

# Industrial Disability Leave (IDL) Overview

## Workers' Compensation Coordinator (WCC)

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## Industrial Disability Leave (IDL)

If you are an active member of PERS, you may be eligible to receive IDL disability benefits in lieu of Workers' Compensation temporary disability benefits. For the first twenty-two work days of disability, you will be paid an amount up to full pay. If the disability continues, IDL will pay two-thirds of your gross pay for a period not to exceed a total of fifty-two weeks within two years.

## Third Party Administrator (TPA)

The CSU is contracted with a third party administrator for workers' compensation. Interpretation of applicable law, administration of claims and benefit determinations are managed by the TPA.

Sedgwick CMS  
Randi Wilson, Claims Examiner  
PO Box 14629  
Lexington, KY 40512-4629  
800/225-2998 x3139

## Eligibility

To be eligible for IDL benefits, you must meet all of the following conditions:

- 1) be an active member of PERS (FERP Employees do not qualify for IDL);
- 2) have a disability that has been medically certified and **accepted** by the campus' third party administrator, Sedgwick CMS;
- 3) choose to receive IDL benefits; and
- 4) be unable to work as a result of a work-related injury or illness

## Eligibility – Delay in Determination

Under certain circumstances, it may take some time before a determination can be made by the TPA as to whether an employee's disability is or is not work-related. During this period, the employee should be allowed to use sick leave, vacation, and CTO leave credits as long as they are available. The employee should also be encouraged to apply for NDI (Refer to Human Resources) and/or Family Medical Leave (FML). After all leave credits have been exhausted, the individual will be placed on leave without pay status until a determination is reached.

When it is determined that the disability is job-related and the employee is eligible for IDL or Workers' Compensation Temporary Disability, appropriate adjustments will be made to the employee's leave balance account in accordance with the procedures of the particular program selected by the employee (IDL, TD).

### **Waiting Period**

There is a waiting period of three calendar days before you become eligible for IDL. It may not apply if:

- 1) you are disabled because of a criminal act of violence against you; or
- 2) you are immediately hospitalized; or
- 3) you are hospitalized later because of the disability; or
- 4) you are disabled for more than fourteen calendar days.

In these instances, you are eligible for IDL benefits payments from the first day of injury. Furthermore, the waiting period need not be consecutive; partial days of absence relating to the disability shall be accumulated to full days towards the waiting period.

### **Attendance Reporting**

Employees must notify their supervisor immediately of a disability. Employees are required to track their hours worked and missed by providing a day-to-day accounting of their time to their supervisor and the WCC while on partial and full time disability.

Supervisors are expected to notify Payroll immediately of an employee's disability. This notification will facilitate accurate and timely processing of the employee's paycheck.

It is also the supervisor's (MPP) responsibility to ensure that a day-to-day accounting of time worked is reported to Payroll while an employee is on partial or full time disability. As IDL and TD require medical certification, employees cannot report the time through PeopleSoft timekeeping. Payroll will provide instructions for manual reporting. Please contact Payroll Services for additional information.

### **Taxes**

Deductions for federal/state taxes, FICA, and/or Medicare will not be made from IDL payments. IDL payments are not reported as taxable wages or other compensation on Form W-2. Retirement contributions and voluntary deductions (credit union loans, savings accounts, bonds, parking fees, health insurance premiums, etc.) will be deducted from all IDL payments. *Contact Human Resources if you need to cancel any voluntary deductions.*

### **Personal Leave Balances**

While you are receiving IDL payments, you will continue to accrue sick leave, vacation, and service credit.

### **IDL with Sick Leave Credit Supplementation**

You may also be eligible to supplement your IDL benefits with accrued sick leave credit, provided you have sufficient credit. Total benefits and supplementation cannot exceed your regular salary or wage. The supplementation portion will be reported as taxable earnings. You may select supplementation if you provide written notice to the Workers' Compensation Coordinator within fifteen calendar days of receiving the notice of benefits eligibility. Supplementation will begin on the twenty-third day of IDL benefits.

## **Temporary Disability**

Temporary Disability (TD) is a benefit that pays the employee a flat daily rate for each calendar day of lost time. The Temporary Disability rate is determined by multiplication of the average weekly earnings by two-thirds. Sedgwick CMS, the Third-Party Administrator (TPA) will calculate your daily TD rate.

The waiting periods and exceptions for TD are the same as for IDL. You may also be eligible to supplement your temporary disability benefits with accrued sick leave credit, provided you have sufficient credit. Total benefits and supplementation cannot exceed your regular salary or wage.

## **Permanent Disability**

Permanent disability is compensation paid to you for any permanent disability you may suffer from due to a work-related illness or injury. The amount you will receive depends on the extent of your disability. Workers' Compensation law provides guidelines to determine the amount of the compensation. Your age and job at the time of your injury or illness are also factors that are considered when calculating permanent disability.

## **Appeal Process**

If at any time you have complaints about the IDL actions taken, you may seek to remedy them through the appeal process. You should first notify the Workers' Compensation Coordinator (WCC) of any complaint in writing within thirty days of its origin. If the WCC cannot resolve your complaint, you may appeal to the Workers' Compensation Appeal Board. There are certain time limits during which appeals may be filed; therefore, appeals should be filed as soon as possible.

## **Resources**

Division of Workers' Compensation  
<http://www.dir.ca.gov/dwc/>