



### WORKERS' COMPENSATION INSURANCE EMPLOYEE'S LEAVE ELECTION

Employee's Name

Claim Number

Date of Injury

If you have an on-the-job injury covered by workers' compensation insurance and are unable to work because of the injury, The University of Texas System will allow you to remain on the payroll by using all paid leave available to you.

If you choose to use paid leave, you must first use all available sick leave. Once all sick leave has been used, you may then choose to use one or more days of other paid leave in lieu of receiving temporary income benefits (TIBs). If you are still unable to work after using all paid leave, you will be removed from the payroll and TIBs may begin.

If you do not wish to use leave, or all leave is exhausted, please be advised:

You are not eligible for TIBs unless you miss more than 7 days of work due to your injury. This seven-day waiting period is only payable if your inability to work extends to the 14<sup>th</sup> day.

<b>EMPLOYEE ELECTION</b>	<p><b>Choose only ONE election, either Option 1 OR Option 2 below:</b></p> <p><input type="checkbox"/> <b>OPTION 1- Paid Leave</b></p> <p>When I lose time from work due to this injury or illness, I elect to use all accrued sick leave to remain on the payroll.</p> <p><b>Once sick leave has exhausted, choose one of A, B, or C below:</b></p> <p><input type="checkbox"/> A. All of my other available leave.</p> <p><input type="checkbox"/> B. A portion of my other available leave. I wish to use _____ hours of my other available leave.</p> <p><input type="checkbox"/> C. None of my other available leave.</p> <p><input type="checkbox"/> <b>OPTION 2- Leave Without Pay</b></p> <p>I do not wish to use leave, or no leave is available. Place me on leave without pay for all lost workdays. I understand temporary income benefits (TIBs) will begin following the statutory seven-day waiting period if I have not been released to return to work.</p>
	<p><b>OFFICE USE</b></p> <p><b>EMPLOYEE LEAVE BALANCE AS OF: ___/___/_____ (MM/DD/YYYY)</b></p> <p><b>Sick Leave:</b> _____ hours    <b>Other Leave*:</b> _____ hours (Include <i>Vacation, Compensatory, Other</i>)</p> <ul style="list-style-type: none"> <li>The first full workday covered by sick or other leave balance is ___/___/_____</li> </ul> <p><b>Leave Exhaustion Dates:</b></p> <ul style="list-style-type: none"> <li>The last full workday covered by employee's <b>sick leave balance</b> is ___/___/_____</li> <li>The last full workday covered by employee's <b>other leave election</b> is ___/___/_____</li> <li>Leave without pay date is ___/___/_____</li> </ul>

By signing below, I understand that I may not change my sick leave election once submitted. Once sick leave is exhausted, I may use all or a portion of other available leave before being placed on TIBs.

Employee or Employee Representative Signature

Date

# WCI Form-23 Instructions

## Employee Instructions

Injured employees may elect to use accrued sick leave and all, some, or none of their other available leave for time missed from work due to the work-related injury. Accrued sick leave and other available leave are the amounts of paid leave available at the time of injury. The following information details the effects of the different choices available to you.

### If You Choose Option 1- Paid Leave

- You must use all accrued sick leave but may elect to use all, some, or none of your other available leave.
- All sick leave must be exhausted before other available leave may be used. Once sick leave is exhausted, you will be asked to make an election regarding other available leave.
  - If you select 1A and return to work but later have additional days of disability, you must use any accrued sick and other available leave before receiving workers' compensation income benefits.
  - If you select 1B, you must use any sick leave balance and can elect to use any hours of other available leave before receiving workers' compensation income benefits. Upon exhaustion of this choice, you may elect to use additional available leave to remain on the payroll.
  - If you select 1C, you must use any/all accrued sick leave before receiving workers' compensation income benefits.

*Leave exhaustion- For the purposes of entitlement to income benefits, sick leave shall be considered exhausted when remaining sick leave hours are insufficient to cover a full work shift. Sick leave can be used in conjunction with other paid leave to cover a full work shift if other paid leave is elected by the employee. Other paid leave shall be considered exhausted when remaining leave hours are insufficient to cover a full work shift.*

- Workers' compensation income benefits do not begin until the eighth day of disability. Employees who are disabled for at least 14 days will receive retroactive benefits for any portion of the seven-day waiting period not paid by leave. *Note: "Disability" means the inability because of a compensable injury to obtain and retain employment at wages equivalent to the preinjury wage.*
- You will continue to receive your full pay if you have available leave and have authorized your institution to use it for your injury. If your elected leave is exhausted, you may receive income benefits to replace a portion of your lost wages. This may be 60%, 70%, or 75% of your average weekly wage depending on your employment status and wages at the time of your injury.
- It is recommended that you consult with your Human Resources department (leave management) to discuss the impact of your election on leave balances and insurance benefits should you be off work for an extended period.

### If You Choose Option 2

- You choose to not use any sick or other available leave for your compensable injury, you will be immediately placed on leave without pay for all lost days.
- You will not be eligible to receive any workers' compensation income benefits for the first seven (7) calendar days you are unable to work. If eligible, TIBs will begin on the 8th day of disability and employees who are unable to work for 14 days will receive retroactive payment of benefits for the first seven days. You will be paid at a rate of 60%, 70%, or 75% of your weekly wage depending on your wages at the time of your injury.

## Employer WCI Representative Instructions

- In the office use section, you or a department timekeeper enter the employee's leave balances and as of date.
- Leave fields should include ALL available sick leave or other available leave to the employee via the institution, other than sick. This could include vacation, compensatory time, etc.
- The first full workday covered by sick or other leave will be the first full day lost from work following the date of injury. Do not list the date of injury in this field. If no sick or other leave is available, enter '0' in the related field.
- Leave exhaustion dates:
  - For sick leave, calculate and enter the last full workday that sick leave will cover the employee's work absence, based upon employee's regular work schedule.
  - For other leave elections, begin with the next workday following sick leave exhaustion and calculate the last full workday other leave hours will cover the employee's work absence, using the employee's regular work schedule.
  - Leave without pay (LWOP) date is the date the employee is to be removed from the payroll and placed on LWOP.