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| **Leave and Pay Benefits** |
| **Until the workers’ compensation claim is approved,** sick or annual leave may be used. Use of any paid leave will result in an overpayment when the first workers’ compensation indemnity check is paid because employees are not permitted to receive both full pay and workers’ compensation for the same time.  **When the workers’ compensation claim is approved,** a Work-Related Injury Leave Election form will be mailed to you. You must select either accrued paid leave or unpaid injury leave for absences related to the injury. Once the election is made, it may be changed once and cannot be applied to leave already used.  **If paid injury leave is chosen,** accrued sick or annual leave may be used in full day increments. The pay received is approximately equal to the difference between your normal net pay and the workers’ compensation indemnity paid. (Normal net pay does not include overtime or shift differential payments.) When workers’ compensation benefits are not paid for absences less than eight days, full pay is received when using paid injury leave.  **If unpaid injury leave** **is chosen,** no salary will be paid; only workers’ compensation indemnity benefits are paid.  **Absences for medical appointments and physical therapy** may be charged to sick or annual leave using leave codes SM or AM, respectively. If no leave is available, injury leave without pay (leave code IM) may be charged. Workers’ compensation indemnity benefits are not paid for medical or therapy appointments. Appointments should be scheduled during non-work time or at times that are least disruptive to operations and require minimal absence. Reasonable travel time to and from and the length of the appointment may be requested. Verification of the length of the medical appointment may be required.  **If the workers’ compensation claim is denied,** you may be eligible for a sick absence under the *Family and Medical Leave Act* (FMLA) or leave without pay with benefits for up to 12 weeks.  Regardless of the leave used, all absences must be supported by medical documentation, including any recurrences of the injury that later cause you to miss time from work. Failure to provide documentation may result in absences not being approved and denial of workers’ compensation indemnity benefits. |
| **Workers’ Compensation Benefits** |
| **Indemnity (compensation) benefits** are approximately equal to two thirds of gross salary (subject to a minimum and maximum) and are paid when the workers’ compensation claim is approved. Benefits are nontaxable and are payable for the duration of the disability. However, there is a waiting period:   * For 1-7 cumulative days of absence, no workers’ compensation is payable * For 8-13 cumulative days, workers’ compensation is payable only for days 8 through 13. * For 14+ cumulative days, workers’ compensation is payable for the entire absence   **Medical treatment** must be obtained from a designated health care provider for 90 days. If you do not treat with a designated provider, you will be responsible for the payment of those bills. The list of designated providers is posted on bulletin boards or you may contact your workers’ compensation coordinator for a copy. It is illegal for medical providers to bill you for the difference between their charge and the amount paid. **Do not provide your health insurance information** for the treatment of the work injury; instead, **all medical bills should be sent to:**  Inservco Insurance Services, Inc.  P.O. Box 3899  Harrisburg, PA 17105-3899  **Prescriptions** related to the injuryshould be obtained using the workers’ compensation prescription drug card provided to you at the time of injury. If you do not receive a prescription card, contact your workers’ compensation coordinator or inform the pharmacist to bill Inservco at the above address. |
| **Other Benefits During Injury Leave** |
| **Health benefits and group life insurance** continue for you and covered dependents, if you currently have the benefits. If you elect to use unpaid leave for longer than one full pay period, the Pennsylvania Employees Benefit Trust Fund (PEBTF) will send a bill to you for applicable employee contributions. If the bill is not paid, health coverage will be canceled for you and your dependents. In addition, you will be responsible to reimburse the PEBTF for any claims that you or your dependents incurred.  **Optional Benefits** will continue if you elect paid leave. If you elect unpaid injury leave for greater than one full pay period, you will receive an invoice from, Metlife or Prudential. If the bill is not paid, your coverage will be cancelled.  **Sick and annual leave** do not accrue if you elect unpaid injury leave, but they do accrue at normal rates if paid injury leave is used.  **Retirement credit** does not continue if you elect unpaid injury leave, but it does continue if you use paid injury leave. Remember, full retirement credit is based on 1,650 hours in the calendar year. Therefore, a short period of unpaid leave may not affect your retirement service for the year.  **Benefits continue for nine months (274 calendar days) plus 91 calendar days in accordance with the Affordable Care Act, or when leave is exhausted if only paid injury leave is used and continues past 365 calendar days.**  If your absence appears to be long-term, you may want to consider applying for Social Security Disability benefits. |
| **Salary Overpayments** |
| **Beware of salary overpayments!** Sick or annual leave used for absences while the claim is under review will be recovered when the workers’ compensation indemnity benefit check is paid. **Employees are not permitted to receive full pay and workers’ compensation indemnity benefits for the same time period.** Salary overpayments may occur regardless of the leave elected. Therefore, it is important to not treat the workers’ compensation indemnity payment as a windfall or extra income. After the first indemnity check is received, the Bureau of Commonwealth Payroll Operations will initiate a recovery process for any overpayments that result from being paid both full salary and workers’ compensation indemnity benefits. **Do not spend the first workers’ compensation check** to ensure you have the money available when the salary overpayment is collected.  Salary overpayments related to the receipt of workers’ compensation benefits can result in receiving zero net pay when you return to work. These overpayments will be collected at 30% of your gross salary until the balance is satisfied. |
| **Return Rights** |
| **You are expected to return to either full or modified work duties as soon as possible.** When you are released by your treating health care provider, your workers’ compensation coordinator will be notified. Modified work duties, if needed and approved, will be documented in a letter to you, and your supervisor will be informed of the job duties you are able to perform while on restricted duty.  You have the right to return to a position in the same or equivalent job classification held before the injury for a period of up to three years from the date of injury or duration of temporary employment, provided you are fully capable of performing the duties of that position, subject to furlough provisions applicable to job classification and position. This guarantee expires if you recover from your injury and do not return to work immediately, or if you retire or otherwise terminate employment. |
| **Family and Medical Leave Act (FMLA)** |
| These provisions are consistent with the *Family and Medical Leave Act of 1993* (FMLA) except where more generous benefits are provided. The FMLA requires qualifying employers to provide at least 12 weeks of leave (with or without pay) with benefits within a 12 month period due to a serious health condition that makes the employee unable to perform the employee’s job. (The 12-month period is measured backward from the date of the first absence.) It also covers absences for pregnancy, prenatal medical care or child birth; for care after adoption or foster care placement; for care of the employee’s spouse, son or daughter, or parent who has a serious health condition, and it also provides benefits for military caregivers and those who need leave for military exigencies. To be eligible for leave under the FMLA, employees must have been employed at least one year and worked at least 1,250 hours during the previous 12 month period.  Most work-related injuries meet the definition of a serious health condition, and therefore, absences related to an injury are covered by the FMLA. Leave used while absent due to a work-related injury is approved as injury leave and also designated as FMLA leave. |
| **Questions** |
| For more information or questions about injury leave, contact your human resource office. |