

Leave of Absence and Insurance Requirements for Employees Receiving Temporary or Permanent Total Disability Workers' Compensation Benefits

Employees receiving temporary or permanent total disability benefits from workers' compensation on an ongoing basis (bi-weekly payments) are entitled to a continuing employer contribution for their insurance coverage as long as they are still employed, even if they are on an unpaid leave of absence.

If the employee exhausts his/her sick leave, and vacation leave and/or comp time if the employee chooses to use those hours, the employee must be placed on a workers' compensation medical leave of absence following any period of FMLA leave, if eligible. The FMLA leave will run concurrently with any workers' compensation leave. The employee must be set up for a continuing employer contribution towards the insurance coverage. The employee may qualify for a waiver of premium on the basic and optional life coverages.

The employee may apply for and receive a disability or regular (post age 65) annuity according to the procedures and regulations of the applicable retirement agency. The receipt of an annuity does not change the employee's workers' compensation status; the employee must be kept on a workers' compensation leave of absence with the college or university up to the maximum amount of time on an unpaid leave of absence that is required by the employee's bargaining agreement or salary plan. An employee covered by an MSRS retirement plan who is on a leave of absence for a temporary total disability will continue to accrue service credit with MSRS. Employees covered by MSRS who have been declared permanently totally disabled do not earn service credit. TRA does not grant service credit for any work time lost and paid by workers' compensation; this includes any partial time loss. For example: A full time teacher works a half time schedule and workers' compensation benefits cover the other half - the teacher earns only .5 service credit for each day worked on this schedule.

Prior to August of 2004, many employees receiving workers' compensation permanent and total disability benefits had been granted a long term leave of absence until "retirement". For these employees whose date of injury is before 10-1-95, their leave of absence will continue until the death of the employee. For these employees who were injured on or after 10-1-95, their leave of absence will continue until the employee's 67th birthday, the presumptive retirement age in the workers' compensation law.

There is no longer any requirement that an employee who is receiving workers' compensation benefits must be retained on an unpaid leave of absence beyond the time frame required to be granted in the employee's bargaining agreement or salary plan. Each employee's individual situation is unique. Please contact Mary Millar in the MnSCU System Office, mary.millar@so.mnscu.edu or 651-296-2337 to discuss individual circumstances and for coordination with the DOER Workers' Compensation Division.