



**POLICY: 6Hx28:3D-06.3**

**Responsible Executive:** Vice President,  
Organizational Development & Human  
Resources

**Policy Contacts:** ~~Director, HR Policy and  
Compliance Programs~~ Assistant Vice  
President, Equity and Access

**Specific Authority:** 240.319 F.S., 6A-  
14.0247 F.A.C.

**Law Implemented:** 240.319 F.S.,  
240.335 F.S.; 6A-14.0247 F.A.C.

**Effective Date:** ~~12-11-2019~~ 12-01-2022

**Date of Last Policy Review:** ~~12-11-~~  
2019 12-01-2022

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## **Workers' Compensation and Illness or Injury In Line Of Duty Leave**

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### **Policy Statement:**

- I. The College adheres to applicable laws, rules, and regulations governing workers' compensation. Each full-time and part-time college employee shall be entitled to reasonable and necessary eligible medical care and payment of related medical costs when such employee has to be absent from work because of a qualifying occupational injury or illness arising out of and in the scope of employment.
  - A. Full-time employees are eligible for paid illness or injury in line of duty (IILOD) leave up to the maximum allowance in accordance with procedures. This leave may be used all at one time or intermittently in alignment with supporting medical documentation. After the maximum allowance is exhausted, full-time employees are eligible to receive payment for partial lost wages (indemnity benefits) in accordance with related College procedures.
  - B. Part-time employees may be eligible to receive payment for partial lost wages (indemnity benefits) in accordance with related College procedures.
- II. ~~Discrimination or retaliation against, or termination of an employee for raising a safety or health concern, reporting a work-related injury or illness, or for filing a workers'~~

~~compensation claim is prohibited. Any report of discrimination, retaliation or termination for these instances should be made to an Organizational Development and Human Resources (ODHR) representative from a Regional Solution Center or Equity and Access Office for further evaluation and action as deemed appropriate. The College prohibits the termination, threatening termination, intimidation, or coercion of any employee for the purpose of influencing that employee's valid claim for compensation or for attempting to claim compensation under the Workers' Compensation Law.~~

III. The College President, or designee(s), shall establish programs and procedures to implement this policy.

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#### **Policy History:**

Adopted 11-17-76; Amended 4-26-78; Amended 1-19-83; Amended 11-18-92; Amended 4-16-13; Amended 12-11-2019; Amended 12-01-2022; Formerly 6Hx28:7-04; Formerly 6Hx28:07-21

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#### **Related Policies:**

College Policy 6Hx28: 02-02 Workplace Accommodations for Applicants and Employees

College Policy 6Hx28: 3D-03 Total Rewards: Vacation, Sick, and Personal Leave for Full-Time Employees

College Policy 6Hx28: 3D-05 Sick Leave Pool

College Policy 6Hx28: 3D-06.1 Family and Medical Leave

College Policy 6Hx28: 10-01 Reporting Incidents or Injuries

~~Policy 6Hx28:02-02 Workplace Accommodations for Applicants and Employees~~

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#### **Procedures:**

I. Reporting Procedures:— In order to be considered for workers' compensation medical benefits and ILOD leave, an employee shall immediately report injuries sustained while on duty ~~(at an applicable Location), on a College campus or at college-sponsored event wherever located~~, to their supervisor and a representative of the campus Safety and Security Services (see list in Appendix A) for completion of a "Security Incident Report." Note: Applicable Location is defined as any Valencia College campus, any College-sponsored event wherever located, at an employee's remote work location while on duty, and/or while on College sponsored travel.

If the injury is serious and requires emergency services and the employee is transported for treatment, the supervisor or designee shall immediately report the ~~incident~~injury to campus Safety and Security Services and the employee shall ~~complete~~provide a written statement

as soon as possible. The employee shall be provided a workers' compensation (WC) contact card by Safety and Security Services to contact a representative from Organizational Development and Human Resources (ODHR) for assistance with seeking medical attention and/or further guidance on the medical claim process, if applicable. Failure to report or timely report a work-related injury may impact employee benefit eligibility in accordance with state law. For additional information on reporting a work-related injury or illness, see College Policy 6Hx28: 10-01 Reporting Incidents or Injuries.

- A. An employee injured while on duty may or may not need to seek medical attention. If the employee does not initially seek medical treatment and later determines that medical attention is necessary, the employee must ~~notify~~ contact their supervisor and also contact ODHR for an authorization to ~~seek~~ receive such medical treatment at an approved medical provider location. (Note: Visits to an employee's personal medical provider may not be covered under Workers' Compensation. Outside of emergency related services, an employee electing to utilize a medical provider not authorized in advance by Valencia College or the College's workers' compensation third-party provider may be responsible for any costs related to such services rendered). Regardless of whether or not an employee seeks immediate medical attention, full-time and part-time employees may remain eligible for ~~be eligible for~~ applicable workers' compensation medical benefits as may be needed and allowed by law.

## II. Return to Work Guidelines

- A. ~~After the initial medical visit following the work-related injury, the employee shall provide a copy of the completed return to work form (Florida Workers' Compensation Uniform Medical Treatment/Status Report Form DFS-F5-DWC-25) or equivalent document~~ As part of the initial medical visit following the work-related injury, the treating medical provider shall evaluate and certify whether the employee is able to perform all, some, or none of the job duties outlined in the respective job description and complete appropriate documentation. The employee shall provide the documentation from the medical provider (doctor's note) to their supervisor and/or a representative from ODHR as soon as possible. The employee is responsible for following applicable medical treatment instructions (i.e. medication, medical care, functional limitations, restrictions, etc.). The return to work form ~~The medical provider documentation~~ shall be evaluated by ODHR, the supervisor in collaboration with the supervisor, ODHR for appropriate action. As applicable, the employee is responsible for following appropriate medical treatment instructions (e.g., medication, medical care, functional limitations, restrictions, etc.). (Note: Completed return to work forms ~~medical provider documentation~~ shall be forwarded and maintained by ODHR separately from the employee's personnel file.)

- 1. Completed Medical Provider Documentation ~~Return to Work Form~~ (No Work Restrictions):— If the employee is released back to work without any functional limitations or restrictions, the employee shall perform all essential functions of

the position as outlined in their job description and in their assigned modality.  
Assigned modality is defined as remote, hybrid, or on-site work, as applicable.

2. Completed Return to Work Form Medical Provider Documentation (With Work Restrictions):— If the employee is released to work with functional limitations and/or restrictions assigned, the information shall be evaluated by the supervisor in collaboration with ODHR to determine if there are job duties the employee can perform with the temporary work restrictions. If there are job duties that can be performed within the prescribed restrictions in their assigned modality, the supervisor shall communicate to the employee the performance expectations and job duties that shall be performed by the employee during the temporary assignment until the next follow-up medical re-evaluation appointment. The employee is responsible for adhering to the prescribed work restrictions and following applicable medical treatment instructions until the next follow-up medical re-evaluation appointment. If there are no job duties that can be performed within the prescribed work restrictions, the employee shall remain on paid or unpaid leave as described in section III herein and the employee is responsible for following applicable medical treatment instructions until the next follow-up medical re-evaluation appointment.
  3. Completed Medical Provider Documentation Return to Work Form (Employee Not Released to Return to Work):— If the employee is not released to return to work, the employee must not work in any assigned modality, the employee shall remain on paid or unpaid leave as described in Procedures section III herein, and the employee is responsible for following applicable medical treatment instructions until the next medical re-evaluation appointment.
- B. Employees are responsible for attending follow-up appointments as applicable and providing the completed return-to-work form or equivalent document to their supervisor or ODHR as soon as possible. Each subsequent medical visit documentation shall be evaluated by the supervisor in collaboration with ODHR for appropriate action. Follow-up medical appointments and treatment should be scheduled during the employee's non-working hours. If appointments are not available during non-working hours, a full-time employee shall use any remaining paid illness or injury in line of duty ILOD leave to cover the absence(s) during scheduled work hours and thereafter must exhaust on a pro rata basis any accrued and available sick or vacation leave before taking unpaid leave. Departments have discretion to adjust work schedules as appropriate for full- and part-time employees.
- C. Employees who have reached maximum medical improvement and are unable to perform the essential functions of the job shall participate in an interactive process for potential reasonable accommodation options in accordance with College Policy 6Hx28: 02-02 Workplace Accommodations for Applicants and Employees.

### III. Leave Benefits for Missed Work Time or Follow-Up Appointments

A. Full-Time Employees:— Applicable ILOD leave for full-time employees shall be authorized for a total not to exceed twelve (12) duty days during any calendar year regardless of the number of reported injuries during the calendar year. The twelve (12) days of illness-or-injury-in-line-of-duty leave shall be used first to cover the employee's absence. If an official college holiday occurs during the eligible employee's paid ILOD leave, the eligible employee shall receive holiday pay in lieu of paid ILOD leave. Unused ILOD leave shall expire on the last day of the calendar year and is non-cumulative, non-compensable, and non-transferable.

1. Once the year's allowance of the twelve ILOD leave days has been exhausted and the employee is not cleared to return to work or there are no job duties the employee can perform within the prescribed temporary work restrictions, the employee may be eligible to receive payment for partial lost wages (indemnity benefits) equal to two-thirds (2/3) of the employee's regular gross wages at the time of injury. The employee shall supplement applicable indemnity benefits with accrued and available sick leave, sick leave pool (if applicable), and vacation leave on a pro-rata basis before taking unpaid leave for that portion. When combined, applicable indemnity benefits and leaves shall not exceed the employee's current rate of pay. Upon exhaustion of available paid leave, the employee will only be eligible to receive the applicable indemnity benefits. The length of time for an eligible employee to receive applicable indemnity benefits is in accordance with regulations. For more information on accrued leaves and eligibility, see College Policies 6Hx28: 3D-03 Total Rewards: Vacation, Sick and Personal Leave for Full-Time Employees, and 6Hx28: 3D-05 Sick Leave Pool.

B. Part-Time Employees:— Part-time employees should contact a representative from ODHR for applicable indemnity benefits eligibility in accordance with state laws, regulations and documentation of applicable leave (as appropriate), and any other available resources, as applicable.

B.C. Coordination with other types of leaves: ODHR will determine an employee's eligibility for the use of other available types of leave and will coordinate with the eligible employee and their supervisor on available paid and/or unpaid leaves that may be necessary. [Note: At its discretion, the College may run Family and Medical Leave (FMLA) concurrently with Workers' Compensation should an employee be eligible for FMLA. For more information on FMLA, see College Policy 6Hx28: 3D-06.1 Family and Medical Leave.]

#### IV. Documenting Missed Work Time

A. Full-Time Employees:— Full-time employees who seek medical treatment for injuries sustained while on duty and are absent from work shall complete a Certificate of Absence (COA) for ILOD leave through the Request and Manage My Leave System

for review and approval by the immediate supervisor. The COA shall be for the time spent by the full-time employee obtaining the initial treatment and shall not include hours beyond the employee's scheduled work hours. If the COA cannot be completed by the full-time employee, the supervisor shall submit the COA on behalf of the employee. A non-exempt full-time employee shall also record ILOD leave on timesheets through the Web Time Entry system. ODHR shall communicate with full-time employees and/or supervisors on how to document subsequent ILOD leave and timesheets as appropriate.

B. Part-Time Employees: ~~Part-time employees who seek medical treatment for injuries sustained while on duty and are absent from work should contact a representative from ODHR for indemnity benefits eligibility, documentation of applicable leave (as appropriate), and any other available resources.~~

~~1. Part-time employees who seek medical treatment for injuries sustained while on duty and miss time from work may discuss with their immediate supervisor potential schedule adjustments for the work week for review and approval based upon departmental needs. Part-time employees should contact a representative from ODHR for indemnity benefits eligibility and documentation of applicable leave.~~

B.C. Supervisors must verify that the information recorded on web time entry for a non-exempt (hourly) employee accurately represents the employee's time and attendance, including hours worked, leave and holiday time (as applicable) for the covered period in accordance with established procedures.

V. ~~Employee Post-Accident or Injury Drug and/or Alcohol Test:—~~ Employees involved in a work-related accident or injury may be required to submit to a post-accident drug and/or alcohol test. For additional information, see College Policy 6Hx28: 3D-06.2 Fitness for Duty. Failure to submit to the test(s) and participate may result in disciplinary action up to and including termination of employment, and may include workers' compensation benefits suspension, if applicable.

VI. ~~Volunteers who sustain injuries while engaged in College business or related activity(ies) may be eligible for partial workers' compensation benefits. For assistance with volunteer injuries, contact the Risk Management Office at 407-582-3860.~~

VII. ~~An employee or volunteer who believes an adverse employment or volunteer action has been taken for reporting a work-related/volunteer injury or illness or for filing a workers' compensation claim, should contact a representative from ODHR Equity and Access for further review and action as deemed appropriate.~~

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### Procedure History:

Adopted 11-17-76; Amended 4-26-78; Amended 1-19-83; Amended 11-18-92; Amended 4-16-13; Amended 12-11-2019; Amended 12-01-2022; Formerly 6Hx28:7-04; Formerly 6Hx28:07-21



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**Date of Last Procedure Review:** ~~12-11-2019~~12-01-2022

Appendix A: Safety and Security Services Contact Numbers

Note: If an employee needs assistance before or after regular business hours, the employee will need to contact a West Campus Safety and Security Services representative for support.

<b>Campus</b>	<b>Phone Number</b>
Advanced Manufacturing Training Center	407-582-4000
District Office	407-582-3000
Downtown Campus	407-582-1000
East Campus	407-582-2000
Fire Rescue Training Facility	407-582-1000
Lake Nona Campus	407-582-7000
<u>North West Orlando CAT Building</u>	<u>407-582-3600</u>
Osceola Campus	407-582-4000
Poinciana Campus	407-582-6500
School of Public Safety	407-582-8000
West Campus	407-582-1000
<u>Winter Garden Facility</u>	<u>407-582-1000</u>
Winter Park Campus	407-582-6000