



North Carolina Department of Public Safety
Human Resources

Pat McCrory, Governor
Frank L. Perry, Secretary

Nancy Lipscomb, Director
Human Resources

October 1, 2015

ADMINISTRATIVE MEMORANDUM: 10-2015

TO: DPS Division Directors and Section Heads

FROM: Nancy Lipscomb, Human Resources Director 

SUBJECT: Salary Continuation Changes

The 2015 General Assembly has ratified and the Governor has signed House Bill 97 which amended G.S. 143-166.14 regarding Salary Continuation. The amendment is effective July 1, 2015 and provides that covered employees (i.e. sworn and/or certified employees and others as defined in the statute) only be granted salary continuation *“when an injury or injuries resulting from or arising out of an episode of violence, resistance, or due to other special hazards occur while the eligible person is performing official duties.”*

The amended law clarifies the eligibility period for disability compensation of an employee eligible for salary continuation benefits: “The time period for which an eligible person receives benefits pursuant to this section shall be deducted from the eligible person's total eligibility for benefits pursuant to G.S. 97-29 and G.S. 97-30.” This means that the two (2) year salary continuation period is deducted from the 500 weeks maximum eligibility for disability compensation included in the Workers’ Compensation Act.

In addition, the law defines the amount of salary continuation benefit an eligible injured employee will receive: “For purposes of this section, the term "salary" shall be defined as the total base pay of the person reflected on the person's salary statement and shall **not** include overtime pay, shift differential pay, holiday pay, or other additional earnings to which the person may have been entitled prior to such incapacity.”

This amendment significantly changes the eligibility for Salary Continuation. The determination for Salary Continuation will be made on a case by case basis.

MAILING ADDRESS:
4203 Mail Service Center
Raleigh, NC 27699-4203

www.ncdps.gov



An Equal Opportunity Employer

OFFICE LOCATION:
214 W. Jones Street
Raleigh, NC 27603
Telephone: (919) 716-3800
Fax: (919) 716-3794

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Please ensure employees and staff are made aware of this amendment to Salary Continuation Law. Designated staff should continue to submit workers compensation leave requests to the Human Resources' workers compensation office for eligibility of appropriate benefits.

If you have any questions, please contact the Workers Compensation office at 919-716-3800.

NL:mks

Cc: Secretary Frank L. Perry
Lorrie L. Dollar, Chief Operating Officer
Commissioner W. David Guice
Commissioner William A. Crews, Jr
Pamela Walker, Communications Director
James C. Gardner, ABC Commission Chairman
Renee Robinson, Director of Special Investigations
B.W. Collier, Director of Special Bureau of Investigations
Gregory A. Lusk, Adjutant General
HR Management Team



North Carolina Department of Public Safety

Workers' Compensation Leave Request

TO: Central HR Workers' Compensation (WC) Office Fax to: 919-582-6129 DATE: __/__/__

For AC/JJ/Office of Secretary email to: Arlene Dawson (Arlene.Dawson@ncdps.gov)	For LE/National Guard/Emergency Mgmt. email to: Lawrence W. McKeithan (Lawrence.W.McKeithan@ncdps.gov) Britney Barbour (Britney.Barbour@ncdps.gov)
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Employee Name:	Personnel #:	Date of Injury: / /
Employee Position Title:	Work Location:	
Work Location Contact:	Work Location Phone #:	

Please specify type of WC leave requested by marking the appropriate box and indicating date range and hours (if applicable). Include supporting medical documentation and a copy of timesheet/screen shots for the time period requested.

- Injured PRIOR to October 1, 2014**
- 9685 – Injury Leave (Employee (EE) in a Criminal Justice (CJ) Certified/Sworn position **or** an Adult Correction EE in a non-certified position injured by a direct and deliberate act by an inmate/offender)
 - 9680 – Injury Absence (WC Dr./PT Appt.)
 - LOA-WC (TTD) – (EE in Non-Certified/Non-Sworn position **or** EE in a CJ Certified/Sworn position after two (2) year Salary Continuation period has exhausted)
- Injured ON or AFTER October 1, 2014**
- 9685 – Injury Leave (Any EE Injury resulting from heightened risk or special hazards)
 - 9680 – Injury Absence (WC Dr./PT Appt.)
 - LOA-WC (TTD) – (Any EE Injury **not** related to heightened risk or special hazards)
- Injured ON or AFTER July 1, 2015**
- 9685 – Injury Leave (Any EE Injury resulting from or arising out of an episode of violence, resistance, or special hazards)
 - 9680 – Injury Absence (WC Dr./PT Appt.)
 - LOA-WC (TTD) – (Any EE Injury **not** related to episodes of violence, resistance, or special hazards)

Date		Number of Hours:	Approval (by Central HR WC Office):			
From:	To:		TTD	9685	9680	Denied
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HR Approver:			Approval Date:			

NOTE: The employee may be eligible for Short Term Disability (STD). If eligible, please advise the employee and take appropriate actions. Please contact the DPS Central Human Resources Disability Office at 919-716-3800 with any questions on this program.



North Carolina Department of Public Safety

Workers' Compensation Leave Request Instructions

Purpose: This form will be submitted by the work location Human Resources (HR) staff to the Central HR Workers' Compensation (WC) Office to request approval for the use of leave for a WC absence.

Process:

1. Employee submits workers' WC doctor's note placing the employee out for a WC injury/illness to supervisor/work location HR designee.
2. Supervisor/work location HR designee shall complete the Workers' Compensation Leave Request Form HR 205 to request approval of WC leave based on the doctor's note placing the employee out.
3. **WC leave approvals shall be submitted on a weekly basis. This is to ensure timely leave entries are made.**

NOTE: *If an employee is placed out for a time period by the treating physician for more than one (1) week, work locations can submit a request for that entire period.*

4. The work location will mark on the Workers' Compensation Leave Request Form HR 205 the appropriate type of WC leave requested.
5. Time Entries:
 - A. For Attendance/Absence (A/A) Type codes 9685 (Injury Leave) or 9680 (Injury Absence) shall **NOT** be entered in the Beacon/SAP system until approval is provided to the work location by the Central HR WC Office.
 - B. Can be left blank or another A/A Type code (e.g., 9000 (Approved Leave), 9200 (Sick Leave), 9400 (Leave Without Pay [LWOP], etc.) can be entered until approval is obtained.
6. Leave of Absence (LOA) Actions for WC shall not be processed without a written directive from the Central HR WC Office.
7. All WC leave requests will be submitted to CorVel by the Central HR WC Office to confirm that the leave requested was used for an approved WC absence.
8. The Central HR WC Office will forward confirmation of approval to the work location via email. The Supervisor/work location HR designee will enter the approved WC A/A Type code in the Beacon/SAP system.
9. If disapproved, another A/A Type leave code must be entered (e.g., 9000, 9200) or 9400.

Definitions:

- A/A 9685 (Injury Leave) – Request for Salary Continuation/Injury Leave for WC absences that occur during the 2-year Salary Continuation period for eligible Employee (EE)
- A/A 9680 (Injury Absence WC) – Request for Injury Absence for WC absences that occur during regular scheduled working hours for an actively working employee to attend Dr./PT appointments
- LOA-WC (Temporary Total Disability [TTD]) - Request for Workers' Compensation leave (TTD) for WC absences after a required 7-day waiting period

NOTE *During the 7-day waiting period, the EE can opt to exhaust any Approved Leave (9000 and/or Sick Leave (9200); or the EE can elect LWOP (9400)*