

**From:** Jones, Bonnie Curran  
**Sent:** Friday, July 13, 2012 3:45 PM  
**Subject:** RE: Question regarding FMLA/Workers Comp

MTAS was asked about an employee who was injured at work and is off work and will draw WC-TTD Benefits in the amount of 66 2/3% of his pay. This employee's wife has worked in HR before and she is requesting that he be able to use accrued sick time to supplement the remaining 33.33% of his salary while on WC. The spouse has contacted his supervisor, and she is stating there is a state statute that states the city must allow this. The city does not allow employees to use sick leave to supplement WC Benefits.

You are NOT required to allow employees to supplement during WC, in fact TML strongly recommends against it. Reason being, the 66 and 2/3 is meant to essentially replace their income while out of work, and considering the lack of tax implications it should be fairly close to their regular take home pay. So, look at your policies and see what you allow in terms of using sick or annual leave to supplement pay- but be very careful you don't want to set precedence.

There is no law that requires this; she is probably just making the request because she knows it is an employer decision.

I would allow the supplementation of sick leave for any days that the employee had to wait for WC to kick in- but be careful because WC sometimes pays retroactive depending on how long they are out of work. Let me look at the statute and get back to you on that.

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