

PRACTICE DIRECTIVE

WAGE LOSS BENEFITS FOR TEACHERS DURING SUMMER

Most public school teachers receive their annual salary in ten equal monthly instalments. They do not receive any income during July and August because their income for these months has been, in effect, prepaid in ten instalments during the previous school term (September to June). This practice directive applies to these teachers.

A teacher who suffers a disabling compensable injury during the school term is entitled to wage loss benefits commencing the day after the injury. The wage loss benefits are based on the teacher's earnings at the time of injury. The ten monthly installments include prepayment of the July and August salary; the fact that the employer does not pay a salary during these two months does not mean that the employer ceases to pay the teacher's salary. The wage loss benefits paid during the school term are based on a wage rate which includes the prepayment for July and August. Therefore, as stated in Paragraph #34.41A of the Rehabilitation Services & Claims Manual, where a teacher becomes disabled during the school term, and the teacher is still disabled at the end of the school term, adjudicators will forward wage loss benefit payments for July and August to the employer.

Where a teacher is injured during the school term, and the evidence supports the conclusion that the teacher would have obtained employment during the summer months, then the Board must compensate the teacher for the loss of income suffered as a result of inability to earn income during the summer months.

A teacher can also suffer a compensable injury during July or August while employed in a different capacity. In such cases, the teacher is entitled to wage loss benefits for the loss of income during the summer months which is caused by this injury. If the injury persists, and the teacher is still disabled the following September, then the teacher's wage rate must be adjusted to take into account the loss of income which the teacher will suffer as a result of being disabled from returning to regular employment as a teacher.

Of course, all wage loss benefits are subject to the statutory maximum.