

Case Scenario #1 Case Information: Cheri Pye

Workers' Compensation	Liability	Unemployment Compensation	Leave Administration
<p>TIBs would initially due since Cheri was earning less than pre-injury wages when she was placed on modified duty.</p> <p>When Cheri resigned on her own volition after accepting a Bona Fide Offer of Employment, TIBs would terminate.</p> <p>If the employee had retired instead of resigning, TIBs might not be owed.</p> <p>Regardless of Cheri's resignation, medical benefits would be owed for any medical treatment related to her compensable injury.</p>	<p>There could be a violation of ADA if Cheri's injury becomes a permanent disability.</p> <p>Exposure to a Texas Labor Code, Chapter 451.001: retaliation claim</p> <p>Age and race discrimination (EEOC) though the Texas Commission of Human Rights</p> <p>TORT Claim – intentional infliction of emotional distress</p>	<p>UC could be granted if Cheri shows she quit with good cause, i.e., she was ridiculed at work after complaints. Burden of proof is on Cheri.</p> <p>Although unable to perform full duty, her UC may be payable</p> <p>Her UC could also be reduced by TRS if she had retired.</p>	<p>Employee's choice to use paid leave during WC absence should be documented</p> <p>Absences would qualify as a serious health condition under the FMLA. HR should determine if Cheri is eligible for FML and provide required notices.</p> <p>Typically, cafeteria workers that work less than seven hours per day over 10 months do not meet the 1,250 hour eligibility test for FML.</p> <p>If Cheri meets the eligibility test for FML, she would retain job restoration rights to her original position or an equivalent one up to her date of resignation.</p> <p>The district would be required to continue its contribution to Cheri's health insurance premium during the FML period.</p> <p>Cheri could perceive that she is being retaliated against for taking FML.</p>



Case Scenario #2
Case Information: Stephen Stanke

Workers' Compensation	Liability	Unemployment Compensation	Leave Administration
<p>Questionable compensability of migraines.</p> <p>Upon the 8th Day of disability- TIBs were due.</p> <p>Mr. Stanke would receive lifetime medical benefits even after he went to work for Fresh Aire ISD as long as the treatment was related to the original compensable injury suffered at Malador ISD.</p>	<p>Whistleblower action as Mr. Stanke reported in good faith a violation of the law.</p> <p>WC Retaliation – Labor Code 451.001</p>	<p>Remoteness issue</p> <p>Summer wage payments affect on UC</p> <p>Reasonable Assurance issue</p> <p>Will TWC consider this a quit or a discharge?</p>	<p>Absences could be counted as FML as well as paid leave</p> <p>Choice to use paid leave will affect payment of TIBs</p>