

POLICY

SOMERSET COUNTY
BOARD OF EDUCATION

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Number:
700-45

Subject:
Assault Leave

Date Approved:
April 16, 2019

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Date Effective:
April 16, 2019

1. PURPOSE

To establish a time off policy for any employee who suffers an injury or disability, due to physical assault while engaged in the course of his or her employment.

2. PROCEDURE

When an assault leave request has been initiated, the following administrative guidelines must be followed to insure that the employee receives the best care as soon as possible, in a timely manner.

- A. The employee shall be required to provide a written and signed statement to his or her immediate supervisor describing the assault within 48 hours of its occurrence.
- B. The supervisor will forward the assault leave request along with the statement to the Supervisor of Human Resources for review.
- C. The Supervisor of Human Resources and the employee's immediate supervisor will determine if the employee is eligible for assault leave based on the details obtained from the investigation of the incident and the employee's account of the situation. Once the determination has been made, the employee will receive his/her decision in writing.
- D. The assault leave will terminate upon one of the following:
 - 1) A decision by Worker's Compensation insurance carrier that the employee is not eligible for Worker's Compensation based on the alleged injury.
 - 2) The employee is able to return to work as determined by the Independent Medical Exam (IME).
 - 3) The employee is eligible for disability retirement as determined by the Maryland State Retirement Agency.

- 4) The employee has been absent for one (1) full school year or fiscal year, if a 12-month employee, and receiving assault leave.
 - 5) If accommodations are identified by the physician to allow the employee to work full-time or part-time, and the employee declines to return to work despite the availability of the accommodations.
- E. The employee's supervisor will charge the leave as assault leave. This leave will not be deducted from any of the employee's accrued leave.
 - F. The injury may be compensable for Workers' Compensation. The employee will forward all monies received from the Workers' Compensation Commission to the Somerset County Board of Education in exchange for the Board paying the employee's full salary while on an approved assault leave. In no event shall such benefits exceed the total amount of the regular salary the employee was receiving at the time the injury or disability occurred.
 - G. Any medically necessary services and treatment resulting directly from the assault shall be provided to the employee through Workers' Compensation.
 - H. The employee will be required to provide a certificate from a licensed physician certifying such injury. The medical certification should indicate the amount of time off necessary to recuperate from physical injuries sustained as a result of the assault. The physician must explain the connection between the physical disability and the assault. Also, the physician must complete the *Employee Restrictions and Limitations Form* before the employee will be allowed to return to work.
 - I. The Supervisor of Human Resources may require the injured employee to submit to an Independent Medical Examination conducted by a physician selected by the Somerset County Public Schools, in conjunction with the decision whether to provide the assault leave or continue assault leave. The IME will be paid by Somerset County Public Schools.
 - J. This type of leave may be taken for as long as is necessary to recuperate from physical injuries associated with the injuries sustained as a result of the assault, but may not exceed one year from the date of the assault.