



Hidalgo County Head Start Program

Policy Council Agenda

DATE: February 15, 2012

SUBJECT: Discussion/Approval for Adoption of Coordination of Leave and Benefits Policy

RATIONALE/NEED: This policy would allow employees who must remain absent from work due to a work related injury/illness to supplement workers' compensation income benefits so that their income is equal to the employee's pre-injury/illness income. The employee would have the choice to use sick leave or other paid leave available. Currently an employee on worker's compensation leave is entitled to approximately 60% of their weekly salary.

RECOMMENDATION: Administration recommends approval.

COST: N/A

RELATED INFORMATION INCLUDES: Proposed Policy

INITIATED BY: Teresa Flores, Executive Director

REVIEWED BY: Teresa Flores, Executive Director

EXECUTIVE DIRECTOR'S APPROVAL: *Teresa Flores*



HIDALGO COUNTY HEAD START PROGRAM

COORDINATION OF BENEFITS POLICY

- Offsetting:** The Hidalgo County Head Start Policy Council may provide that while an employee is receiving worker's compensation benefits, the employee may
- Worker's Compensation:** may elect to receive previously accrued sick leave or any other paid leave benefits in an amount equal to the compensation the employee was
- Income Benefits:** receiving before the injury that resulted in the claim, with a proportionate deduction in the employee's sick leave or other paid leave balance. (***Labor Code 504.052***)
- Coordination of Benefits:** **Workers' Compensation Income Benefits** for Head Start Program employees shall be coordinated as follows:
1. An employee absent from duty because of a job-related illness or injury may be eligible for workers' compensation weekly income benefits if the absence exceeds seven calendar days.
 2. An employee receiving workers' compensation income benefits shall be assigned to (FMLA), if applicable.
 3. A Head Start Program employee eligible for workers' compensation income benefits may elect to use available partial day increments of paid leave to make up the difference between the employee's workers' compensation income benefits and the pre-injury income. ("Income" denotes net income after taxes and other withholding deductions are made.)
 4. The employee must request in writing the use of the accrued sick leave or other paid leave to offset the workers' compensation income benefits to equal the employee's pre-injury/illness income.
 5. Sick leave or other paid leave benefits received under Section 3 above shall be deducted proportionately from the employee's sick leave or other paid leave balance.
 6. The combination of benefits shall not exceed the employee's pre-injury/illness weekly wages.
 7. A Head Start employee, who is on unpaid leave of absence and receiving workers' compensation benefits, shall not be terminated except when the termination is for a legitimate reason independent from the employee's workers' compensation claim. (***Att. Gen. Op. JM-227 [1984]***)
 8. An employee may be terminated for violating the Hidalgo County Absence Control Policy and the Program cannot be liable for prohibited discrimination as long as the policy is uniformly enforced. ***Continental Coffee Products Co. v. Casarez, 937 S.W.2d 444 (Tex. 1996)***

Approved by Policy Council:

Approved by Civil Service Commission:

Approved by Commissioners' Court:

Effective Date: