What are the basic workers' compensation benefits?

Indemnity Benefits

Workers’ compensation indemnity benefits usually equal about two-thirds of gross salary, subject to a minimum and maximum amount. They are non taxable and payable for the duration of your disability.

- If your disability lasts 7 cumulative days or less, no workers’ compensation is payable.
- If your disability lasts 8 to 13 cumulative days, workers’ compensation is payable only for the 8th through 13th days.
- If your disability lasts 14 cumulative days or more, workers’ compensation is payable for the entire period of disability.

Medical and Prescription Drug Benefits

If your work location has a Panel of Physicians posted, you must treat with a panel doctor for 90 days. If your work location does not have a panel, you may treat with a doctor of your choice. Reasonable and necessary medical bills related to the injury will be paid. Do not forward bills to your health insurance plan. Your medical provider should send bills to:

Inservco Insurance Services, Inc.
P.O.Box 1451
Harrisburg, PA 17105-1451

Please note that medical providers are prohibited by law from billing you for the difference between their charge and the amount paid.

You should pay for prescriptions relating to your injury and submit receipted bills to Human Resources and Faculty Relations Office for reimbursement. Do not use your prescription drug plan identification card. The only requirement is to provide your workers’ compensation claim number.

Will I receive any salary in addition to workers’ compensation indemnity benefits?

You will continue to be paid full salary until your claim is accepted and your workers’ compensation indemnity benefits begin. This may result in a salary overpayment.
If your claim is accepted, you will be entitled to work-related disability leave (WRDL). WRDL is a payment approximately equal to the difference between the workers’ compensation indemnity benefit and your net salary at the time of injury. You are not entitled to full salary plus the workers’ compensation indemnity benefits for the same period of time.

If it is determined that your injury is not work-related, absences will be charged to regular paid leave or sick leave without pay in accordance with the policies for those leave types.

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**How are salary overpayments recouped?**

**In no case are you entitled to full pay and workers’ compensation indemnity benefits for the same period.** Salary overpayments result when you receive full pay and then receive the workers’ compensation indemnity benefits for the same period. It is important that you not treat your workers’ compensation indemnity checks as extra income (a windfall). Shortly after you receive the first workers’ compensation indemnity check, the State System will recover any overpayments that resulted from being paid both full salary and workers’ compensation.

If the salary overpayment is for a period of 42 calendar days or less, the State System processes a compensation adjustment against your salary after you return to work. Your paycheck could be reduced for up to three full pays after your return to work. Your workers’ compensation indemnity check should be saved for use during the period when your salary is adjusted.

If the salary overpayment is for a period of more than 42 calendar days, the State System calculates the overpayment. You will receive a letter seeking lump sum repayment. If you do not repay the overpayment, payroll deductions at the rate of 30% of your gross salary will be started. Your workers’ compensation check should be saved so that the overpayment can be repaid in lump sum.

For employees who are on WRDL and simultaneously receive biweekly workers’ compensation indemnity checks, paychecks will be reduced to your pre-disability net pay amount. Your biweekly workers’ compensation indemnity checks should be used to supplement your reduced salary.

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**How long does WRDL last?**

WRDL is available for the period of your disability, or up to one year’s absence from work, whichever is less. The year is cumulative, which means that if you return to work but become disabled again, WRDL will be available as reduced by your prior usage. The year, however, must be accumulated within three years from the date of injury.

If you are still disabled after one year of WRDL with benefits, you will be placed on disability leave without pay without benefits until you are able to return to work or for
up to three years from the date of injury. You will have the choice at this time to use any accrued sick leave. However, you must be aware that if you elect to use accrued leave, one full day of leave will be charged for each day used and you will get paid the same amount that you were paid while on WRDL.

You are expected to return to either full or modified work as soon as possible. Your supervisor or other university representative will maintain contact with you during your absence.

You will be contacted about applying for Social Security Disability benefits if your disability appears to be long term.

What happens to employee benefits during WRDL?

Medical/hospital, supplemental health benefits, and group life insurance benefits continue if you currently have them and if you continue to pay any required employee premiums toward the coverage. Any delinquency of payment on your behalf may result in termination of your health benefits. You will be billed for your employee shares.

Medical bills and prescriptions related to an accepted injury are paid by the workers’ compensation program.

Sick and annual leave continue to accrue at 34 percent of the WRDL hours used. You will not accrue personal leave while on WRDL.

If you are in the State Employees’ Retirement Plan or the Public School Employees’ Retirement Plan, retirement credit accrues while you are on WRDL.

How are absences for medical appointments handled?

You may be absent from work to obtain medical treatment and/or attend medical appointments related to your injury on ten occasions without the use of sick, annual, or personal leave.

Each absence cannot exceed the amount of time necessary to obtain treatment and reasonable travel time. You should try to schedule medical appointments during non-work hours or at those times during the workday that would result in minimum absence. Verification of the length of the medical appointments may be required.

What are my return rights?

You have the right to return to a position in the same or equivalent classification held before being disabled, for a period of up to three years from the date of injury, or for the duration of temporary employment, provided you are fully capable of performing the duties of that position, subject to furlough provisions applicable to your classification and position. This guarantee expires if your disability ceases prior to the expiration of
the three-year period and you do not return to work immediately or if you retire or otherwise terminate employment.

You must be able to perform the essential functions of your position upon your return to work, unless alternate or modified duty work can be arranged for you for a limited time. Upon return to work, you must provide a doctor’s release to perform full or modified duties.

How does the Family and Medical Leave Act (FMLA) relate to my injury?

Under FMLA employees are entitled to 12 weeks of paid or unpaid leave with continuation of benefits in a rolling 12-month period for any or all of the following reasons: employee’s own serious health condition; becoming parents through childbirth, adoption, or foster care placement; or caring for a seriously ill family member. To qualify for FMLA leave, an employee must have been employed at least one year (which includes total employment, even if it was not continuous) and must have been paid for at least 1,250 hours (which includes regular and overtime hours paid, but excludes holidays and other paid time off) during the previous 12-month period.

Most work-related injuries meet the definition of a serious health condition, and therefore, absences related to an injury are covered by FMLA. Leave used while disabled is designated as injury leave and also FMLA leave.