

Article 34.02 & 34.04 & Appendix K - Salary Continuation and Occupational Injury Leave Questions & Answers



Q: What are the eligibility requirements for OIL and for Salary Continuation?

A: To be eligible for OIL you must be an employee of the Department of Rehabilitation and Corrections, Youth Services, Mental Health, Mental Retardation and Developmental Disabilities, Ohio Veteran's Home or Schools of the Deaf and Blind and have suffered a physical or psychological (if approved for Workers' Compensation) injury inflicted by a ward of the state. You are eligible as soon as you become an employee of one of these departments. The injury cannot be the result of an accident, misbehavior or negligence on your part. You will be disqualified from receiving benefits if you engage in a similarly demanding occupation for wages or profit.

Salary Continuation is a salary replacement for all state employees covered by the OCSEA contract. The injury cannot be the result of an accident, misbehavior, or negligence on your part. You will be disqualified from receiving benefits if you engage in a similarly demanding occupation for wages or profit.

Q: How do I apply for salary continuation (S/C) or occupational injury leave (OIL)?

A: The forms for Occupational Injury Pay Application/Employee and salary continuation are available from your personnel/payroll officer. You must complete the front section of the application and your attending physician must complete the back section. Also, you must apply for Workers' Compensation at the same time.

Q: What kind of information do I provide?

A: In both the applications you must provide a detailed statement of the cause and circumstances of your injury. **Important for OIL: your statement must show that the injury occurred in the line of duty, was inflicted by a ward of the state, and was not the result of an accident, misbehavior or negligence on your part.**

Your physician must provide a detailed account of your diagnosis, complications, test results, restrictions, etc. The more detail you and your physician supply, the less trouble you'll have with the processing of your claim.

Be sure to check the box denoting whether the application is an "original" or an "extension" application.

Q: Where do I turn in the application?

A: The application is submitted to your person el/payroll officer. The sooner the forms are submitted, the sooner the process gets started. If you are unable to submit these forms personally, a member of your family or your representative may submit them for you. **Be sure to keep a copy of your application and have it date-stamped for your records** in case there is any question in the future regarding the date you filed.

Q: How are the forms processed?

A: Once the forms are submitted to personnel/payroll, they are sent to your appointing authority. Payroll completes a separate form, a calendar of wages, to show the number of hours to be paid for each day

of your absence. In addition to this calendar, the appointing authority also completes the Appointing Authority Report (ADM-4723) which includes a recommendation to the Department of Administrative Services for denial, approval, or investigation of the application.

Remember, this is only a recommendation. Approval or denial is left to DAS.

The appointing authority has 5 days to complete, your OIL or S/C application, along with the calendar of wages paid, and submit it to the central office of the agency involved and then on to the Department of Administrative Services, Office of Benefits Administration.

Even if the appointing authority recommends disapproval, the application must be sent to DAS for their decision.

Q: Do I need to file for Workers' Compensation?

A: Yes, you must file a Workers' Compensation claim **in addition** to your OIL or S/C application. You need to file this so your physician, medication and other medical expenses are paid by Workers' Compensation. You will not receive Workers' Compensation payment of wages for the same time you will receive OIL or S/C, but this will start payment for medical expenses. You will then have a claim on file in the event your recuperation time goes longer than the amount of time allotted by OIL.

Q: Should I file for State Employee Disability?

A: You should not file for State Employee Disability unless you've been informed that your application for OIL and/or S/C and for Workers' Compensation has been denied. You have 20 days after you receive notification of denial of Workers' Compensation to file for a claim under the disability program. Filing for disability before you receive denial of OIL and/or Workers' Compensation will only slow the processing of all applications.

Remember, if you disagree with the DAS decision that you are not entitled to OIL or S/C, you may appeal.

Q: Is there a time limit for filing?

A: Yes, you must file within 20 days of the incident giving rise to the injury. It will help you obtain Benefits if you have filed an incident and/or accident report and have medical documentation that this subsequent disability was caused by your inflicted injury.

Q: Is psychological illness covered by OIL and/or Salary Continuation?

A: Yes, if the psychological condition has been made part of the workers' compensation claim.

Q: How much money will I receive?

A: Both OIL and Salary Continuation leave is paid at 100% of the employee's total rate of pay.

Q: What is maximum length of time for which I can receive OIL or salary continuation?

A: If the injury warrants it, you may receive OIL for a total of 960 hours (nearly 6 months) or 480 hours for salary continuation. In the case of surgery for exacerbation of a previous injury, you can apply for additional benefits by filing an application for an extension of benefits, if you haven't already exhausted your benefits. You will have to show that this injury or surgery is causally related to your original benefit application.

Q: If I file for benefits, do I have to tell my supervisor?

A: You should inform your supervisor anytime you are not coming to work when expected. The filing of forms does not automatically notify your employer that you won't be there.

Q: How long will it take before a decision is reached on my application?

A: Once the application is received by DAS, a decision is usually reached within the week. Of course, this depends on the number of claims filed at the time you turn in your application (there are peaks and lulls in claims filing). Keep in mind that the appointing authority is responsible for sending the claim form to DAS within 5 days. Failure to forward the application within 5 days is grievable.

Q: How will I know if my appointing authority has sent my application on to DAS?

A: You can call personnel/payroll and check on the status of your application, or you may call the Benefits Section of DAS (614-466-6205) to see if the application has been received.

Q. How will I know if a decision is reached on my application?

A: After a decision is reached, you will be notified by a letter from DAS. A copy of this letter is also sent to your agency's payroll/personnel officer. This letter authorizes payment for Occupational Injury Leave or Salary Continuation. This will cause a check to be issued to you at the end of each bi-weekly pay period until your approval date expires.

Q: What should I do about being paid until my application is processed?

A: You may use your accrued leave. After OIL or S/C is approved, your leave balances will be restored to reflect the leave time you've used. However it is the intent of the new procedures that pay will not be missed.

Q: What do I need to do to return to work?

A: If you are returning earlier than your physician indicated on your application, you will have to obtain a release slip from your doctor and present it when you return.

Q: How does being on OIL or S/C affect my step increases?

A: It doesn't affect your step movement.

Q: Does OIL or S/C have any effect on my service time?

A: No.

Q: Are my various insurances paid and my retirement contributions made while on OIL or S/C?

A: Yes. As usual, you pay your portion and the State pays their portion.

Q: Will I accrue leave while I'm receiving payments under the OIL or S/C program?

A: Employees receiving OIL or (S/C) shall accrue sick leave and personal leave, but not accrue vacation leave.

Q: What are my appeal rights if I am denied OIL or S/C?

A: Appendix K contains a new appeal process. You have 20 calendar days to appeal. As soon as you are informed that benefits have been denied you should apply for Disability.

Q: What if my doctor says I can't return to work until June 30, but my benefits are only approved through June 10? Will I be paid from June 10 through June 30?

A: No, not automatically. You should file another application marked "extension" and submit the information to confirm your doctor's belief that you will still be disabled until June 30.

Q: What if I remain disabled after exhausting the 960 hours of OIL or 480 hours of Salary Continuation?

A: You should activate your Workers' Compensation lost time claim you already filed by filing Form C-84 with BWC.

Q: If I have further questions about my OIL leave who should I contact?

A: You should contact your local stewards or officers. If they need assistance, they can depend on the resources of the Union staff.

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