

CLARK COUNTY SCHOOL DISTRICT REGULATION

4127

OCCUPATIONAL INJURY OR DISEASE BENEFITS AND WORKERS' COMPENSATION LEAVE OF ABSENCE: ALL EMPLOYEES

- I. As the result of an occupational injury or disease, an eligible employee may draw down the available sick leave balance as taxable income continuation supplement until such leave is exhausted.
 - A. The total daily benefit may not exceed the employee's daily rate of pay. Daily benefits are exclusive of reimbursement for payment of medical or hospital expenses received from the employee's compensation claim.
 - B. While receiving occupational injury or disease benefits, an employee may decline to use any part of available sick leave benefits. When an employee declines to use earned sick leave benefits, the employee shall be considered on a workers' compensation medical leave of absence without pay.
- II. An employee who is required to, who is placed on, or who elects to take a workers' compensation medical leave of absence may continue to participate in the Employee Group Hospital-Medical Insurance Plan providing the employee pays the full premium by check to the appropriate trust administrator for the respective bargaining unit.
- III. When an employee is on a workers' compensation medical leave of absence, disposition of the pre-injury position will be treated in accordance with district Regulation 4126. Return to work will be contingent upon the employee's work release set by the treating physician or medical practitioner licensed by the state of Nevada and the ability to perform the essential tasks of the job assignment for which the employee is eligible and qualified.
- IV. An employee on a workers' compensation medical leave of absence may return to work when a physician or medical practitioner licensed by the state of Nevada has released the employee to full duty, permanent modified duty (under the Americans with Disabilities Act), or temporary modified duty work.

An employee on a workers' compensation medical leave of absence may remain on leave of absence (without pay) for up to one (1) year until a full-duty, permanent modified duty (under the Americans with Disabilities Act), or temporary modified duty release is obtained, until the district has

offered a vocational rehabilitation program, or until the district has fulfilled its statutory obligation to the employee. If the employee is not released to return to work or offered vocational rehabilitation by the district by the end of the one (1) year workers' compensation leave of absence, the employee may request an extension of the original leave, not to exceed twelve (12) additional months. However, the district is not obligated to grant such a request.

The acceptance, by an employee, of an assignment to a vocational rehabilitation program outside of the district, as provided by law, will constitute a resignation from employment with the district effective the date of acceptance of the assignment to a vocational rehabilitation program.

- V. An employee on an approved workers' compensation leave of absence who fails to return to an assigned position following expiration of the leave of absence may be terminated at the conclusion of the leave since failure of an employee to report for duty is cause for dismissal.

Legal Reference:	NRS 281.390, NRS 616A to 616D, NRS 617, Americans with Disabilities Act
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