

Wood County Board of Developmental Disabilities

POLICY

Policy #: 01-ALL-ALL-0053 **Subject:** Assault and Battery Leave
Effective Date: 08-21-89 **Last Revision:** 09-01-09
Person Responsible: Human Resources Coordinator

Approvals/Date: Brent C. Bauer 12/11/17 Sharon A. [Signature] 12/11/17
 Superintendent, WCBDD Date Board President, WCBDD Date

The following definitions will apply:

Assault - Assault is defined in the dictionary as a violent verbal or physical attack. Assault is defined by law and legal interpretation as an unlawful attempt or threat to do physical injury to another.

Battery - Battery is defined by law and legal interpretation as the unlawful beating of a person.

Assault & Battery - By legal terminology assault and battery involves a threat and physical act. An act of assault puts the victim in fear of bodily harm only. (Raising a club or drawing back a fist is an assault only - because no actual blow/contact/injury followed). Battery pertains to the actual blow or other physical injury. The two offenses usually occur together and are usually punished as one. Therefore, assault and battery is the carrying out of an assault with force and violence (a beating or any other forceful infliction causing wound/injury).

Assault & Battery Leave - Per the definitions (as stated above) assault and battery leave shall be granted by the Appointing Authority to an employee who must absent himself/herself from work due to physical disability resulting from assault and battery which occurred in the course of Board employment, and which occurred with no provocation on the part of the employee.

Assault & Battery Leave Benefits - 1) Maintenance of wages as a result of disability from Assault and Battery when physical injury to employee actually occurs. (Employee received wages, to maximum of 40 hours and/or 7 calendar days per each Assault and Battery incident even though he/she is not working). 2) Maintenance of usual and customary sick leave and vacation accruals during assault disability days/scheduled hours (sick leave/vacation will not be charged against disabled employee and disabled employee will earn usual and customary accruals for paid assault and battery leave).

Physical Disability - Temporary injury sufficient in magnitude to render employee powerless to perform duties in a fit manner. Injury which incapacitates. May be associated with reasonable accommodation as described in Policy 01-ALL-ALL-0048 Fitness for Duty. Under such circumstances Assault and Battery Leave benefits earned/paid on those hours where physical disability prohibits performance of direct care duties.

It shall be the policy of Wood County Board of Developmental Disabilities to provide benefits and restitution, inclusive of salary compensation, to those employees who have been physically injured (disabled) as a result of assault and batter perpetrated by a consumer of services from the Wood County Board of Developmental Disabilities. This policy and accompanying procedure shall serve as the official rules for any entitlement, crediting and use of assault and battery leave.

References: Ohio Revised Code 3319-143
 Ohio Revised Code 5126.05 (A)

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