

# Employer Announcement 98

## *Leave Without Pay and Disability/Workers' Compensation*

An employee may become injured to the extent they are unable to perform assigned job duties and subsequently begin a period of leave without pay (LWOP). The individual may receive non-PERS benefits during this period, provided by Workers' Comp or private insurance.

The employer-employee relationship would remain in effect during a reported period of LWOP. Workers' Comp or private insurance payments made during this period would not meet the statute definition of salary and would be considered non-subject salary; no retirement credit would accrue during periods of reported LWOP. Unfortunately, EDX salary code limitations preclude reporting of this non-subject salary during reported periods of LWOP.

However, if the employer elects to make payments to equalize any difference between non-PERS payments and member salary, those payments should be reported during a period of leave of absence without pay. DTL2 wage code 08/Contributions/No-service would be used to report such differential payments.

Upon re-employment with a PERS employer, an individual may be eligible for retirement credit for purposes of calculating a service or disability retirement.

Periods of leave without pay absence should be reported using the DTL1 status code 07/Leave of absence. Return from a period of leave of absence without pay should be reported using DTL1 status code 08/Return from Leave. Employers may notify PERS by email or DCR if the leave of absence represents an absence due to injury with compensation made by Worker's Comp or private insurance.

Members may also initiate a request for service credit for this time through the use of the [Workers' Compensation Certification form](#). If an employer is presented with this form, please complete the "Employer Certification" section and forward it to PERS.

Please contact your [ESC Account Team Representative](#) for any questions concerning reporting of periods of leave of absence without pay.