

**Office of Operations
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Partners in Excellence

Workers' Compensation 101

Heather Lawson



New York State Office of the State
Comptroller
Thomas P. DiNapoli, Comptroller

Office of Operations
John Traylor, Executive Deputy Comptroller

Division of Payroll, Accounting and Revenue Services
Christopher Gorka, Deputy Comptroller
Dave Hasso, Assistant Comptroller
Robin Rabii, Director, Bureau of State Payroll Services

Determining Workers' Compensation

- Under Workers' Compensation Law, an employee absent from work due to a Workers' Compensation accident is required to serve a seven (7) day waiting period. During this period the employee has the option of charging accrued leave credits, Sick Leave half pay if no accruals, or immediately being placed on Leave Without Pay.
- Employees that charge leave credits must be placed on Leave Without Pay after the expiration of the seven (7) day waiting period or upon the exhaustion of Leave credits. Accruals and Sick Leave half pay can be combined to cover this period.



Workers' Compensation Benefit for New York State Employees by Bargaining Unit

- There is a 1 year cumulative maximum on Workers' Compensation Benefits. Employees receiving Workers' Compensation Benefits shall be treated as though on the payroll for the length of the disability.
- If employee has not returned to work after twelve cumulative months of absence due to the same injury, the agency must remove the employee from LOA/WPS and put them on LOA/SKL, LOA/LOT or LOA/RPD at the discretion of the agency.



Workers' Compensation Benefit for New York State Employees by Bargaining Unit

- If an employee is out on Workers' Compensation due to an assault case, the employee is entitled to pay their portion of Health Insurance and the agency cannot terminate for two years.
- The employee should be put out on a Sick Leave after the first year. Comments should be entered into PayServ, NYSTEP and NYBEAS stating that the Sick Leave is due to an assault case.



Workers' Compensation Benefit for New York State Employees by Bargaining Unit

- Security
 - 6 months – no charge to accruals
 - Accruals
 - Sick Leave half pay, if available
 - Sick Leave no pay, if applicable
 - 1 Year Benefit



Workers' Compensation Benefit for New York State Employees by Bargaining Unit

- Management Confidential
 - Accruals
 - IPP (Income Protection Plan), if enrolled
 - LOA/STO or LOA/LTO
 - 1 year Benefit



Workers' Compensation Processing Review

- If the MC employee is not enrolled in the IPP program, the employee uses accruals, then sick leave at half pay until that eligibility or the benefit is exhausted.
- If the employee exhausts their sick leave with half pay before the year benefit, the employee would be placed on a Leave with no Pay with the Reason of WDL until the benefit is exhausted.



Workers' Compensation Benefit for New York State Employees by Bargaining Unit

- The IPP program is monitored by Civil Service and The Governor's Office of Employee Relations (GOER).
- Any questions please contact:
- Civil Service Employee Benefits Division 518-473-3496 OR
- _____ 800-833-4344
- GOER 518-473-7233
- Civil Service Time and Attendance 518-457-2295



Workers' Compensation Benefit for New York State Employees by Bargaining Unit

- CSEA\PEF\Housing & Rent Regulation\Military & Naval
 - Statutory Benefit
 - Charge first 5 days
 - Supplement of 60% of biweekly wage if over 50% disabled
 - Supplement for 9 months
 - 1 year Benefit



Workers' Compensation Benefit for New York State Employees by Bargaining Unit

- Unified Court System – Non Security
 - Statutory Benefit
 - Charge first 5 days
 - 1 year Benefit



Date of Accident

- The Date of Accident determines the Workers' Compensation benefit:
 - For example, if an employee had a workers' comp injury as a Security Officer, but has a recurrence while in a PEF position, the agency should process the Workers' Compensation benefit as provided for Security Officers.



Reporting on the Incident and Injury Details Pages

- Before placing employee on a Workers' Comp Leave, the data must be reported on both the Incident and Injury Details pages.
 - *Path: Workforce Monitoring>Health and Safety>Obtain Incident Information>Incident Details*
 - *Select Add a New Value*



Reporting on the Incident and Injury Details Pages

[Favorites](#) | [Main Menu](#) > [Workforce Monitoring](#) > [Health and Safety](#) > [Obtain Incident Information](#) > [Incident Details](#)

Incident Details

Enter any information you have and click Search. Leave fields blank for a list of all values.

[Find an Existing Value](#) | [Add a New Value](#)

▼ Search Criteria

Incident Number: begins with ▼

[Search](#)

[Clear](#)

[Basic Search](#)



[Save Search Criteria](#)

[Find an Existing Value](#) | [Add a New Value](#)



Reporting on the Incident and Injury Details Pages

Incident | Notification | Description

Incident Number: 00000000

Incident Type

*Incident Date: 10/16/2013  ←

Incident Time: Time Zone: PST Time Undetermined

*Regulatory Region: USA  United States

*Incident Type: Incident ←

Is This a Recurrence

Resulted in Injury or Illness ←

Investigated

 Save  Add  Update/Display

[Incident](#) | [Notification](#) | [Description](#)

Incident Date is the Date of Accident



Reporting on the Incident and Injury Details Pages

Incident | Notification | Description

Incident Number: 00000000 **Date:** 10/16/2013 **Incident Type:** Incident

Incident Notification

Date Reported:  ←

Time Reported:

Reported By Empl ID:  ←

Incident Tracking

Date Recorded:  ←

Time Recorded:

 Save  Add  Update/Display

[Incident](#) | [Notification](#) | [Description](#)



Reporting on the Incident and Injury Details Pages

Incident Notification **Description**

Incident Number: 00000000 Date: 10/16/2013 Incident Type: Incident

Dangerous Occurrence

Code:

Description

Agency Discretion to Complete

 Save  Add  Update/Display

[Incident](#) | [Notification](#) | [Description](#)



Reporting on the Incident and Injury Details

Pages

[Injury](#) | [Description](#)

Incident Number: 00058947 **Date:** 10/16/2013 **Incident Type:** Incident

Person Involved Find | View All First 1 of 1 Last

Empl ID:  HARRIMAN, SARAH **Empl Record:** 

Employee Data at Incident Date

Business Unit:	NYSKY	New York State Payroll
Department:	08000	Department of Civil Service
Job Code:	019321	PAYROLL EXMR 2
Location:	08000	Department of Civil Service
		Active

Notification - This Person

Date Reported: 

Time Reported: ▼

[Injury](#) | [Description](#)



Reporting on the Incident and Injury Details Pages

[Injury](#) | [Description](#)

Incident Number: 00058947 **Date:** 10/16/2013 **Incident Type:** Incident

Person Involved [Find](#) | [View All](#) | [First](#) **1 of 1** [Last](#)

Empl ID: N09001379 **HARRIMAN, SARAH** **Empl Record:** 0

Date of Birth: 06/03/1963 **Date of Death:** **Gender:** Female

Primary Outcome **Treatment Required**

Injury Illness Death Medical First Aid Hospitalized None

Occupational Illness

Illness:

Injury/Illness Details

Please note: If adding details remember that HIPAA (Health Insurance Portability and Accountability Act of 1996) Laws are in effect.

[Injury](#) | [Description](#)



Placing the Employee on Leave Without Pay

- After the Incident and Injury pages are complete, a new row must be inserted on the employee's Job Data page to place the employee on Workers' Compensation Leave.
 - Use the Action/Reason code:
 - LOA/WPS – Leave of Absence/WC 60%SUP
 - LOA/WDL – Leave of Absence/WC Dis Lv



Reporting the Reinstatement From Leave

- When the employee returns to work, the agency must insert a row on the employee's Job Data page to report the Return from Leave, effective the date the employee returned to work.
- The Action/Reason of Return from Leave/RPS (Rein WC 60% Sup) or Return from Leave/RDL (Rein WC Disability leave) must be used.



Eligibility for WC Supplement

- To be eligible for a supplement payment the employee must be more than 50% disabled and the employee must be within the first cumulative 39 weeks of disability following the accident (39 weeks = 195 days).
- If the employee is 50% or less disabled, the agency is required to find the employee a position according to the Mandatory Alternate Duty (MAD) policy. Please refer to Civil Service Time and Attendance Manual
http://www.cs.ny.gov/attendance_leave/index.cfm.
- QUESTIONS REGARDING THE MAD PROGRAM PLEASE CALL GOER @ 518-473-7233



Eligibility for WC Supplement

- SIF sends OSC a weekly listing of all employees above 50% disabled that they have made payments to. OSC reviews and processes the supplement payments.
- Supplements are only made during the 39 weeks within the year benefit. Periods of time for which the employee charges accruals or is paid Sick Leave at half pay are counted toward the 39 weeks.
- If the employee has been paid Sick Leave at half pay and the period is subsequently determined to be Workers' Compensation, a supplement will be paid to bring the employee's wages from 50% to 60% as guaranteed by the contract.



Eligibility for WC Supplement

- Employees will be due a Supplemental Payment if their normal biweekly gross wages including additional salary factors multiplied by 60% exceeds the SIF biweekly payment.



Calculation of Supplemental Payment

- Example:
- \$1,539.46 Biweekly Salary
- 116.07 Biweekly Location Pay
- 22.05 Biweekly Inconvenience Pay
- \$1,677.58 Total Biweekly Salary
- X .60
- \$1,006.54 60% of Total Biweekly Salary



Calculation of Supplemental Payment

SIF pays weekly, therefore if SIF is paying \$550.00 weekly, you need to multiply that by 2 to get the biweekly SIF Payment, which would be \$1,100. The Biweekly Supplemental Payment would be calculated as follows:

\$1006.54 (60% of normal biweekly gross)
- 1100.00 (SIF biweekly statutory payment)
\$ 0 Biweekly Supplemental Amount



Calculation of Supplemental Payment

The Supplemental Payment will be processed for the number of days reported on the SIF file. If the number of days is other than ten, the biweekly Supplemental Payment will be multiplied by the number of days being paid.

If the supplement pay is \$108.37 and there are 3 days being paid, calculate as follows:

\$108.37 Supplement amount for 10 days

x .3

\$ 32.51 Supplement amount for days being paid by SIF



Calculation of Supplemental Payment

- After OSC has calculated Supplemental Payments each pay period, the Supplemental payment information for all employees including those for which no Supplemental Payment was due will be recorded on the Workers' Compensation Data page.
- Path to Workers' Compensation Data Page:
 - Main Menu>Payroll for North America>Employee Pay Data USA>Workers Compensation Data



Workers' Compensation Data

WC Comp Data

Employee ID: Name:
Empl Record: 0 Department:
Company: NYS Pay Group: IL1

Find | View All First 1 of 14 Last

Pay End Date: 10/10/2010

Claim Number

SIF Award:

Supplement

Earnings Beg

Earnings End

Supplement Amount:

16.850

Supplement Days:

5.00

**SIF Award – is the amount
SIF paid the employee for
the number of supplement
days**

Claim Totals



Workers' Compensation Data

WC Comp Data

Employee ID: Name:
Empl Record: 0 Department:
Company: NYS Pay Group: IL1

Find | View All First 1 of 14 Last

Pay End Date: 10/16/2013

Claim Number:

WC Claim Type: Standard

SIF Award: \$486.42

Total Supplement Days: 125.00

[Refresh Claim Totals](#)

Supplement Earn Code: WPS

2 Retirement Salary: 838.79

Earnings Begin Date: 09/09/2013

Earnings End Date: 09/15/2013

Supplement Amount: 16.850

Supplement Days: 5.00

Retirement Salary – is the employee's total biweekly salary multiplied by the number of days SIF paid.



Workers' Compensation Data

WC Comp Data

Employee ID: Name:
Empl Record: 0 Department:
Company: NYS Pay Group: IL1

Find | View All First 1 of 14 Last

Pay End Date: 10/16/2013

Claim Number: WC Claim Type: Standard

SIF Award: \$486.42 Total Supplement Days: 125.00

Supplement Earn Code: WPS

Earnings Begin Date: 09/09/2013

Earnings End Date: 09/15/2013

Supplement Amount:

Supplement Days: 5.00

3

Earnings Begin and End Date – dates being supplemented for this pay period



Workers' Compensation Data

WC Comp Data

Employee ID: Name:
Empl Record: 0 Department:
Company: NYS Pay Group: IL1

Find | View All First 1 of 14 Last

Pay End Date: 10/16/2013

Claim Number:

WC Claim Type: Standard

SIF Award: \$486.42

Total Supplement Days: 125.00

Refresh Claim Totals

Supplement Earn Code: WPS

Earnings Begin Date: 09/09/2013

Earnings End Date: 09/15/2013

4 Supplement Amount: 16.850

Supplement Days: 5.00

Supplement Amount – the amount employee is owed (60% of biweekly is more than SIF is paying biweekly)



Workers' Compensation Data

WC Comp Data

Employee ID: Name:
Empl Record: 0 Department:
Company: NYS Pay Group: IL1

Find | View All First 1 of 14 Last

Pay End Date: 10/16/2013

Claim Number:

WC Claim Type: Standard

SIF Award: \$486.42

Total Supplement Days: 125.00

[Refresh Claim Totals](#)

Supplement Earn Code: WPS

Retirement Salary: 838.79

Earnings Begin Date: 09/09/2013

Service Days: 5.00

Earnings End Date: 09/15/

Supplement Amount:

Supplement Days: 5.00

5

Service Days/Supplement Days – this is the number of days paid this period. Can be different if the employee is working less than 100%. For example an employee is only 50%, the service days would only be half of the supplement days.



Paycheck After Workers' Compensation Supplement Data is Processed

Empl ID: [redacted] Name: [redacted]
Company: NYS Pay Group: IL1 Pay End Dt: 06/26/2013 Page: 1276 Line: 1 Separate Check:

Paycheck Information

Paycheck Status: Confirmed Paycheck Option: Check
Issue Date: 07/11/2013 Check #: 33567643
 Off Cycle Reprint Adjustment Corrected Cashed

Paycheck Totals

Earnings: 0.00
Taxes: 0.00
Deductions: 0.00
Net Pay: 0.00

Earnings

Find | View All First 1 of 1 Last

Begin Date: 05/29/2013 End Date: 06/12/2013 Addl Line Nbr: Reason: None
Empl Record: 0 Benefit Record: 0 [Additional Data](#)

Salaried

Hours: 0.00
Earnings: 0.00

Rate Used: Hourly Rate
State: NY

This is an example of what an employee's paycheck looks like after WC Supplement Data is processed

Other Earnings

Personalize | Find | View All | First 1-3 of 3 Last

Other Earnings Details 1

Other Earnings Details 2

Code	Description	Hours	Amount	Source
RSA	Retirement Salary		1,677.58	
SIF	SIF Award		1,284.14	
WPS	WC 60% Sup			

Eligibility & Calculating Supplemental Payments

- For full detailed instructions, REFER TO BULLETIN 502 – Eligibility and Processing Instructions for the Workers’ Compensation Supplemental Program.



Controverted Cases and Retro Transactions

- When a claim is submitted to SIF, the case manager reviews the case and can controvert it. When a claim is controverted it just means that SIF has not accepted it as Workers' Comp. The agency is notified that the case is controverted. The employee gets to charge accruals, use sick leave half pay and then sick leave no pay, until the claim is accepted.
- ONCE THE CLAIM IS ACCEPTED DO NOT GO BACK TO THE FIRST DAY THE EMPLOYEE WAS OUT AND REMOVE THE EMPLOYEE FROM THE PAYROLL. IF THE EMPLOYEE WAS ON SICK LEAVE NO PAY, CHANGE THAT PERIOD TO LOA/WPS.



Controverted Cases and Retro Transactions

- The Workers' Comp leave should be done in the current pay period. The agency needs to let State Insurance Fund know immediately (c11, c256.s, email and/or phone call) of the date the employee is no longer receiving money. New York State Credit will be awarded for the period of accruals and/or sick leave half pay and SIF will pick up payments to the employee once off the payroll.



Controverted Cases and Retro Transactions

- There are many times a Workers' Comp leave is reported late. It happens when the employee does not report the accident timely to the agency or when the agency does not learn of the accident until after the waiting period. **DO NOT REMOVE THE EMPLOYEE FROM THE PAYROLL RETROACTIVELY** unless the employee does not have accruals or sick leave half pay eligibility. Remove the employee from the payroll in the current pay period. Let SIF know immediately that the employee charged more than five days of accruals and when you are removing them from the payroll. If by chance, SIF has started paying them, inform them that employee charged accruals and they need to recoup the money from the employee.



Controverted Cases and Retro Transactions

- PLEASE REFER TO THE TIME & ATTENDANCE MANUAL SECTION 21.8, GENERAL INFORMATION BULLETIN 93-03, PAGE 2 OF 3 FOR FULL PROCEDURE.
- http://www.cs.ny.gov/attendance_leave/index.cfm.
- MOST IMPORTANT – PLEASE COMMUNICATE WITH YOUR CASE MANAGER. WHETHER IT IS WITH A PHONE CALL OR AN EMAIL, EVEN IF YOU ARE GOING TO SEND A C11 AND/OR C256.2, PLEASE CONTACT THE CASE MANAGER IMMEDIATELY. MOST OF THE OVERPAYMENTS ARE CAUSED BY LACK OF COMMUNICATION BETWEEN THE AGENCY AND SIF.



Overpayments

- Sometimes SIF will request that an agency recoup an overpayment from an employee. This happens when SIF is no longer paying the employee so they have no way of recouping the money. SIF has sent the employee letters and the employee has not responded. The case manager will contact OSC with the information and OSC will contact the agency to set up the overpayment. OSC will enter General Comments which include the dates, the amount owed and the reason for the overpayment.



Overpayments

- In order for OSC to stop an overpayment being recouped on SIF's behalf and refund any money taken from the employee, SIF needs to receive the total amount of the overpayment from the employee. SIF will contact OSC to let them know that the overpayment has been satisfied. OSC will contact the agency to refund any money taken.



Reporting Workers' Compensation to the NYS Retirement System

- Employees on LOA/WDL automatically report biweekly to the Retirement System.
- Employees on LOA/WPS need to be reported to ERS:
 - For the period after the first 9 months and before the 1 year limit of the benefit.
 - For periods for which the employee has a disability level of 50% or less, no Supplement is paid and the employee has not returned to work.
 - **AGENCY MUST REPORT WAGES AND SERVICE DATES TO ERS USING FORM RS 2050.**



Reporting Workers' Compensation to the NYS Retirement System

- If an agency is made aware that the employee has a Retirement estimate, and if there are periods of time that are missing when the employee was out on Workers' Compensation, the agency should check the Workers Compensation Data Panel in PayServ.
 - (Payroll for North America > Employee Pay Data > Workers Compensation Data)
- For all missing periods, the RS 2050 must be completed and sent to the NYS Retirement System.



Reporting Workers' Compensation to the NYS Retirement System

- When an employee has returned from LOA/WPS, the agency should check the Workers Compensation Data Panel for any missing time periods from the first day off the payroll to the date of return.



Workers' Comp Corrected W-2s/Refunds

Questions regarding these processes should be sent to the **Workers' Compensation Mailbox.**

Please do not send questions to the Tax and Compliance Mailbox.



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