

NEW YORK STATE DEPARTMENT OF CIVIL SERVICE
ATTENDANCE AND LEAVE MANUAL
POLICY BULLETIN 2016-01

Section 21.8

August 2016

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TO: Manual Recipients
FROM: Scott DeFruscio, Director Staffing Services Division
SUBJECT: Restoration of Leave Accruals for Employees with a Schedule Loss of Use (SLU) Award

Effective immediately, there is a mandatory change in the way New York State (State) is reimbursed for an employee's period of absence and wages paid due to a work-related injury or illness. Agencies will be required to request full reimbursement of the wages advanced to an employee during such period of absence pursuant to subdivision 4 of Section 25 of the New York State Workers' Compensation Law.

Leave accruals, including sick leave at half-pay eligibility, are restored to an employee when an award of compensation has been made and credited to the State for a period(s) of absence(s) during which accruals were charged in connection with workers' compensation leave granted under Section 21.8 of the Attendance Rules or 28-1.8 of the Management/Confidential Attendance Rules.

When an employee receives full or supplemental pay or charges leave accruals during a period of compensable absence, the State as an employer, is entitled to make a claim for reimbursement for wages paid. Upon receipt of that credit for wages paid [Form C-8EMP issued by the State Insurance Fund (SIF) following a Workers' Compensation Board Notice of Decision or Administrative Determination], the State is obligated to restore those accruals in accordance with the applicable negotiated benefit. Some current State employees' contractual workers' compensation programs provide for full restoration of leave accruals used by an employee during an absence due to a work-related disability; other State employees' current contractual workers' compensation programs provide for a prorated restoration of leave accruals.

The credit for higher reimbursement will only be applicable following the employee's receipt of a SLU award. At that time, SIF will issue a subsequent Form C-8EMP to notify the agency of the full wages credited to New York State. This may require a separate restoration of leave credits. Agencies should take care not to restore greater than 100% of the accruals used for the total periods of compensable absences.

All other provisions of the Workers' Compensation Statutory Program remain unchanged.

Questions regarding restoration of credits due to SLU awards should be directed to the Attendance and Leave Unit of the Department of Civil Service at (518) 457-2295.