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**NEW YORK STATE DEPARTMENT OF CIVIL SERVICE**  
**Attendance and Leave Manual**

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## Absence With Pay (Part 21)

### Section 21.8 - Worker's Compensation Leave

An eligible employee's entitlement to a particular workers' compensation benefit is determined by both the **date of the injury/illness** *and* the **bargaining unit** to which the employee was assigned to as of that date.

The following language includes both general information and detailed negotiated provisions per bargaining unit.\*

- [21.8 Rules pages - Worker's Compensation Leave](#)  
- *general purpose and eligibility*
- [21.8 Contract pages - \(Part 1 of 3; C-1 through C-9\)](#)  
- *a brief comparison of benefits*
- [21.8 Contract pages - \(Part 2 of 3; C-10 through C-19\)](#)  
- *Workers' Compensation **Leave Program*** - applies to
  - all eligible ASU, ISU, OSU, PS&T, and RRSU employees who have Attendance Rules coverage and whose absence is the result of an accident or incident that occurred *before* April 1, 1986
  - all eligible Security Services Unit and Security Supervisors Unit employees regardless of the date of the accident or incident
- [21.8 Contract pages - \(Part 3 of 3; C-20 through C-33\)](#)  
- *Workers' Compensation **Supplemental Pay Program*** - applies to
  - all eligible ASU, ISU, OSU, PS&T, and RRSU employees who have Attendance Rules coverage and whose absence is the result of an accident or incident that occurred *on or after* April 1, 1986

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**ASU, ISU, OSU**  
**(includes DC-37, DMNA, and RRSU)**

For injuries/illnesses *on or after July 1, 2008 (due to an assault)*, see

[Policy Bulletin 08-04](#), Attendance and Leave Items in the 2007-2011 Negotiated Agreements Between the State of New York and CSEA for Employees in the Administrative Services Unit (ASU), Institutional Services Unit (ISU) and Operational Services Unit (OSU)

For injuries/illnesses *on or after July 1, 2004*

(*Workers' Compensation **Supplemental Wage Program***), see

- [Policy Bulletin 16-01](#), Restoration of Leave Accruals for Employees with a Schedule Loss of Use (SLU) Award

## [Leaves Without Pay \(Part 22\)](#)

- [22.1 Leave of Absence; Duration](#)
- [22.2 Successive Leaves of Absence](#)

## [Drawing of Earned Credits Upon Separation \(Part 23\)](#)

- [23.1 Payment for Accruals Upon Separation](#)
- [23.2 Payment for Accruals Upon Entry into Armed Forces](#)
- [23.3 Payment for Overtime Accruals Upon Appointment, Promotion or Transfer](#)

## [Crediting Other Public Service Employment as State Service. \(Part 24\)](#)

## [Suspension of Rules \(Part 25\)](#)

- [25.1 Emergency Required for Suspension of Rules](#)

## [Applicability. \(Part 26\)](#)

- [26.1 To Whom Rules Apply](#)
- [26.2 Exceptions](#)
- [26.3 Rules Applicable to Employees in Negotiating Units](#)

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## [Appendices](#)

- [\\*Policy Bulletin 04-02](#), Attendance and Leave Items 2003-2007 Negotiated Agreements (ASU, ISU, OSU)
- [Policy Bulletin 90-02](#), Rule 5.9 of the Rules for the Classified Service and its impact on Sections 28.1 and 28-1.8 of the Attendance Rules

For injuries/illnesses *on or after July 1, 1992* (*Workers' Compensation Statutory Benefit Program*), see

- [General Information Bulletin 96-01](#), Physical Capabilities Form-Revised (*on or after July 1, 1992-ASU, ISU, OSU, DMNA, and RRSU*; and on or after July 1, 1993-PS&T)
- [General Information Bulletin 95-02](#), Workers' Compensation Update [CSEA and PS&T] (*modifies General Information Bulletin 94-03*)
- [General Information Bulletin 94-03](#), Revised Workers' Compensation (*modified by General Information Bulletin 95-02*, now includes M/C program for injuries/illnesses occurring on or after September 1, 1994 and *updates Policy Bulletins 92-01 (CSEA) and 93-04 (PS&T)*)
- [General Information Bulletin 93-03](#), Workers' Compensation Update (Volunteers and Patients/*Credits Charged Beyond Waiting Period*)
- [General Information Bulletin 93-02](#), Workers' Compensation Statutory Benefit Program Update [Updated by General Information Bulletin 1995-02, p. 4]
- [Policy Bulletin 93-01](#), State/CSEA and State/DC-37 Mandatory Alternate Duty (*see updated form in GIB96-01*)
- [Policy Bulletin 92-04](#), Access to Employee Personal History Records by State Insurance Fund Investigators
- [General Information Bulletin 92-03](#), Revised Sample Workers' Compensation Letter to Inform Employees of the Statutory Benefit Program
- [General Information Bulletin 92-02](#), New State Insurance Fund Report based on Form C-8, "Notice That Payment of Compensation for Disability has been Stopped or Modified"
- [\\*Policy Bulletin 92-01](#), Workers' Compensation Items 1991-1995 Negotiated Agreements ASU, ISU, OSU, and RRSU

For injuries/illnesses *on or after April 1, 1986* (*Workers' Compensation Supplemental Pay Program*), see

- [General Information Bulletin 92-02](#), New State Insurance Fund Report based on Form C-8, "Notice That Payment of Compensation for Disability has been Stopped or Modified"
- [General Information Bulletin 91-01](#), Workers' Compensation Supplemental Pay Program: Use of Sick Leave and Sick Leave at Half-Pay
- [General Information Bulletin 90-02](#), Changes specified in the Office of the State Comptrollers Payroll Bulletin No. P-665 issued on September 4, 1990
- [General Information Bulletin 90-01](#), Workers' Compensation Program Update
- [Advisory Memorandum 89-02](#), Workers' Compensation Supplemental Pay Program - Restoration of Credits Charged After 39 Weeks of Benefit

[A. Civil Service Attendance Rules](#)

- [21.8 Contract Pages - \(Part 3 of 3; C-20 through C-33\)](#)

[B. Calendar of Legal Holidays Religious Holy Days](#)

For injuries/illnesses *prior to April 1, 1986* (*Workers' Compensation Leave Program*), see

- [21.8 Contract pages - \(Part 2 of 3; C-10 through C-19\)](#)

[C. Alternative Work Schedules](#)

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**PS&T**

[D. Part-Time Employment](#)

For injuries/illnesses *on or after April 2, 1995* (*Workers' Compensation Medical Evaluation Program*), see

[E. Seasonal Employment](#)

- [Policy Bulletin 16-01](#), Restoration of Leave Accruals for Employees with a Schedule Loss of Use (SLU) Award
- [General Information Bulletin 95-02](#), Workers' Compensation Update [CSEA and PS&T] (*modifies General Information Bulletin 94-03*)
- [Policy Bulletin 95-02](#), Workers' Compensation Benefit Protection (pages 9 through 12)
- [Policy Bulletin 90-02](#), Rule 5.9 of the Rules for the Classified Service and its impact on Sections 28.1 and 28-1.8 of the Attendance Rules

[F. Attendance Rules for Managerial/Confidential Employees](#)

[G. Reciprocal Agreements](#)

[H. Leave Donation](#)

[I. Family & Medical Leave Act](#)

For injuries/illnesses *on or after July 1, 1993 and before April 2, 1995* (*Workers' Compensation Medical Evaluation Program*), see

- [General Information Bulletin 96-01](#), Physical Capabilities Form-Revised (on or after July 1, 1992-ASU, ISU, OSU, DMNA, and RRSU; and *on or after July 1, 1993-PS&T*)
- [General Information Bulletin 94-03](#), Revised Workers' Compensation (modified by General Information Bulletin 95-02, now includes M/C program for injuries/illnesses occurring on or after September 1, 1994 and *updates* Policy Bulletins 92-01 (CSEA) and 93-04 (PS&T))
- [General Information Bulletin 95-02](#), Workers' Compensation Update [CSEA and PS&T] (*modifies General Information Bulletin 94-03*)
- **\*Policy Bulletin 93-04**, Workers' Compensation Medical Evaluation Program - 1991-1995 Negotiated Agreement for the Professional, Scientific and Technical Services Unit (*see GIB93-01 for updated physical capabilities form*)

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For injuries/illnesses *on or after April 1, 1986 and prior to July 1, 1993* (*Workers' Compensation Supplemental Pay Program*), see

- [Policy Bulletin 92-04](#), Access to Employee Personal History Records by State Insurance Fund Investigators
- [General Information Bulletin 92-02](#), New State Insurance Fund Report based on Form C-8, "Notice That Payment of Compensation for Disability has been Stopped or Modified"
- [General Information Bulletin 91-01](#), Workers' Compensation Supplemental Pay Program: Use of Sick Leave and Sick Leave at Half-Pay
- [General Information Bulletin 90-02](#), ...changes specified in the Office of the State Comptrollers Payroll Bulletin No. P-665 issued

on September 4, 1990

- [General Information Bulletin 90-01](#), Workers' Compensation Program Update
- [Advisory Memorandum 89-02](#), Workers' Compensation Supplemental Pay Program - Restoration of Credits Charged After 39 Weeks of Benefit
- [21.8 Contract Pages - \(Part 3 of 3; C-20 through C-33\)](#)

For injuries/illnesses *prior to April 1, 1986*  
(*Workers' Compensation Leave Program*), see

- [21.8 Contract pages - \(Part 2 of 3; C-10 through C-19\)](#)

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### M/C

(*NOTE: No Mandatory Alternate Duty Program Benefit Available*)

For injuries/illnesses *on or after September 1, 1994*  
(*M/C Workers' Compensation Program*), see

- [Policy Bulletin 16-01](#), Restoration of Leave Accruals for Employees with a Schedule Loss of Use (SLU) Award
- [General Information Bulletin 94-03](#), Revised Workers' Compensation Benefit Overview Chart (modified by General Information Bulletin 95-02, now includes *M/C program* for injuries/illnesses occurring on or after September 1, 1994 and updates Policy Bulletins 92-01 (CSEA) and 93-04 (PS&T))
- [\\*Policy Bulletin 94-02](#), M/C Workers' Compensation Program - Effective September 1, 1994

For injuries/illnesses *on or after July 1, 1992 and prior to September 1, 1994*

(*M/C Interim Workers' Compensation Program - Modified by Policy Bulletin 1993-05*), see

- [Policy Bulletin 93-05](#), M/C Interim Workers' Compensation Program
- [Policy Bulletin 92-04](#), Access to Employee Personal History Records by State Insurance Fund Investigators

For injuries/illnesses *on or after September 1, 1986*  
(*Workers' Compensation Supplemental Pay Program*), see

- [General Information Bulletin 91-01](#), Workers' Compensation Supplemental Pay Program: Use of Sick Leave and Sick Leave at Half-Pay
- [Policy Bulletin 90-02](#), Rule 5.9 of the Rules for the Classified Service and its impact on Sections 28.1 and 28-1.8 of the Attendance Rules
- [General Information Bulletin 90-01](#), Workers' Compensation Program Update
- [Advisory Memorandum 89-02](#), Workers' Compensation Supplemental Pay Program - Restoration of Credits Charged After 39 Weeks of Benefit
- [Section 28-1.8 Workers' Compensation Leave](#)

For injuries/illnesses *prior to September 1, 1986*  
(*Workers' Compensation Leave Program*), see

- [21.8 Contract pages - \(Part 2 of 3; C-10 through C-19\)](#)
- [Section 28-1.8 Workers' Compensation Leave](#), subdivisions (p) through (y)

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### **SSpU and SSU (includes APSU)**

For injuries/illnesses *on or after April 15, 1993*  
(*Workers' Compensation Leave Benefit Program/Managed Care Program*),  
see

- [Policy Bulletin 16-01](#), Restoration of Leave Accruals for Employees with a Schedule Loss of Use (SLU) Award
- [\\*Policy Bulletin 93-02](#), State/Council 82 Workers' Compensation Leave Program - 1991-1995 Negotiated Agreements for Security Services and Security Supervisors Units
- [General Information Bulletin 92-02](#), New State Insurance Fund Report based on Form C-8, "Notice That Payment of Compensation for Disability has been Stopped or Modified"

For injuries/illnesses *prior to April 15, 1993*  
(*Workers' Compensation Leave Benefit Program*), see *1988-91 contract provisions*

- [21.8 Contract pages - \(Part 2 of 3; C-10 through C-19\)](#)
- [Policy Bulletin 92-04](#), Access to Employee Personal History Records by State Insurance Fund Investigators

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### **VOLUNTEERS, PATIENTS, AND OTHERS**

- [General Information Bulletin 93-04](#), Reporting Workers' Compensation Incidents to the State Insurance Fund for Individuals Participating in the Working Toward Independence (WTI) Program
- [General Information Bulletin 93-03](#), Workers' Compensation Update (*Volunteers and Patients/Credits Charged Beyond Waiting Period*)

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