



Office of the State Comptroller  
**PAYROLL BULLETIN**

Subject  Workers' Compensation Statutory Benefit Program	Bulletin No. P-768
	Date May 11, 1993

This bulletin is an addendum to P-734 New Transaction Codes for Reporting Workers' Compensation, dated July 12, 1992.

Continue to refer to P-734 for the transaction codes to be used in reporting for the Workers' Compensation Supplemental Pay Program.

Attached is a detailed description of the Workers' Compensation Statutory Benefit Program to be used in reporting transactions for employees in Negotiating Units 02, 03, 04, 47 and 67 who sustain a job-related accident on or after July 1, 1992.

Attachments

## ATTACHMENT

## WORKERS' COMPENSATION STATUTORY BENEFIT PROGRAM

The Workers' Compensation Statutory Benefit Program affects employees in Negotiating Units 02, 03, 04, 47 and 67 who sustain a job-related accident on or after July 1, 1992.

I. WORKERS' COMPENSATION DISABILITY LEAVE WITHOUT PAY

Under the Workers' Compensation Statutory Benefit Program an employee has the option of charging available leave credits only during the seven calendar day waiting period. If leave credits exhaust prior to the completion of the waiting period, an eligible employee must, upon request, be placed on sick leave at half-pay. The employee is then placed on Workers' Compensation Disability Leave without pay effective on the eighth calendar day of disability.

If leave credits exhaust prior to the completion of the waiting period, and the employee does not request or is not entitled to sick leave at half-pay, Workers' Compensation Disability Leave without pay commences immediately. An employee who elects not to charge leave credits, is placed on Workers' Compensation Disability Leave without pay on the first day of disability. The agency must submit a PR-75 to place an employee on Workers' Compensation Disability Leave without pay using one of the following transaction codes.

## 1. WC DIS LV - Workers' Compensation Disability Leave Without Pay.

Use to remove an employee from the payroll and place on Workers' Compensation Disability Leave without pay.

Group 2  
Class P

Complete Blocks 01 through 06 and the following:

07 Transaction Code	- enter WC DIS LV
12 Transaction Effective Date	-
23 Gross (Add)	- if applicable
24 Normal (Deduct)	- if applicable
26 Time Paid	- if applicable

## 2. APT DIS LV - Appoint Workers' Compensation Disability Leave Without Pay.

Use when an appointment and a Workers' Compensation Disability Leave transaction occur in that order on the same PR-75 Form.

Group 1  
Class P

Complete Blocks 01 through 06 and the following:

07 Transaction Code - enter APT DIS LV -

The block requirements for the proper appointment transaction code must be completed.

49 Misc. Block A	- enter effective date of the appointment transaction
50 Misc. Block B	- enter the appropriate appointment transaction code
51 Misc. Block C	- enter the effective date of WC DIS LV
52 Misc. Block D	- enter WC DIS LV

-2-

3. REM APPT - Use to report a Workers' Compensation Disability Leave Without Pay and a Reinstatement from Workers' Compensation Disability Leave in the same payroll period.

Group 1  
Class P

Complete Blocks 01 through 06 and the following:

07 Transaction Code - enter REM APPT

The block requirements for the appointment transaction code REI DIS LV (Refer to III Below) and the following miscellaneous blocks must be completed.

- 49 Misc. Block A - enter the effective date of the WC DIS LV  
50 Misc. Block B - enter WC DIS LV  
51 Misc. Block C - enter the effective date of REI DIS LV  
52 Misc. Block D - enter REI DIS LV

## II. STATUS WHILE ON WORKERS' COMPENSATION DISABILITY LEAVE WITHOUT PAY

While on Workers' Compensation Disability Leave without pay, an employee will receive compensation benefits from the State Insurance Fund. The employee will appear on the payroll register with the status "ON WCL". The employee is treated as though in full pay status for the purpose of accruing biweekly leave accruals, continuous service, retirement service credit, Employee Benefit Fund contributions, health insurance, performance advance credit, and longevity service credit for up to 12 cumulative months of absence.

## III. REINSTATEMENT FROM WORKERS' COMPENSATION DISABILITY LEAVE WITHOUT PAY

When an employee returns to work from Workers' Compensation Disability Leave without pay the agency must submit a PR-75 using the following transaction code:

REI DIS LV - Reinstatement from Workers' Compensation Disability Leave. Use to reinstate an employee to the payroll from Workers' Compensation Disability Leave Without Pay.

Group 1  
Class P

Complete Blocks 01 through 06 and the following:

- 07 Transaction Code - enter REI DIS LV  
08 Line Change To - if applicable  
12 Trans. Effective Date - date employee is returned to the payroll  
13 Title Code and Title  
14 Jur. Class  
15 Salary Grade  
16 Negotiating Unit  
18 Appointment Code  
21 Pay Basis Code  
22 Salary Rate  
23 Gross (Add)  
25 Part Time % - if applicable  
26 Time Paid  
27 Increment Code - if applicable

28 Paid Thru (HRY,DLY,FEE)	- ending date for services
29 Ann Location Amt	- if applicable
30 Ann Inconvenience Amt	- if applicable
31 Ann Geog Amt or %	- if applicable
32 Ann Shift Amt or %	- if applicable
33 Pre-Shift Briefing Amt	- if applicable

#### IV. INTERMITTENT LOST TIME

Intermittent lost time for full day absences and absences of less than ten days that occur after an employee returns to work must be reported as lost time in Blocks 55-58 on the PR-75.

#### V. EMPLOYEE RETURNS TO WORK ON A PART-TIME BASIS DUE TO WORKERS' COMPENSATION

If an employee has received approval from the State Insurance Fund to return to work only on a part-time basis due to a continuing workers' compensation disability, the agency must submit a PR-75 using the transaction code REI DIS LV in Block 07 and the part-time percentage in Block 25. The Remarks Block must contain the following statement: "Employee is on WC DIS LV While Working Part-Time/To Be Reported To the Employee's History Record by OSC".

#### VI. EMPLOYEE NOT DISABLED AND DOESN'T RETURN TO WORK

If the State Insurance Fund finds an employee is no longer disabled and the employee does not return to work, the agency must submit a PR-75 to change the employee's payroll status. The transaction code LV OUT must be reported in Block 07 on the PR-75. The employee remains in regular leave without pay status for the period under dispute until the claim is resolved by the Workers' Compensation Board.

If the period of regular leave without pay is subsequently determined by the Workers' Compensation Board to be compensable, the employee's status must be changed retroactively to Workers' Compensation Disability Leave without pay. The agency must submit a PR-75 using the transaction codes WC DIS LV and COR HIST.

#### VII. ONE CUMULATIVE YEAR MAXIMUM FOR WORKERS' COMPENSATION DISABILITY LEAVE

The benefits provided by the Workers' Compensation Statutory Benefit Program (accrual of biweekly leave credits, continuous service credit, retirement service credit, Employee Benefit Fund contributions, and health insurance benefits, performance advance credit, and longevity service credit) have a one cumulative year maximum. After one cumulative year of absence due to the same occupational injury the agency must submit a PR-75 using one of the following transaction codes:

1. SICK LV - Use to remove an employee from WC DIS LV and place on sick leave without pay.
2. OCC DIS TM - Use to report termination under Section 71 of the Civil Service Law.

VIII. CONTROVERTED CLAIMS

If the State Insurance Fund controverts a claim because it is alleged that the injury or disease did not occur on the job, the employee is eligible to use available leave credits and, if eligible, to be granted sick leave at half-pay pending resolution by the Workers' Compensation Board.

If the controverted claim is subsequently resolved in favor of the employee, the agency must submit a PR-75 based on one of the following procedures.

AGENCY PROCEDURE

1. If employee is currently absent and charging leave credits. Submit PR-75 using the transaction code WC DIS LV. The effective date is the first day of the payroll period immediately following notification by the State Insurance Fund.
2. If employee is currently on sick leave with half pay or sick leave without pay. Submit PR-75 using the transaction code WC DIS LV. The effective date is retroactive to the date the employee was placed on sick leave with half-pay or sick leave without pay, whichever occurred first. If the employee was on sick leave with half-pay the following statement must be entered in the Remarks Block on the PR-75 "WC DIS LV While On Sick Leave With Half-Pay, To Be Reported to The Employee's History Record by OSC".  
NOTE: The salary received while on sick leave with half-pay is not considered an overpayment and therefore, is not recoverable.
3. If employee is currently working and has since been returned to payroll. Submit PR-75 only if employee had been previously placed on Sick Leave with half-pay and/or Sick Leave without pay pending the Workers' Compensation Board decision. Use the transaction code CS INFO and enter the following statement in the Remarks Block "WC DIS LV While On Sick Leave (With And/Or Without Pay) To Be Reported To The Employee's History Record by OSC".

IX. ADDITIONAL SALARY FACTORS

An employee covered under the Workers' Compensation Statutory Benefit Program is eligible to receive location pay, inconvenience pay, geographic and shift differentials during the seven calendar day waiting period while charging leave credits and while on sick leave with half-pay.

X. HAZARD DUTY PAY AND SAFETY DIFFERENTIAL

An employee covered under the Workers' Compensation Statutory Benefit Program is not entitled to Hazard Duty Pay or Safety Differential during the seven calendar day waiting period or while on Workers' Compensation disability leave without pay.

XI. MANDATORY ALTERNATE DUTY

The employee who accepts a mandatory alternate duty assignment is returned to the payroll and is entitled to receive regular salary for the period of the mandatory alternate duty assignment. The agency must submit a PR-75 using the transaction code REI DIS LV in Block 07.

Eligibility for additional salary factors such as location pay, inconvenience pay, geographic and shift differentials, is based on the full duties and location of the alternate duty position.

Entitlement to Hazard Duty Pay and Safety Differential is determined by using the same factors that are used in determining eligibility when the employee is performing the full range of duties of the alternate duty position.

XII. RETIREMENT SERVICE CREDIT

An employee covered under the Workers' Compensation Statutory Benefit Program may receive up to 12 months of service credit for each job-related accident sustained. OSC will notify the Employees' Retirement System of those employees who have been reported on WC DIS LV and appear on the payroll register "ON WCL". The agency is responsible for reporting service credit to ERS when certain conditions are present.

Information regarding these conditions and payment of employee contributions (arrears) will be discussed in separate instructions from the Employees' Retirement System.

Any questions regarding the Statutory Benefit Program as it relates to retirement should be directed to the Employees' Retirement System Information Office at (518) 474-7736.

XIII. HEALTH INSURANCE

Under the Workers' Compensation Statutory Benefit Program, affected employees remain covered by State Health Insurance for a period of time not to exceed twelve months. These employees remain responsible for payment of the employee share of the health insurance premium, although payment is deferred until they are either reinstated to the payroll or separated from service.

The Department of Civil Service, Employee Benefits Division, will initiate recovery of any outstanding health insurance adjustment for employees returning to the payroll. However, if an employee does not return to the payroll from the Workers' Compensation Disability Leave and instead separates from State service, Civil Service is unable to recover the adjustment. OSC has agreed to assist Civil Service in monitoring employees on WC DIS LV so that all or part of the adjustment may be recovered from any lump sum which may be due upon separation.

Agencies will be required to notify the Employee Benefits Division in the Department of Civil Service as soon as they become aware that any employee who is retaining State Health Insurance coverage while on WC DIS LV will be separated from State service (see Civil Service Memorandum NY 92-39). The Employee Benefits Unit will calculate the retroactive payment due. They will provide the agency with the appropriate Plan Code, normal deduction amount and adjustment amount. (The normal deduction amount plus the adjustment should equal the total amount due.) The agency will be required to complete an AC-1040 using the information provided by Civil Service and forward it to OSC as an addition (under separate cover) in the same period in which the lump sum payment is submitted. The information should be entered in Section 3 - Insurances, on the AC-1040 (Agencies will be unable to use the on-line system for processing these deductions).

Code 317 should be entered in a "Code" Block with the 8-digit Plan Code in a corresponding "Amount" Block.

Code 301 (Taxable Health Insurance normal) should be entered in a "Code" Block with the normal deduction amount in a corresponding "Amount" Block.

The adjustment should be reported by entering Code 302 (Taxable Health Insurance adjustment) in a "Code" Block with the adjustment amount in a corresponding "Amount" Block. (The normal deduction amount plus the adjustment amount should equal the total amount due.)

To designate the number of periods in which the adjustment will be recovered enter Code 303 in a "Code" Block. In a corresponding "Amount" Block enter "1", since the total adjustment is to be liquidated in one period. OSC will assign a reference number.

NOTE: The Department of Civil Service, Employee Benefits Division has advised OSC that all Health Insurance premiums deferred due to a WC DIS LV must be reported as taxable when being recovered, regardless of the taxability prior to the WC DIS LV.

Any questions regarding Health Insurance adjustments for employees on WC DIS LV should be directed to the Department of Civil Service, Employee Benefits Division, at (518) 457-6331.

XIV. RETENTION OF DEDUCTIONS

When an employee is on Workers' Compensation Disability Leave without pay, the following deductions will remain in the record for as long as the leave continues:

Address  
 Health Insurance  
 Social Security/Medicare including adjustments  
 and deficiencies  
 Retirement, except loans and arrears  
 All Tax information (including EIC) + Tax Exempt  
 Deferred Compensation  
 Dependent Care\*  
 Union Dues  
 Savings Bonds  
 Credit Union  
 Federated Fund\*  
 Check Sort Code  
 Benefit Fund Indicator  
 Disciplinary Fines  
 OGS Parking Fees  
 SUNY Parking Fees  
 TIAA  
 All Tax Deferred Annuities  
 SUNY Foundation Fund  
 Repayment of Unemployment Insurance

\*Dependent Care and Federated Fund will be dropped if the leave extends beyond the end of the Calendar year.

XV. QUESTIONS REGARDING THE WORKERS' COMPENSATION STATUTORY BENEFIT PROGRAM

Questions regarding Attendance Rules provisions as modified by negotiated agreements on the Workers' Compensation Statutory Benefit should be directed to the Employee Relations Section of the Department of Civil Service at (518) 457-5167.

Questions regarding the Statutory Benefit Program as it relates to retirement should be directed to the Employees' Retirement System Information Office at (518) 474-7736.

Questions regarding Health Insurance adjustments for employees on WC DIS LV should be directed to the Department of Civil Service, Employee Benefits Division, at (518) 457-6331.

Questions regarding submission of PR-75's should be directed to the Workers' Compensation Unit of the Office of the State Comptroller at (518) 474-6004.