

LEAVE USAGE AND WORKERS' COMPENSATION

Consult your Collective Bargaining Agreement or WAC 357-31 Holidays & Leave

- 1) Employees who suffer a work related injury or illness (occupational disease) shall file an application for worker's compensation in accordance with chapter 51.28 RCW.
 - 2) Employees who suffer a work related injury or illness and are unable to work due to such injury or illness may elect to receive time loss compensation exclusively, leave payment exclusively, or a combination of time loss compensation and paid leave. The employing agency shall make such options known to the employee.
 - 3) Employees who elect to use sick leave during a period in which they receive worker's time loss compensation under the industrial insurance provisions for a work related illness or injury shall receive full sick leave pay, less any industrial insurance payments for time loss during the sick leave period.
 - a. Until eligibility for worker's compensation is determined by the Department of Labor & Industries (L&I), the employee may elect to use accrued sick leave, provided that the employee shall return any subsequent overpayment to the agency.
 - b. Sick leave hours charged to an employee, who receives worker's compensation as a result of the time loss, shall be proportionate to that portion of the employee's salary paid by the agency during the claim period.
 - 4) When an employee elects to receive pay for vacation leave, compensatory time off, or exchange time and also receives worker's compensation for time loss, the employee is entitled to both payments without any deductions for the time loss payment. Vacation leave cannot be bought back when used in conjunction with time loss per the Office of Financial Management, OFM, State Administrative and Accounting Manual (SAAM) 25.40.40c.(4).
 - 5) When an employee receives pay for a holiday and also receives worker's time loss compensation, the employee is entitled to both payments without any deductions for the time loss payment.
 - 6) Should an employee apply for time loss compensation and the claim is then or later denied, accrued leave may be used for the absence.
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OTHER BENEFIT INFORMATION

- 1) When an employee chooses to receive time loss compensation only, and does not use sick or vacation leave, or compensatory time, the leave status is full time LEAVE WITHOUT PAY (LWOP). While on full time LWOP the following benefits could be jeopardized:
 - a. State insurance benefits – 8 hours of pay status per month are required to maintain.
 - b. Vacation and sick leave credit – 15 calendar days of pay status per month required to accrue.
 - c. Full retirement service credit – (Plan I) 70 hours/month or (PLAN II) 90 hours/month of pay status are required.
- 2) Depending on the type and duration of the disability the employee may be entitled to other benefits listed below. A brief description of the benefit and the source for application is also included.
 - a. You may be entitled to Family Medical Leave (FMLA) during this time which offers 12 weeks of unpaid, job-protected leave during a 12 month period. FMLA allows your insurance benefits to continue during that 12 week

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period if the employee is eligible and meets the qualifying criteria. The employee is still responsible for payment of their portion of the insurance premiums during this timeframe. **Consult your local personnel representative to determine eligibility.**

- b. Basic Long Term Disability – Insurance coverage paid for by the state that provides replacement of a portion of lost income. Basic LTD begins after a disability waiting period of ninety (90) days or the period of accumulated sick leave, whichever is longer. The monthly amount received is between \$50 and \$180, based on the employee's deductible offsets (i.e., Social Security, L&I). The employee may be enrolled for an additional amount of coverage by paying the additional amount with waiting periods anywhere from thirty (30) days, to three hundred sixty (360) days. **Contact your local personnel representative to apply.**
- c. Group Life Insurance Premium Waiver – Free group life insurance while disabled. Employees, who are certified by their doctor as being totally disabled (either temporarily or permanently) prior to age sixty (60), can have their life insurance continued without premium payment while disabled, after six (6) months. **Contact your local personnel representative to apply.**
- d. Disability Retirement – Eligibility for benefits depends on the retirement plan (Plan I or Plan II). **Contact your local personnel representative for more details.**
- e. Social Security Disability Insurance – After six (6) months of disability, the employee may qualify for SSDI benefits if the disability will last twelve (12) months or longer. This benefit money is offset by reducing your time loss compensation. **Contact the nearest Social Security Office to apply.**