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Guidelines for St. Mary's County ESP

In addition to the benefits provided to you by Workers' Compensation law in Maryland, your contract with the Board of Education for St. Mary's County provides you with certain benefits.

Like any other person who files a claim under Workers' Compensation law, you must complete an Employee's Claim Form that is to be filed with the Workers' Compensation Commission (WCC) in Baltimore. I will be handling that for you. Once the claim is filed, you will receive a Notice of Employee's Claim (NEC). The NEC is essentially a computer printout of the claim form. Additionally, in the upper right corner will be the WCC's claim number for your claim. Currently, it will start with the letter "B" or a "W." On the bottom of the form will be a date called the Consideration Date. This is the date by when the Board must contest your claim or it is considered compensable.

If the Board does not contest your claim, you will receive one of three "Automatic Awards" from the WCC. The differences between these awards is not important. What these awards do mean is that the Board has accepted the claim, and the WCC has made it official.

If the Board contests your claim, the WCC will send out a Notice of Issues Filed, followed by a Hearing Notice which sets the date, time and location of the hearing. We will meet prior to the day of the hearing to go over your claim and prepare for your hearing. Once we attend the hearing, the Commissioner (judge) who hears your claim will issue a written order to all parties.

Once you have the order approving your claim, your contract benefits will take over. For the first 30 duty days, whether consecutive or not, you will receive full pay without using any of your own leave while you are unable to work as a result of the Workers' Compensation claim. If you have used your own leave up to this point, your leave will be refunded to you up to 30 duty days. After this time, you will use your own leave to keep your full pay. You do have the choice to take Temporary Total Disability (TTD), but none of your benefits will be paid, including health insurance and time towards retirement.

If you are a member of the Sick Leave Bank (SLB), you may apply for benefits. The SLB will pay you full benefits. If you are not a member of the SLB or have exhausted the SLB benefits, you must apply for a Leave of Absence to protect your job.

You will also receive TTD while you are unable to work and are in treatment as a result of your Workers' Compensation injury. TTD is 2/3 of your gross salary up to the state average weekly wage. Experienced teachers will usually take home less money because of this cap. None of your benefits will be paid while you are on TTD.

Once you are released to work, but on modified duty, the Board will attempt to accommodate you in your position. Make sure you get specific restrictions from your doctor so the Board will know how to accommodate your return to work. You may be placed in a different job if the Board cannot accommodate you in your own job. If the Board can find no job for you to do, you will continue on with your lost wage benefits, per above.

If you are permanently unable to return to your full duty job, several things occur. First, the Board does not have to provide you with another job with the Board. You may be eligible for vocational services. If you wish to remain with the Board, you may apply for any job opening for which you capable of doing. You also are eligible for a disability retirement. We can discuss this more fully in the slim chance it comes to pass. You should consult CEASMC for further information on disability retirements.

Please do not hesitate to contact us if you have any questions regarding this information.