

INFORMATION SHEET

WORK-RELATED INJURIES - INJURY LEAVE

What are the basic workers' compensation benefits?

Indemnity Benefits

Workers' compensation indemnity benefits usually equal about two-thirds of gross salary, subject to a minimum and maximum amount. They are non taxable and payable for the duration of your disability.

- If your disability lasts 7 cumulative days or less, no workers' compensation is payable.
- If your disability lasts 8 to 13 cumulative days, workers' compensation is payable only for the 8th through 13th days.
- If your disability lasts 14 cumulative days or more, workers' compensation is payable for the entire period of disability.

Medical and Prescription Drug Benefits

If your work location has a Panel of Physicians posted, you must treat with a panel doctor for 90 days. If your work location does not have a panel, you may treat with a doctor of your choice. Reasonable and necessary medical bills related to the injury will be paid. Do not forward bills to your health insurance plan. Your medical provider should send bills to:

Inservco Insurance Services, Inc.
P.O. Box 3899
Harrisburg, PA 17105-3899
(EASTERN & CENTRAL
UNIVERSITIES)

Inservco Insurance Services, Inc.
P.O. Box 1451
Harrisburg, PA 17105-1451
(WESTERN UNIVERSITIES)

Please note that medical providers are prohibited by law from billing you for the difference between their charge and the amount paid.

You should pay for prescriptions relating to your injury and submit receipted bills to Inservco for reimbursement. Do not use your prescription drug plan identification card.

Will I receive any salary in addition to workers' compensation indemnity benefits?

If your claim is accepted, you must decide if you want to use paid injury leave or injury leave without pay for absences related to your injury. The Work-Related Injury Leave Election form is used to make your election. Your leave election determines whether or not workers' compensation indemnity benefits will be supplemented with a partial salary payment (paid injury leave supplement). Once your election is made, you may change your initial election once; such Change cannot be applied to leave already used. If accrued leave is available, absences from work will be charged to sick, annual, or personal leave until you make a leave election. This may result in a salary overpayment.

Paid Injury Leave

Paid injury leave is the use of accrued sick, annual, or personal leave. Leave cannot be anticipated. It usually results in pay that is approximately equal to the difference between workers' compensation indemnity benefits and your net salary. In other words, the combination of workers' compensation indemnity benefits and the paid injury leave supplement will be about the same as your normal net paycheck. One full day of leave is charged for each day absent. When workers' compensation indemnity benefits are not payable (for disabilities of less than 8 days as previously described) paid injury leave is at full pay. Should you later become entitled to Social Security Disability Benefits, the paid injury leave supplement will be reduced accordingly.

Injury Leave Without Pay

The only money that will be paid while using injury leave without pay is the workers' compensation indemnity benefit described above. No additional salary will be paid. This is the only option for employees who do not earn leave.

If it is determined that your injury is not work-related, absences will be charged to regular paid leave or sick leave without pay in accordance with the policies for those leave types.

How are salary overpayments recouped?

In no case are you entitled to full pay and workers' compensation indemnity benefits for the same period. Salary overpayments result when you receive full pay and then receive the workers' compensation indemnity benefit for the same period. This may occur regardless of the leave elected. If you receive full salary, it is important that you not treat your workers' compensation indemnity checks as extra income (a windfall). Shortly after you receive the first workers' compensation indemnity check, the State System will recover any overpayments that result from being paid both full salary and workers' compensation.

If the salary overpayment is for a period of 42 calendar days or less, the State System processes a compensation adjustment against your salary after you return to work. Your paycheck could be reduced to the paid injury leave supplement amount described above for up to three full pays after your return to work. Your workers' compensation indemnity check should be saved for use during the period when your salary is adjusted to the reduced paid injury leave supplement.

If the salary overpayment is for a period of more than 42 calendar days, the State System calculates the overpayment. You will receive a letter seeking lump sum repayment. If you do not repay the overpayment, payroll deductions at the rate of 30% of your gross salary will be started. Your workers' compensation check should be saved so that the overpayment can be repaid in lump sum.

For employees who remain on paid injury leave and simultaneously receive biweekly workers' compensation indemnity checks, paychecks will be reduced to the paid injury leave supplement amount on a current basis. Your biweekly workers' compensation indemnity checks should be used to supplement your reduced salary.

How long does injury leave last?

Injury leave (paid or unpaid) with benefits, if you currently have them, is available for the period of your disability, or up to one year's absence from work, whichever is less. For employees who use only accrued leave, benefits could continue beyond one year until accrued leave is exhausted. The year is cumulative, which means that if you return to work but become disabled again, paid injury leave or injury leave without pay will be available as reduced by your prior usage. The year, however, must be accumulated within three years from the date of injury.

If you are still disabled after one year of injury leave with benefits, you will be placed on injury leave without pay without benefits until you are able to return to work or for up to three years from the date of injury.

You are expected to return to either full or modified work as soon as possible. Your supervisor or other university representative will maintain contact with you during your absence.

You will be contacted about applying for Social Security Disability benefits if your disability appears to be long term.

What happens to employee benefits during injury leave with benefits?

Medical/hospital, supplemental health benefits, and group life insurance benefits continue if you currently have them and if you continue to pay any required employee premiums toward the coverage. Any delinquency of payment on your behalf may result in termination of your health benefits. You will be billed for your employee shares.

Medical bills and prescriptions related to an accepted injury are paid by the workers' compensation program.

Sick, annual, and personal leave continue to accrue at the appropriate rate, if you elect paid injury leave. Leave does not accrue if injury leave without pay is elected.

If you are in the State Employees' Retirement Plan or the Public School Employees' Retirement Plan, retirement credit accrues if you elect paid injury leave; no credit accrues on injury leave without pay. You may want to note that the Retirement Code provides full retirement credit for employees who are paid for 1,650 hours in a calendar year. Therefore, the impact of any unpaid injury leave on retirement service depends on your leave history throughout the calendar year and the length of any unpaid injury leave.

How are absences for medical appointments handled?

Sick, annual or personal leave may be used for medical appointments or physical therapy related to your injury. Injury leave without pay for medical appointments will be charged if no paid leave is available. Leave charged will not be counted against the year entitlement to injury leave with benefits.

Each absence cannot exceed the amount of time necessary to obtain treatment and reasonable travel time. You should try to schedule medical appointments during non-work hours or at those times during the workday that would result in minimum absence. Verification of the length of the medical appointments may be required.

What are my return rights?

You have the right to return to a position in the same or equivalent classification held before being disabled, for a period of up to three years from the date of injury, or for the duration of temporary employment, provided you are fully capable of performing the duties of that position, subject to furlough provisions applicable to your classification and position. This guarantee expires if your disability ceases prior to the expiration of the three-year period and you do not return to work immediately or if you retire or otherwise terminate employment.

You must be able to perform the essential functions of your position upon your return to work, unless alternate or modified duty work can be arranged for you for a limited time. Upon return to work, you must provide a doctor's release to perform full or modified duties.

How does the Family and Medical Leave Act (FMLA) relate to my injury?

Under FMLA employees are entitled to 12 weeks of paid or unpaid leave with continuation of benefits in a rolling 12-month period for any or all of the following reasons: employee's own serious health condition; becoming parents through childbirth, adoption, or foster care placement; or caring for a seriously ill family member. To qualify for FMLA leave, an employee must have been employed at least one year (which includes total employment, even if it was not continuous) and must have been paid for at least 1,250 hours (which includes regular and overtime hours paid, but excludes holidays and other paid time off) 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 FMLA. Leave used while disabled is designated as injury leave and also FMLA leave.