrial Commission (NCIC) Weekly Compensation Benefit – Statutory benefits under the Workers' Compensation Act, G.S. § 97-29. The law provides medical and disability compensation including a weekly compensation benefit for lost time from work which is 66 2/3% of the employee's average weekly wage up to a maximum established annually by the NCIC.



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Salary – Monetary compensation for hours worked.

Workers' Compensation – Wages an employee receives as a result of an on-the-job injury or contracting an occupational disease within the meaning of the Workers' Compensation Act.

## 5. PROCEDURES

### A. Leave on the day of Occupational Injury/Illness

1. No leave is charged on the day of the occupational injury/illness if the treating physician instructs the employee not to return to work in either permanent duty or restricted duty capacity.
2. The employee shall:
  - Obtain a work status note from the physician indicating that the employee must not return to work either permanent duty or restricted duty; and
  - Present the work status note to the supervisor at the appropriate time. The supervisor must forward a copy of this note to Risk Management.

### B. Waiting period and use of Administrative Leave

- Under the Worker's Compensation Act, there is a seven (7) calendar day waiting period in which no compensation is paid unless the occupational injury/illness results in a disability of more than twenty-one (21) days (G.S. § 97-2).
- Pursuant to Durham County's Compensation Policy, the County will grant Administrative Leave (Admin/Paid Worker's Comp - 0250) for up to seven (7) calendar days per year for workers compensation injuries. Administrative Leave is granted for scheduled workdays only.
- If the occupational injury/illness is determined to be compensable under the Workers Compensation Act, by the County's third-party claims administrator, and results in additional time away from work, the employee must go on Workers' Compensation Leave and receive the NCIC Weekly Compensation Benefit after the required waiting period pursuant to G.S. § 97-28.

### C. NCIC Weekly Compensation

- Starting on the eighth (8) calendar day out of work, the employee will be placed on workers' compensation leave without pay status (Admin/LWOP Workers' Comp - 0150).



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- The employee will begin to receive NCIC Weekly Compensation Benefits which is 66 2/3% of the employee's average weekly wage up to a maximum established annually by the NCIC.

## **D. Supplemental Leave Option**

- When an employee is on Workers' Compensation Leave, the employee may elect to supplement the NCIC Weekly Compensation Benefit with the use of sick, vacation, compensatory, or management leave earned prior to the occupational injury/illness.
- The NCIC Weekly Compensation benefit combined with Supplemental Leave payment will provide an income approximately equal to the bi-weekly gross income.
- All employees who have an occupational injury/illness must complete the Workers' Compensation Supplemental Leave Option Form to indicate whether or not they would like to elect this option.
- If the employee has earned sick, vacation, management or compensatory leave and elects the Supplemental Leave Option, the compensation is subject to State and Federal withholding taxes and Social Security.
- An employee who elects the Supplemental Leave Option will not accrue leave. The Supplemental Leave Option ceases when the employee has exhausted all leave.
- Donated leave may not be used for employees on worker's compensation leave.

## **E. Retirement Service Credit**

- While on Workers' Compensation Leave an employee does not receive retirement credit.
- The employee may purchase credits for the period of time they were on Workers' Compensation Leave.

## **F. Follow up Medical Visits**

- Employees with a compensable occupational injury/illness who require medical or therapy visits during regularly scheduled working hours in order to reach maximum medical improvement shall not be charged leave for time lost from work for required treatment.



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- Time for follow-up medical visits should be coded as Admin/Doctor Workers' Comp - 0255.
- Paid time should be limited to reasonable time for treatment and travel; any excess time will be charged to the appropriate leave or leave without pay.

## G. Health Insurance

- While on Workers' Compensation Leave, an employee is considered to be in pay status and shall continue to be eligible for Durham County's benefit plans.

## H. Family Medical Leave

- The County's Family and Medical Leave Act (FMLA) Policy requires FMLA eligible employees to be placed on Family Medical Leave while on workers' compensation leave that also meets one of the reasons for requesting FMLA leave.
- Workers Compensation and FMLA will run concurrently.

## I. Anti-Retaliation

- All Durham County employees have the right to report work-related injuries and illnesses.
- Durham County shall not discharge or otherwise discriminate or retaliate against any employee for raising safety or health concern, for reporting work-related injuries or illnesses, or for filing a workers' compensation claim.

## 6. RESPONSIBILITY

- It is the responsibility of supervisors and managers to uniformly administer, communicate, and ensure compliance.
- It is the responsibility of the Human Resources Department to interpret, monitor, and update the policy content.
- It is all employees' responsibility to comply with policy guidelines.
- Any violation or policy misuse will result in disciplinary action up to and including dismissal.

## REVISION HISTORY

Version ID	Revision Date	Author	Reason for Revision
v. 01-2014	07-01-2014	Human Resources	Reformat & Sec I.
v. 02-2015	04-20-2015	Human Resources	Reformat
v. 03-2025	06-01-2025	Human Resources	Reformat