

## **ON-THE-JOB INJURY LEAVE (OJIL)**

OJIL is an additional benefit over and above the Workers' Compensation Statutory benefits. OJIL allows the injured worker to receive their full regular pay in lieu of the statutory 66 2/3% that workers' compensation allows, provided that the wage loss benefits due from the injury claim is credited to CSU.

### **Who is eligible for On-the-job Injury Leave?**

Per the DEPARTMENT OF PERSONNEL 4 CCR 801 PERSONNEL BOARD RULES AND PERSONNEL DIRECTOR'S ADMINISTRATIVE PROCEDURES

Board Rule 5-38. Injury Leave. A permanent employee who suffers an injury or illness that is compensable under the Workers' Compensation Act shall be granted injury leave up to 90 occurrences (whole day increments regardless of the actual hours absent during a day) with full pay if the temporary compensation is assigned or endorsed to the employing department. (5/1/10)

Board Rule 1-61. Permanent Position. A position that is carried on the staffing pattern in excess of nine months or on an annual, seasonal basis. It may be a full- or part-time work schedule.

### **State Classified Employees are considered permanent employees**

For **Faculty/AP employees**, the Human Resource manual limits injury leave eligibility to full-time, regular or special appointments:

#### **F.3.12 Injury Leave**

Full-time faculty members and administrative professionals on a regular or special nine (9) month or twelve (12) month appointments are entitled to a maximum of ninety (90) working days of injury leave with full pay from scheduled work when required for recuperation from an on the job accident or an occupational disease providing the accident or disease is determined to be compensable under Workman's Compensation. Since the individual is receiving full salary, the weekly benefits paid by Workman's Compensation are deposited directly to the University. The ninety (90) working day limit is the maximum that can be allowed for any absences resulting from any single accident.

Other classifications:

Paid post-doctoral fellows, post-doctoral fellowship grant trainees, post-doctoral fellow veterinary residents, veterinary interns, and clinical psychology interns are not eligible for injury leave.

Non-Student hourly, temporary hourly and other non-benefitted permanent employees are not eligible for any leave benefits.

### **CSU on-the Job Injury Leave Benefits (OJIL)**

- Departments must grant injury leave to any eligible employees ( State Classified, permanent and benefitted)
- The OJI benefit is good for up to 90 occurrences.
- Student, Hourly and temporary employees are not eligible for OJI
- Once the 24-hour (or 3 working shifts) period has been reached, the employee receives 100% pay for up to 90 occurrences. (The 90 occurrences are prorated if not a full time employee)
- The department is entitled to 66 2/3% of the employee's average weekly wage, subject to a maximum amount per week as set forth by the Division of Workers' Compensation.
- Remember, you will be tracking and reporting to two separate entities during the claim. You continue reporting time in PeopleSoft and report lost time due to the injury to University Risk Management.
- The term "days" under OJIL may or may not be full days. For example, a two hour appointment is counted as one *day* towards the 90 day total. This does not mean that an employee may take a full eight hours off for each appointment... If the employee doesn't return to work following an appointment during their normal schedule all time off will be their own personal leave and not OJIL
- The 90-day count starts on the first date of lost time.
- The 90 days may or may not be concurrent business days. A day is not counted unless approved injury leave is used that day.
- If an injured worker is off work during a holiday, you do not count that time against the 90 days.

All **permanent State of Colorado employees** who suffer a compensable work related illness or injury shall be granted On- the -job Injury leave(OJIL) up to ninety (90) occurrences of missed time. During the injury leave period you are entitled to 100% of your pay. Any amount of time missed during the working shift equals one occurrence from the ninety. Injury Leave is assessed in terms of occurrences, not in terms of hours. Thus, you are charged one occurrence of injury leave even if you are only absent from work for one hour or less for a doctor or therapy appointment

Please note that injured employees, eligible for on the job injury leave, who work a modified work schedule will be converted to a 5 day work week for purposes of calculating on the job injury leave when in an off work status. For example employees who work four day/ten hour days will be converted to a five day/ eight hour work schedule.

For those injured employees, eligible for on the job injury leave, who have part time work schedules, the on the job injury leave benefit shall be prorated accordingly.

## **Exhaustion of OJIL benefits**

Once injury leave has been exhausted the employee will start receiving wage replacement benefits (Temporary Total Disability or Temporary Partial Disability) directly from the insurance Company or Third Party Administrator. Wage replacement benefits payments aren't equal to 100% of the employee's average weekly wage. The employee then becomes eligible for "Make Whole" benefits if the employee has an accrued leave balance.

***Make Whole*** is the use of accrued leave in an amount that is closest to the difference between Wage-replacement benefits and the injured employee's gross base salary, excluding any pay differentials. Once "Make Whole" (paid accrued leave) is exhausted, Temporary Total Disability payments are all an injured/ill employee will receive. If an employee is able to return to work for partial days and the paid accrued leave is exhausted, the employee will receive pay for time worked from CSU and receive Temporary Partial Disability payments from the TPA or carrier.