

ADMINISTRATIVE PROCEDURE

ASSAULT LEAVE

4154
Procedure No.

March 7, 2020
Date

- I. **PURPOSE:** To provide information for entitlement to paid leave time for employees of the Prince George’s County Public Schools (PGCPS) for physical injury resulting from an assault occurring within the scope of employment.

- II. **INFORMATION:** Per the Maryland Education Code § 6-111 (2018), “An employee of a county board who is absent due to physical disability that results from an assault while in the scope of board employment shall be kept on full pay status instead of sick leave during the period of absence,” and “each county board shall establish rules and regulations for the entitlement and use of assault leave.”

To be eligible for Assault leave an employee must adhere to the procedures set forth in this Administrative Procedure. Additionally, the incident giving rise to an application for Assault Leave must not have been due to any negligence or any act or omission on the part of the employee and all procedures and protocols in regard to personal safety must have been adhered to.

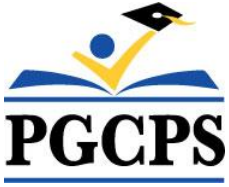
- III. **DEFINITIONS:** For the purpose of this procedure, the following definitions will apply:
 - A. **Assault** – An intentional, unprovoked touching, which results in deliberate physical injury to the victim.

 - B. **Assault Leave** – Full pay status granted to an employee who is absent due to a physical injury resulting from an assault while in the scope of board employment.

 - C. **Workers’ Compensation** – A state-mandated insurance program that provides compensation and benefits to any employee who suffers an accidental personal injury or occupational disease arising out of, and in the course of, his or her employment, according to Maryland State Law

- IV. **PROCEDURES:**
 - A. The procedures described in Administrative Procedure 4146.1 (Workmen's Compensation and Disability Leave) shall govern, except as modified or supplemented in Sections B, C and D hereafter.

 - B. An assaulted employee must adhere to the below requirements, within the stated timelines, or the employee will not be eligible for Assault Leave related to that incident:



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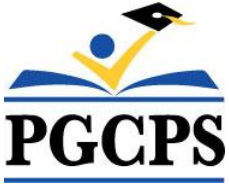
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1. Requirement to File a Workers' Compensation Claim through the Injured Employee Hotline
 - a. The employee must call the Injured Employee Hotline at 1-800-774-2447, within 24 hours of the incident, to report their work-related injury and file a Workers' Compensation claim with the Maryland State Workers' Compensation Commission.
 - b. If the employee's claim is deemed compensable, then PGCPS administration will coordinate the income and benefits from all sources to ensure that there is no loss of income or benefits due to assault-related absences.
2. Requirement to Report the Incident to a Principal or Supervisor
 - a. If an assault occurs at the employee's official work location, then the employee must notify his/her principal or immediate supervisor of the incident prior to the close of the school or working day when the assault occurred.
 - b. If the assault occurs while the employee is working away from his/her school or department, he/she must report the incident of assault to the principal or supervisor at the location where he/she is working, prior to the close of the school or working day when the assault occurred.
 - c. If the assault occurs while the employee is working at a non-standard work location, in the course of their regular employment, then the employee must notify his/her principal or immediate supervisor of the incident prior to the close of the school or working day when the assault occurred.
3. Requirement to File a Security Incident Report
 - a. The employee must file a security incident report within forty-eight (48) hours, indicating the circumstances pertaining to the assault.
 - b. The Department of Security Services may conduct an investigation in connection with the filing of the incident report. The assaulted employee must cooperate fully with this or any related investigation.



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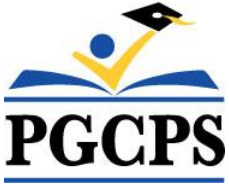
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4. Requirement for Medical Treatment
 - a. The employee must receive medical treatment as a result of the assault with a licensed physician, emergency room at a hospital or occupational medical facility within forty-eight (48) hours of the incident.
 - b. The employee must submit medical documentation to verify the visit and treatment.
 5. Requirement to Submit an Assault Leave Application

The employee or an authorized representative must complete an Assault Leave Application (Attachment A to this Administrative Procedure) and submit it to The Risk Management and Workers' Compensation Office.
 6. Provision for Extenuating Circumstances Negating Failure to Comply
 - a. The Risk Management and Workers' Compensation Office may waive any of the employee requirements set forth herein due to extenuating circumstances.
 - b. An employee requesting a waiver of a specific requirement must submit the request in writing to the Risk Management and Workers' Compensation Office.
- C. Request Processing and Interim Provisions
1. To be considered for Assault Leave, all requirements must be fulfilled and all documents must be submitted to the Risk Management and Workers' Compensation Office within 10 working days of the original incident.
 2. Once an employee submits the Assault Leave Application, the employee will be temporarily placed on Assault Leave until the completion of the Workers' Compensation compensability decision and the Assault Leave review.
 - a. Upon completion of the Workers' Compensation compensability decision:



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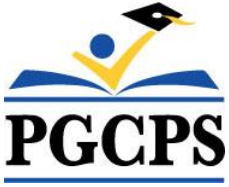
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- i. If the injury is determined to be compensable for Workers' Compensation, then the employee will remain on Assault Leave until the Assault Leave review is complete.
 - ii. If the injury is determined not to be compensable for Workers' Compensation, then the Assault Leave application will be denied and the employee will return to work, use other available leave or will be charged unpaid leave. Additionally, the Assault Leave days that were temporarily granted will be replaced with the employee's available leave beginning with sick leave and followed by personal or annual leave. If the employee does not have available leave, the days will be unpaid and a deduction of the pay for the Assault Leave days will be reflected on subsequent paycheck(s) to reimburse the District.
 - b. Upon completion of the Assault Leave Review:
 - i. If the compensable injury is determined to be eligible for Assault Leave, then the employee will remain on Assault Leave pursuant to Maryland Education Code § 6-111 (2018).
 - ii. If the compensable injury is determined not to be eligible for Assault Leave, then the employee will continue on Disability Leave, subject to all of the relevant provisions of Administrative Procedure 4146.1 (Workmen's Compensation and Disability Leave).
 - c. For the first 90 days following the injury, Assault Leave and Disability Leave will run concurrently.
3. The Assault Leave review cannot begin until all necessary documentation is received by the Risk Management and Workers' Compensation Office, including:
 - a. Assault Leave Application (see IV.B.5);
 - b. Security Incident Report (see IV.B.3); and



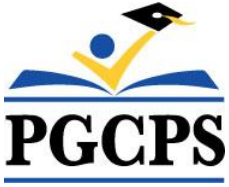
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- c. Medical Treatment Documentation (see IV.B.4).
 2. Upon approval or disapproval of the employee's entitlement to Assault Leave, the employee and his/her school or department will be so notified by the Risk Management and Workers' Compensation Office.
- D. Assault Leave Timing and Termination
1. Assault leave is provided through block grants for a set number of days based on medical documentation. The employee is required to provide the Risk Management and Workers' Compensation Office medical documentation prior to expiration of the prior block grant, to support their continued leave of absence. The medical documentation must relate the physical injury and leave of absence required as a result of the Assault.
 2. Assault Leave will terminate upon any of the below occurrences:
 - a. The employee is deemed to be at "Maximum Medical Improvement" for the physical injury following a Workers' Compensation review;
 - b. The employee is deemed to no longer be disabled;
 - c. The employee fails to provide Risk Management and Workers' Compensation Office medical documentation, prior to expiration of the prior block grant, to support their continued leave of absence;
 - d. The employee has rejected an offer to be returned to duty with appropriate accommodations; or
 - e. Assault Leave was temporarily granted in alignment with IV.C.2 of this Administrative Procedure and the employee's applications for Workers' Compensation or Assault Leave are subsequently denied.
 3. When an employee returns to work from the incident for which Assault Leave was originally authorized, additional Assault Leave shall be granted for follow-up treatments.



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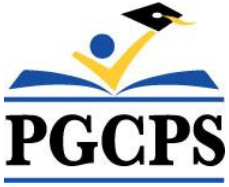
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E. Relationship between Assault Leave and Workers' Compensation

1. Workers' Compensation is an insurance program established by Maryland State law to provide benefits, in limited circumstances, when an employee sustains an accidental personal injury. The injury must arise out of and in the course of employment in order to be eligible for coverage. Medical treatment as well as partial income will be covered until the employee can return to work or until the employee reaches maximum medical improvement. (See Administrative Procedure 4146.1 for additional information and limitations on Workers' Compensation).
2. In order for an employee to be eligible for Assault Leave:
 - a. The employee must have a compensable Workers' Compensation injury;
 - b. The injury must be due to a physical injury resulting from an unprovoked assault occurring within the scope of his/her employment;
 - c. The incident giving rise to an application for Assault Leave must not have been due to any negligence or any act or omission on the part of the employee;
 - d. All procedures and protocols in regard to personal safety must have been adhered to; and
 - e. The employee must meet all of the requirements in accordance with the deadlines delineated in Section IV.B. of these procedures.
3. Assault Leave and Workers' Compensation benefits overlap. Assault Leave allows the employee to continue on paid leave from their PGCPS position (with full wages and benefits) over the course of time that the employee has such a claim. Workers' Compensation protects all of the employee's rights to benefits, including not only lost time benefits, but also medical coverage related to the injury and, in some cases, benefits for permanent disability.
4. Medical decisions of the Maryland State Workers' Compensation Commission supersede all other medical determinations.



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- V. **EXCLUSIONS:** These procedures apply only to permanent employees. Any other employee’s unprovoked assault, while within the scope of the Board’s employment, shall be paid in accordance with the provisions of the State Workers’ Compensation Act.

- VI. **MONITORING AND COMPLIANCE:**
The Risk Management and Workers’ Compensation Office shall maintain copies of records relating to assault leave request for at least five (5) years. Additionally, the office shall provide a report listing pending assault leave requests to the Chief Financial Officer on a monthly basis, or upon request.

- VII. **RELATED PROCEDURE AND LAW:** Administrative Procedure 4146.1, Workers’ Compensation and Disability Leave.

Maryland Annotated Code, Education Article, Section 6 – 111 and Section 7 – 303; and

Maryland Annotated Code, Labor & Employment Article, Title 9.

- VIII. **MAINTENANCE AND UPDATE OF THESE PROCEDURES:** These procedures originate with the Risk Management and Workers’ Compensation Office. Regular updating of procedures will occur when changes are required.

- IX. **CANCELLATIONS AND SUPERSEDURES:** This Administrative Procedure cancels and supersedes Administrative Procedure 4154, dated July 1, 20013.

- X. **EFFECTIVE DATE:** March 7, 2020.

Distribution: Lists 1, 2, 3, 4, 5, 8, 9 and 10