

MEMORANDUM

TO: Agency Directors and Human Resource Directors of All Agencies, Departments, Institutions and Commissions

FROM: Karen Luchka Wingo

DATE: Jan. 13, 2022

SUBJECT: Coordinating Sick and Annual Leave with Workers' Compensation Payments

Each year the Division of State Human Resources distributes the chart to use in coordinating sick and annual leave with the Workers' Compensation disability benefit. The 2022 chart includes the new Workers' Compensation maximum disability benefit, which increased from \$903.40 to \$963.37 per week. The chart was computed using the 2022 Internal Revenue Service withholding tables. This new chart took effect Jan. 1, 2022.

Section 8-11-145 of the S.C. Code of Laws provides that, in the event of an accidental injury arising out of and in the course of employment with the State, a disabled employee shall make an election to receive compensation under one of the following methods:

To be placed on paid leave status, using accrued sick and/or annual leave (when such leave credits are exhausted before the employee can return to work, the employee shall be entitled to Workers' Compensation disability benefits at the time the specified amount of leave is exhausted),

To use Workers' Compensation benefits awarded in accordance with Title 42 of the 1976 Code (under this method the employee would receive the disability benefit equal to 66 2/3 % of the employee's gross weekly pay, not to exceed the current rate of \$963.37 per week), or

To receive sick and/or annual leave on a prorated basis in conjunction with Workers' Compensation according to the attached formula approved by the Department of Administration.

Regardless of which method of disability compensation an employee elects, he or she would continue to be eligible for payment of medical costs provided by Workers' Compensation. Before the election is made, the effect of the election on the employee's future leave must be explained to him or her by his or her employer. The election must be in writing and signed by the employee and the person who explains the options to him as soon as possible following the accident. A copy of the election form along with the Employer's First Report of Injury (Form 12-A) should be forwarded to the State Accident Fund as soon as possible.

If you have any questions, please contact your Human Resources Consultant (803) 896-5300.

Attachment

