



## College of The Albemarle Policy

**Policy Number: 3.2.9**

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**Title: Workers' Compensation Leave and Benefits**

**Related Policy and Procedures: Policy 3.2.4: Leave**

**Division of Responsibility: Human Resources**

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### **I. USE OF LEAVE DUE TO WORKERS' COMPENSATION INJURY**

When an employee suffers an accidental injury or contracts an occupational disease within the meaning of the North Carolina Workers' Compensation Act ("Act"), the employee is entitled to benefits provided by the Act. The employee is entitled to medical benefits and compensation for time lost from work due to the injury. The Act does not entitle an employee to job protection due to a workers' compensation injury. Filing a claim, receiving benefits, or participating in the Workers' Compensation process will not be cause for disciplinary action or termination.

If an employee is not able to work because of the accident, the Act requires a seven (7) day waiting period before the employee is eligible for weekly benefits. After the seven (7) day waiting period has expired, if an employee is not able to work because of the accident, an employee qualifies for compensation under the Act at the rate of sixty-six and two-thirds percent (66-2/3%) of an employee's average weekly wage, but no more than the amount established by the Act.

If the injury results in disability of more than twenty-one (21) calendar days from the date of disability, the Act provides that compensation shall be allowed for the seven (7) day waiting period. At any time during the period of disability, an employee may use accrued leave in order to make up the difference between the compensation provided under the Act and their average weekly wage.

The College, its insurance carrier, or third-party administrator will respond to claims, accept or deny liability, and issue all required Industrial Commission forms (including Forms 19, 63, 60, 61, 28T, and others as required) within statutory timelines. Provisional payments, denial notices, and communication with the employee will follow all Commission rules and deadlines.

### **II. RESPONSIBILITY OF EMPLOYER AND EMPLOYEE**

In accordance with N.C.G.S. 97-22, the employee or their representative must provide written notice of an accident to the employee's supervisor as soon as possible. No compensation shall be payable unless such written notice is given within thirty (30) days after the occurrence of the accident or death, unless a reasonable excuse is made to the satisfaction of the North Carolina Industrial Commission ("Commission") for not providing adequate notice and the Commission is satisfied that the employer has not been otherwise prejudiced by the delay.



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The College is required to report an employee injury to the Commission using I.C. Form No. 19. The injured employee is responsible for claiming compensation. A claim must be filed by the employee through the College with the Commission within two (2) years from the date of injury. Otherwise, the claim is barred by law.

All accidents involving College employees must be reported to the Human Resource Office within one (1) business day. Additionally, these incidents should be submitted through the College's online incident reporting system within two (2) business days. The Human Resource Office will provide the employee with the necessary forms and guidance on the next steps in the claims process. All documentation related to workers' compensation—including medical reports, claim forms, and correspondence—shall be maintained in a secure, confidential medical file separate from the employee's personnel record.

The College strictly prohibits retaliation, intimidation, or interference against any employee who files a workers' compensation claim, requests benefits, participates in a workers' compensation proceeding, or reports a workplace injury.

### III. CONTINUATION OF BENEFITS

#### A. Performance Increase

Upon reinstatement, an employee's salary will be computed based on the last salary plus any legislative increases to which the employee is entitled.

#### B. Annual and Sick Leave

While on workers' compensation leave, an employee will continue to accumulate annual and sick leave to be credited to his/her account for use upon return.

Accumulation of annual leave may in some cases exceed the 240-hour maximum as set forth in Policy 3.2.6. In those cases:

1. The maximum to be carried forward to the next fiscal year may be exceeded by the amount of vacation accumulated while the employee is out of work due to their workers' compensation injury. The excess may be used after returning to work or be added to the employee's remaining balance of leave carried until the end of the fiscal year following a full year after the employee's return to work, at which time the excess will be paid in a lump sum to the employee.
2. If an employee separates from employment while receiving Workers' Compensation benefits, any excess annual leave paid out in a lump sum is limited to the amount of annual leave accrued during the first twelve (12) months the employee is out of work and receiving Workers' Compensation benefits. Annual leave accrued beyond the initial twelve-month period is not eligible for lump-sum payout upon separation.



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### C. **Health Insurance**

While an employee is out of work and receiving compensation under the Act, the employee is in pay status and will continue coverage under the state's health insurance program. Employees are responsible for paying their portion of insurance premiums. If premiums become delinquent, HR will notify the employee in writing and provide instructions for payment to maintain coverage. The College will continue to pay its employer contribution toward the employee's State Health Plan premium as long as the employee remains on approved workers' compensation leave.

Legal Reference: N.C.G.S. Chapter 97 – North Carolina Workers' Compensation Act; North Carolina Industrial Commission Rules; Applicable OSHA injury-reporting requirements; State Health Plan requirements.

June 13, 2023

February 17, 2026

February 17, 2026

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**Date Approved by Board of Trustees**

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**Date of Last Review**

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**Date of Last Revision**