

## **Section 4.11            Assault Leave**

An employee who is physically injured in an assault by a person enrolled or appearing for evaluation to be enrolled in a program or service operated by the Jefferson County Board of Developmental Disabilities (JCDD) may apply for assault leave to be used in lieu of sick leave, and may be granted such leave subject to the following conditions:

### **A. Conditions**

1. The injury must have resulted from an actual or attempted assault by an enrollee or applicant on the agency premises and/or during an agency function when the employee is working in an approved and proper manner or has gone to the aid of an employee being assaulted or in need of assistance to effectively restrain an enrollee or applicant.
2. The incident which resulted in the injury must have been reported to a building administrator at the time of its occurrence and an incident report submitted within the established guidelines for incident reports.
3. The injury or suspected injury must have been seen by a doctor within twenty-four (24) hours of its occurrence.
4. If a doctor is seen during the employee's work day and the doctor authorizes the employee's immediate return to work or return on the following day, the doctor's written authorization must be submitted as specified in Item 5 below.
5. If it is necessary for the employee to be absent, the employee shall promptly notify the building director of the nature of the injury and the probable extent of the absence. A statement by the examining physician certifying the nature of the injury, the necessity for the employee to be absent, and the date of the employee's ability to return to normal duties without restrictions must be submitted within forty-eight (48) hours. If it is necessary for the employee to continue to be absent, the employee will give his/her immediate supervisor/designee a written physician statement after each medical appointment certifying the nature of

the injury, the necessity for the employee to be absent, the date of the next medical appointment, and the date of the employee's ability to return to normal duties.

6. The employee must cooperate fully with the administration and police, if necessary, in any investigation and action arising there from unless otherwise advised by his or her own counsel.

**B. Limitations**

If the conditions above, which are applicable in a given instance, are met in full, the agency shall:

1. Provide full payment for each full or partial day of such absence for which there is not payment by workers' compensation and pay will be reduced by the amount of workers' compensation collected during time off for the assault. If a subsequent award is made effective to the first day of absence for an injury resulting in absence, assault leave paid to the employee shall be returned to the agency by subsequent deductions from the employee's regular pay.
2. Maximum assault time permitted shall be the time needed to recover from the assault as signed and certified from a licensed physician stating the nature of the disability and its duration.
3. Charge the absence as assault leave, which shall not be deducted from the employee's accumulated unused sick and/or vacation leave, and during the assault leave time, the employee shall continue to accrue such leaves.
4. Provide all other benefits to which the employee is entitled during the term of absence for assault leave.

The appointing authority shall have the right to require a physical examination by a doctor, whom he shall appoint. The cost of any such examination shall be paid by the JCBDD.

