

Article 19

WORK-RELATED INJURIES

A. A FACULTY MEMBER who sustains a work-related injury during the period of this Agreement, as the result of which the employee is disabled, if so determined by a decision issued under the operation of the Workers' Compensation Insurance program, shall be entitled to work-related disability leave. Work-related disability leave is a leave of absence for which the FACULTY MEMBER will be paid full pay reduced by an amount that yields a net pay, including Workers' Compensation and Social Security Disability Benefits, that is equal to the FACULTY MEMBER'S net pay immediately prior to the injury. Net pay prior to injury is defined as gross base pay minus federal, state, and local withholding and Social Security and retirement contributions. Work-related disability leave shall be payable for an aggregate of twelve (12) months or for the duration of the disability, whichever is the lesser. In no case, however, will the aggregate of twelve (12) months extend beyond three (3) calendar years from the date the injury occurred.

A FACULTY MEMBER who sustained a work-related injury prior to July 1, 1981 will continue to receive benefits in accordance with the previous Agreement between the STATE SYSTEM and APSCUF.

B. There shall be no reduction in credited service under the State Employees' Retirement Code during the period of time that the FACULTY MEMBER is on work-related disability leave.

C. A FACULTY MEMBER who qualifies for work-related disability leave shall not be entitled to use sick, annual or personal leave during the period of eligibility. If the disability continues, sick leave accumulation may be taken at the expiration of the eligibility period to the extent of such accumulation, or the maximum allowed by law in a calendar year whichever is less. Effective July 1, 1981, sick leave and annual leave shall be earned on thirty-four percent (34%) of the work-related disability leave hours used. Personal leave shall not be earned during work-related disability leave.

D. A FACULTY MEMBER is required to refund to the Employer the amount of overpayment of pay if an overpayment results because a claim denial is issued under the operation of the Workers' Compensation Insurance program. In no case shall a FACULTY MEMBER be entitled to full pay and Workers' Compensation and/or Social Security for the period of eligibility. The Employer shall recover any amount in excess of the FACULTY MEMBER'S work-related disability leave amount. Failure to apply for or report Social Security or other applicable disability benefits to the Employer will result in the termination of work-related disability leave.

E. STATE SYSTEM paid coverage for life insurance and for hospital and medical insurance as provided in Article 21, FRINGE BENEFITS, will continue for the period of time that the employee is on work-related disability leave.

F. A FACULTY MEMBER has the right to return to a position in the same department and at the same rank held before being disabled for a period of up to three (3) years from the date the injury occurred, provided the FACULTY MEMBER is fully capable of performing the duties of that position, subject to the provisions of Article 29, RETRENCHMENT. This guarantee expires if the disability ceases prior to the expiration of the three (3) year period and the FACULTY MEMBER does not return to work immediately or if the FACULTY MEMBER retires or otherwise terminates employment. During the period of time between the end of the work-related disability leave and the end of the guarantee in this Section, the FACULTY MEMBER will be on leave without pay unless the employee is using sick leave in accordance with Section C of this Article.

G. The compensation for disability retirement arising out of work-related injuries shall be seventy percent (70%) of the final average salary less Workers' Compensation and Federal Social Security benefits.

H. A FACULTY MEMBER who sustains a work-related injury during the period of this Agreement, if so determined by a decision issued under the operation of the Workers' Compensation Insurance program, may be absent from work with pay on ten (10) occasions without use of sick, annual, or personal leave for the purpose of continued medical treatment of the work-related injury for a period of three (3) years from the date the injury occurred. Each absence shall not exceed one (1) work day or the minimum amount of time necessary to obtain the medical treatment, whichever is less, and must be substantiated by a doctor's certificate verifying that the medical services were necessary and related to the work injury. FACULTY MEMBERS shall make reasonable efforts to schedule medical appointments during non-work hours. Verification of the length of the medical appointment may be required. This Section is not applicable to any absence for which Workers' Compensation is payable.