

August 20, 1999

General Letter No. 78 (Revised)

TO: AGENCY HEADS & DIRECTORS OF HUMAN RESOURCES

RE: WORKERS' COMPENSATION AND THE USE OF ACCRUED LEAVE

Connecticut General Statutes Sections 5-142(b) and 5-143 provide for the optional use of accumulated sick leave by state employees receiving Workers' Compensation benefits which when combined will result in the employee receiving an amount equivalent to his full base salary as defined below. The Master Contract extended this option to include the use of other types of accrued leave. Pursuant to Public Act 78-367, General Letter Number 192 and Office of Labor Relations General Notice Number 78-18 granted this extended benefit to managerial and confidential employees and appointed officials.

The amount due to the eligible employee who chooses to exercise this option must be computed on an hourly basis. In order that a standard procedure be applied, the following information is being issued to assist you:

Definitions

ACADEMIC CALENDAR: The term academic calendar applies to the State employee assigned to an educational institution or school district whose work schedule is based strictly on the school calendar. For ten month, full-time employees such schedules require a set number of specific working days during the regular school year. (These normally run from 180 to 188 days). For twelve month full-time employees, a summer session must be worked in addition to the set days designated during the regular school year. In all cases the employee is not eligible to accrue vacation but is assigned time off consistent with predetermined school vacation periods. Generally, whether the employee is assigned to a ten month or twelve month schedule, his salary is paid over a twelve month period.

SALARY: The basic rate of pay being received by the employee in accordance with the applicable compensation plan in effect at the time of the injury or disease. The hourly rate of pay for the step of the salary group will be used as the basis for computation of the amount of time to be charged against accumulated leave. The weekly salary shall be one-half of the bi-weekly rate of the schedule rounded off to the next nearest penny.

WORK WEEK: For purposes of standardization, each employee's work week is defined by the applicable compensation plan. For employees assigned to pay plans based on a 35 hour work week, a work day is considered to be seven (7) hours. For employees assigned to a 40 hour compensation plan, a work day is defined as eight (8) hours. Employees assigned to a 36 ¼ compensation plan have their day defined as 7 ¼ hour and so forth. This applies whether the employee is on a non standard or standard work week which may consist of a Monday through Friday work schedule, an averaging schedule, or an academic schedule.

1. (a) For injuries sustained prior to October 1, 1991, the employee shall remain on the regular payroll for the first seven (7) calendar days of incapacity. No charges shall be made to accumulated sick, vacation or personal leave time during these seven days. The employee's records will indicate a full work day on the day of injury. Medical documentation is required for the first seven days of incapacity. The use of accrued leave to supplement the workers' compensation amount may begin on the eighth day after injury, provided the employee has exercised this option in accordance with items three (3) and four (4) of this policy.

(b) In accordance with Public Act 91-339, for injuries sustained on or after October 1, 1991, no workers' compensation for lost wages shall be paid until the employee has been totally or partially incapacitated for more than three calendar days, excluding the day of injury. The employee's records shall indicate a full work day on the day of injury. Workers' Compensation for lost wages will begin commencing with the fourth calendar day of incapacity. The employee's accrued sick leave balances shall be charged to cover the work days lost during the initial three day period for which workers' compensation will not be paid. However, if such incapacity continues for more than six (6) days, commencing with the seventh day, the employee shall be eligible for workers' compensation for lost wages retroactive to the first day of absence following the date of injury. The employee's sick leave balances shall be adjusted following payroll reconciliation of any overpayments which may occur when such workers' compensation benefit is applied retroactively to day one. Medical documentation is required for all periods of incapacity. The use of accrued leave to supplement the workers' compensation amount may begin on the first day covered by such award provided the employee has exercised this option in accordance with items three (3) and four (4) of this policy.
2. Prior to authorizing the use of accumulated leave with workers' compensation, the agency must confirm the following:
 - a. The employee has completed the Form CO-715 (Request for use of Accrued Leave with Workers' Compensation) consistent with item four (4) below; and
 - b. the employee has the accrued time; and
 - c. a determination of workers' compensation has been made; or
 - d. a determination has not been made but the appropriate injury claim form has been filed, and the supporting medical documentation, Attending Physicians Report of Injury, has been received. Once the compensation award is made, the employee must repay the state

for any overpayments which occurred during this interim period in order to adjust his leave balances.

3. The employee must elect either to receive or not to receive accrued leave benefits at the beginning of the compensation period. The election is made on Form CO-715, in triplicate and signed by the employee. It may be renewed for each recurrence if the employee still has accrued leave to his/her credit. If the employee elects to receive accrued leave benefits, it must be in the amount which, together with his compensation award will result in his/her receiving his/her full salary, as defined in item 1. Once made, the election cannot be revoked and must be in effect until either the accumulated leave runs out or the employee returns to work.

Note: An employee's choice of election may be governed by an applicable collective bargaining agreement which stipulates the use of accrued leave. Always check the applicable contract before a CO-715 is issued to the employee.

4. Computations: In as much as the statutes require computation on an hourly basis, all accrued leave benefits must be converted accordingly. Once the accrual amount payable under workers' compensation has been established, the accrued leave difference shall remain unchanged throughout the period of the employee's absence from work, unless the basic compensation award is revised.

Conversion of Accumulated Leave

Example:

Employee's accumulated sick leave* on date of injury	60 days
Multiply by value of average work day	<u>x7 hours</u>
(Consistent with the applicable pay plan)	420 hours

Employee's weekly salary (1/2 of bi-weekly)	
(Salary group 9 step 1 of an expired is used as the example)	\$143.86
Less compensation weekly award	<u>- 95.90</u>
Supplemental amount needed for full basic salary	\$ 47.96

Hourly rate (same salary group as above)	- 4.12
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Weekly charge to be deducted from accumulated sick leave to nearest quarter hour
(\$47.96 divided by 4 1/2) 11 3/4 hours

*Separate totals should be calculated for other leave balances to facilitate record keeping.

5. Accrued leave benefits to which an employee is entitled are limited to the amount accumulated as of the date of injury or disease. Under certain conditions additional accrued leave may be applied as defined in item seven (7). Subsequent changes in basic salary do not

affect the entitlement or the basic charge against accumulated leave as of the date of injury or disease. All actions affecting basic pay are to be processed in the usual manner. If the employee returns to work and has a recurrence, the rate of pay will be that which is received upon return to work and the weekly charge is to be recomputed using the new basic hourly rate.

6. The employee must be away from work and receiving compensation to be eligible to apply accrued leave benefits. The degree of disability is not a factor. The effect of a lump sum compensation award or of a medical determination of partial disability will be determined on an individual case basis. If the compensation is denied, the employee may use accrued sick leave for the period involved provided that the medical documentation justifies the absence from work. If the denial is appealed, the agency head should request the State's Third Party Administrator (TPA) to route the determination or finding through the agency in order to adjust sick leave and payroll records in accordance with the decision.
7. The employee shall be credited with the regular monthly accrual for sick and vacation leave during the first twelve (12) months of workers' compensation. No further accruals can be credited beyond the end of this period of time. Sick and vacation leave accrued during the first twelve (12) months may be applied to computation of the accrued leave difference while the employee is out on workers' compensation. Holidays and/or executive time off occurring while the employee is on workers' compensation shall not be recognized as such, and the accrued leave portion, therefore, shall continue to be for these days. For employees assigned to an academic calendar (i.e.: state school teachers, state school instructors, etc.), no charge against the employee's accrued leave balances shall be made during school vacation periods, except for holidays occurring during such periods. Early closings or late openings due to inclement weather or other emergency shall be treated as regularly scheduled workdays, and the employee's accrued leave balances shall be charged on such days. However, because full day school closings must be made up alter in the academic year, the employee's balances shall not be charged for such days.
8. An electronic 301 will be processed to the DAS/Human Resources Business Center (HRBC) when reporting a compensation action. The employee's attendance and leave records must be posted to reflect the appropriate charges.

Tina Lawson, Director
Human Resources Business Center